

**ADOPTED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R194-08

Effective October 27, 2009

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

AUTHORITY: §§1-16 and 28-138, NRS 445A.860; §§17, 19 and 20, NRS 445A.855, 445A.860 and 445A.863; §§18 and 21-27, NRS 445A.855 and 445A.860.

A REGULATION relating to public water systems; requiring the determination and reporting of bin classification of source water; requiring the use of the microbial toolbox options set forth in federal regulations for the treatment of *Cryptosporidium* contamination; requiring a comprehensive performance evaluation of a facility in certain situations; revising provisions relating to the adoption by reference of certain provisions of the “National Primary Drinking Water Regulations;” adding presumptions for the efficacy of treatment of water by diatomaceous earth filtration and slow sand filtration; requiring certain standards to be met if filtration systems use membrane filtration or ultraviolet light treatment of water; requiring a supplier of water who wishes to operate a surface water treatment plant to first submit the results of a test of raw, untreated water to the Division of Environmental Protection of the State Department of Conservation and Natural Resources; requiring a supplier of water who wishes to modify his disinfection treatment to first submit a disinfection profile and benchmark to the Division; requiring certain other tests and filtration system requirements to be met by suppliers of water; providing for the transfer of authority for certain functions relating to public water systems from the Health Division of the Department of Health and Human Services to the Division of Environmental Protection; and providing other matters properly relating thereto.

Section 1. Chapter 445A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 15, inclusive, of this regulation.

Sec. 2. *“Bin classification” means a category number, ranging from 1 to 4, that specifies the required degree of Cryptosporidium treatment.*

Sec. 3. *“Composite correction program” means a program that includes:*

1. A comprehensive performance evaluation.

2. *Comprehensive technical assistance.*

Sec. 4. *“Comprehensive performance evaluation” means a thorough review and analysis of the performance based capabilities and associated administrative, operational and maintenance practices of a plant which is conducted to identify factors that may adversely impact the capability of the plant to achieve compliance with state and federal regulations.*

Sec. 5. *“Comprehensive technical assistance” means the performance improvement phase of a composite correction program which is implemented if the results of a comprehensive performance evaluation indicate the potential to improve performance.*

Sec. 6. *“Filtered system” means a public water system that meets the requirements of NAC 445A.521 and uses filtration as a method of treatment for microbial contamination.*

Sec. 7. *“Microbial toolbox” means a description of alternatives that meet the requirements for Cryptosporidium treatment credit as set forth in 40 C.F.R. §§ 141.715 to 141.720, inclusive, as adopted by reference in NAC 445A.4525, which includes:*

1. *Source protection and management;*
2. *Prefiltration;*
3. *Treatment performance;*
4. *Additional filtration; and*
5. *Inactivation.*

Sec. 8. *“Unfiltered system” means a public water system that meets the requirements of NAC 445A.525 and uses disinfection as its sole method of treatment for microbial contamination.*

Sec. 9. 1. *Each supplier of water shall monitor the quality of the source water of the public system to determine the bin classification, in accordance with 40 C.F.R. §§ 141.701 to 141.707, inclusive, as adopted by reference in NAC 445A.4525, in the following manner:*

(a) For a source which existed on or before July 1, 2008, the supplier shall monitor the quality of the source water pursuant to the parameters and schedule set forth in 40 C.F.R. § 141.701, as adopted by reference in NAC 445A.4525.

(b) For a new source of water used after July 1, 2008, the supplier shall monitor the quality of the source water pursuant to the parameters prescribed in 40 C.F.R. § 141.701, as adopted by reference in NAC 445A.4525, according to a schedule which is approved by the Division. The supplier shall:

(1) Submit the schedule at least 1 month before sampling; and

(2) Provide in the schedule for at least 12 months of results from monitoring the quality of the source water before the approval of design and construction pursuant to NAC 445A.6669, unless the Division approves an alternate schedule.

2. In accordance with 40 C.F.R. § 141.711(d), as adopted by reference in NAC 445A.4525, additional monitoring of the quality of the source water may be required if the quality of the source water changes in such a way as to indicate an increased risk of Cryptosporidium contamination. The determination to perform additional monitoring of the quality of the source water must be based on the results of:

(a) For a filtered system, the performance of the sanitary survey of the watershed required by NAC 445A.539 or section 10 of this regulation; or

(b) For an unfiltered system, the watershed control program or monitoring required pursuant to NAC 445A.525.

3. *After monitoring the quality of the source water, the bin classification for public water systems must be calculated and reported to the Division pursuant to 40 C.F.R. § 141.710 or 141.712(a), as adopted by reference in NAC 445A.4525.*

4. *A supplier of water who is required to meet the requirements for treatment pursuant to 40 C.F.R. § 141.711 or 141.712(b), as adopted by reference in NAC 445A.4525, shall:*

(a) Comply with the requirements for treatment on the schedule set forth in 40 C.F.R. § 141.713, as adopted by reference in NAC 445A.4525; and

(b) Use the microbial toolbox options in accordance with 40 C.F.R. § 141.715, as adopted by reference in NAC 445A.4525.

5. *The Commission will not grant a variance from the provisions of this section.*

Sec. 10. *1. A supplier of water who is required to meet the requirements for treatment of Cryptosporidium contamination pursuant to subsection 4 of section 9 of this regulation shall implement the requirements of the applicable components of the microbial toolbox options in accordance with 40 C.F.R. §§ 141.716 to 141.720, inclusive, as adopted by reference in NAC 445A.4525. If a supplier of water wishes to use ultraviolet light to meet those requirements, additional information on obtaining approval to operate with ultraviolet light is outlined in the Ultraviolet Disinfection Guidance Manual for the Final Long Term 2 Enhanced Surface Water Treatment Rule, 2006 edition, as published by the United States Environmental Protection Agency, document number EPA 815-R-06-007. A copy of the manual is available, free of charge, at the Internet address http://www.epa.gov/safewater/disinfection/lt2/pdfs/guide_lt2_uvguidance.pdf.*

2. If a supplier of water wishes to receive treatment credits, in addition to the requirements of subsection 1, the supplier shall:

(a) If using the watershed control program component of the microbial toolbox, demonstrate before any treatment that the actions identified to reduce Cryptosporidium in the source water are capable of a 0.5-log reduction of Cryptosporidium in the source water by:

(1) Reducing the potential for contamination; or

(2) Physical removal.

(b) If using the demonstration of performance component of the microbial toolbox, conduct or cause to be conducted a site-specific study pursuant to a protocol approved by the Division which, at a minimum, must:

(1) Be approved before the commencement of the study, unless the study was conducted before July 1, 2008; and

(2) Provide for the inclusion of the entire treatment process in the study.

(c) If using alternative ozone or chlorine dioxide concentration times time values, conduct or cause to be conducted a site-specific study pursuant to a protocol approved by the Division which, at minimum, must:

(1) Be approved before the commencement of the study, unless the study was conducted before July 1, 2008;

(2) Provide for the measuring of Cryptosporidium inactivation; and

(3) Provide for the study of the full range of expected water quality and operational conditions.

(d) If using the ultraviolet light component of the microbial toolbox, and wishing to obtain approval of an alternative approach to ultraviolet light reactor validation:

(1) Demonstrate inactivation of a test microorganism or a surrogate approved by the Division; and

(2) Document that the validation has been overseen by an independent third party.

Sec. 11. 1. *A comprehensive performance evaluation must emphasize approaches that can be implemented without significant capital improvements and must consist of the following components, without limitation:*

- (a) Assessment of plant performance;*
- (b) Evaluation of major unit processes;*
- (c) Identification and prioritization of performance-limiting factors;*
- (d) Assessment of the applicability of comprehensive technical assistance; and*
- (e) Preparation of a comprehensive performance evaluation report.*

2. *Comprehensive technical assistance must identify and systematically address plant-specific factors and must include, without limitation:*

- (a) Use of the results of the comprehensive performance evaluation as a basis for follow-up;*
- (b) Implementation of priority-setting techniques for process control; and*
- (c) Maintaining long-term involvement to systematically train the staff and administrators of the public water system.*

Sec. 12. 1. *A composite correction program required pursuant to NAC 445A.533 must be performed by a person approved by the Division or the appropriate district board of health.*

2. *Each supplier of water required to perform a composite correction program shall implement recommendations identified by the composite correction program in accordance with a schedule approved by the Division or the appropriate district board of health.*

3. *Additional information on performing a composite correction program is outlined in the handbook entitled Optimizing Water Treatment Plant Performance Using the Composite*

Correction Program, 1998, published by the United States Environmental Protection Agency, document number EPA 625/6-91/027. A copy of the manual is available, free of charge, at the Internet address <http://www.epa.gov/nrmrl/pubs/625691027/625691027.pdf>.

Sec. 13. *“Commission” has the meaning ascribed to it in NRS 445A.8075.*

Sec. 14. *“District board of health” has the meaning ascribed to it in NRS 445A.812.*

Sec. 15. *“State Board of Health” means the State Board of Health created pursuant to NRS 439.030.*

Sec. 16. NAC 445A.450 is hereby amended to read as follows:

445A.450 As used in NAC 445A.450 to 445A.5405, inclusive, *and sections 2 to 12, inclusive, of this regulation*, unless the context otherwise requires:

1. “Commission” has the meaning ascribed to it in NRS 445A.8075.
2. “District board of health” has the meaning ascribed to it in NRS 445A.812.
3. “Division” has the meaning ascribed to it in NRS 445A.814.
4. “Federal Act” means the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., as amended on August 6, 1996.
5. “Monitoring program” means a program developed by a public water system and approved by the Division or the appropriate district board of health to sample water quality from a sampling point for compliance purposes.
6. “Primary standard” means a standard which specifies a maximum contaminant level for any constituent found in a public water supply which, if exceeded, may adversely affect the health of persons.
7. “Public water system” has the meaning ascribed to it in NRS 445A.840 and includes a water authority in a county whose population is 400,000 or more.

8. “Sampling point” means a location where water samples are taken for compliance purposes in accordance with the requirements for the specific contaminant or water quality parameters being monitored.

9. “Sanitary survey” means an onsite review of the water source, facilities, equipment, operation and maintenance of a public water system for the purposes of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

10. “Secondary maximum contaminant level” means a maximum contaminant level adopted by the Commission for a constituent found in a public water supply that, if exceeded, may cause aesthetic concerns to a consumer.

11. “Supplier of water” has the meaning ascribed to it in NRS 445A.845.

12. “Treatment technique” means an enforceable water treatment process or procedure, required to be operated at a specified effectiveness for removal of a measurable surrogate contaminant, that public water systems must employ to ensure effective removal of other contaminants for which there is not a reliable, economical, technically feasible method to measure at levels of concern.

13. “Water authority” has the meaning ascribed to it in NRS 377B.040.

14. The words and terms defined in 40 C.F.R. § 141.2 have the meanings ascribed to them in that section, as adopted by reference in NAC 445A.4525.

Sec. 17. NAC 445A.4525 is hereby amended to read as follows:

445A.4525 **1.** The provisions of 40 C.F.R. §§ 141.1, 141.2, 141.4 to 141.42, inclusive, subsections (a) and (d) of § 141.43 ~~§~~ and §§ 141.60 to ~~§§ 141.571, §~~ **141.722**, inclusive, of the “National Primary Drinking Water Regulations,” ***and related federal regulations applicable to***

public water systems, including all tables and appendices therein, as those provisions *and regulations* existed on July 1, ~~[2005,]~~ 2006, are hereby adopted by reference.

2. *The provisions of 40 C.F.R. §§ 142.61 to 142.65, inclusive, including all tables therein, as those provisions existed on July 1, 2006, are hereby adopted by reference.*

3. A copy of a publication containing those provisions is available *by mail* from the Superintendent of Documents, ~~[U.S.] United States~~ Government Printing Office, P.O. Box ~~[371954, Pittsburgh, Pennsylvania 15250-7954,]~~ 979050, St. Louis, Missouri 63197-9000, or by *toll-free* telephone at ~~[(202) 512-1800,]~~ (866) 512-1800, for the price of \$61. Copies of those regulations are also available, free of charge, at the Internet address ~~[<http://www.access.gpo.gov/nara/cfr/index.html>.]~~ <http://www.gpoaccess.gov/cfr/index.html>.

Sec. 18. NAC 445A.453 is hereby amended to read as follows:

445A.453 All public water systems must meet the requirements of NAC 445A.450 to 445A.5405, inclusive, *and sections 2 to 12, inclusive, of this regulation* and of the “National Primary Drinking Water Regulations,” *and related federal regulations applicable to public water systems*, as adopted by reference in NAC 445A.4525.

Sec. 19. NAC 445A.454 is hereby amended to read as follows:

445A.454 1. The monitoring requirements for the primary standards set forth in NAC 445A.453 must be performed as required by 40 C.F.R. §§ 141.21 to ~~[141.30,]~~ 141.29, inclusive, 141.40, 141.41, 141.42, 141.74, 141.86 to 141.89, inclusive, 141.131, 141.132, 141.133, 141.172, 141.173, 141.174, ~~[141.521,]~~ 141.530 to ~~[141.536, inclusive, 141.541, 141.542, 141.543, 141.550 to 141.553, inclusive, and 141.560 to]~~ 141.564, inclusive, *141.605, 141.621 to 141.628, inclusive, and 141.701 to 141.709, inclusive*, as adopted by reference in NAC 445A.4525.

2. Any analysis conducted to determine compliance with the primary standards referenced in NAC 445A.453 must be performed by a laboratory that is certified pursuant to the provisions of NAC 445A.542 to 445A.54296, inclusive, in accordance with:

(a) The method or methods listed in, or approved pursuant to, the provisions of NAC 445A.542 to 445A.54296, inclusive, for the selected contaminant or contaminants in the drinking water; or

(b) Any method for the selected contaminant or contaminants in the drinking water approved by the United States Environmental Protection Agency as an acceptable alternative test procedure for drinking water.

3. For water systems which are conducting water quality monitoring at a frequency greater than annually, compliance with the maximum contaminant levels for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium or thallium must be determined during normal operating conditions by a running annual average at any sampling point. A monitoring program identifying the sampling points must be submitted to the Division or the appropriate district board of health for review and approval. The monitoring program must demonstrate that the average quality of the water served to each customer in the distribution system is below the maximum contaminant level. The Division or the appropriate district board of health shall establish the number of samples the public water system must take for calculating the running annual average. The public water systems may not monitor more frequently than specified in the monitoring program by the Division or the appropriate district board of health to determine compliance unless approved in writing by the Division or the appropriate district board of health.

4. As used in this section:

(a) “Normal operating conditions” means the conditions that are achieved when the water system operates wells or treatment plants to supply water for seasonal demands.

(b) “Running Annual Average” means the sum of the consecutive 12-month contaminant sample values divided by the total number of samples taken at one sample point. (Example: $(\sum x_1 + x_2 + \dots + x_n)/n = \text{Running Annual Average}$)

Sec. 20. NAC 445A.458 is hereby amended to read as follows:

445A.458 1. Except as otherwise provided in this section, each analysis required by NAC 445A.4525 to 445A.457, inclusive, must be performed by a laboratory certified pursuant to NAC 445A.542 to 445A.54296, inclusive.

2. Turbidity measurements may be made by a laboratory certified pursuant to NAC 445A.542 to 445A.54296, inclusive, or by public water system personnel utilizing an instrument capable of meeting the requirements of 40 C.F.R. § ~~141.22(a)~~ **141.74(a)(1)**, as adopted by reference pursuant to NAC 445A.4525.

3. Chlorine residual measurements *to comply with 40 C.F.R. §§ 141.72 and 141.74, as adopted by reference in NAC 445A.4525*, must be made by public water system personnel utilizing an instrument and methods capable of meeting the requirements of 40 C.F.R. § 141.74(a)(2), as adopted by reference in NAC 445A.4525.

4. *Chlorine, chloramines or chlorine dioxide residual measurements to comply with the maximum residual disinfectant level must be made by public water system personnel using an instrument and methods capable of meeting the requirements of 40 C.F.R. § 141.131(c), as adopted by reference in NAC 445A.4525.*

5. Temperature and pH measurements must be made by the public water system utilizing an instrument and methods capable of meeting the requirements of 40 C.F.R. § 141.23(k)(1), as adopted by reference in NAC 445A.4525.

~~5.1~~ 6. Public water systems may direct the laboratory which analyzes water samples to submit the results of the sample to the Division or the appropriate district board of health.

Sec. 21. NAC 445A.459 is hereby amended to read as follows:

445A.459 1. Samples of water taken for the purpose of a complete chemical analysis must be taken as provided in this section.

2. A sample taken to analyze levels of components not requiring preservation must be collected in a clean glass or plastic half-gallon or gallon container. A thoroughly rinsed plastic distilled water bottle or unused plastic milk bottle, obtainable at a dairy or a food or drug store, is recommended for this purpose.

3. A sample taken to analyze levels of nitrates and metals must be collected in a container provided by the laboratory performing the analysis, using the appropriate materials for preservation provided by the laboratory. These materials may be added to the containers by the laboratory before the sample is taken. Care must be exercised in using such materials because of their hazardous nature.

4. A sample taken to analyze levels of trace organic materials must be taken in a glass container provided by the laboratory performing the analysis. The laboratory shall also provide any preservatives required for preventing deterioration of the organic materials.

5. If any representative sample is taken from a well for the purpose of chemical analysis:

(a) Except as otherwise provided in paragraph (b), an amount of water equivalent to four to ten times the bore volume of the well must be pumped from the well before the sample is taken.

(b) In the case of a new well, the well must be pumped until all artifacts of the drilling process have been removed and the water flows clean and clear, and in any event for not less than 24 hours.

(c) The sample must be taken in a manner consistent with that described in chapter 9, section 9.6, of the *Handbook for Sampling and Sample Preservation of Water and Wastewater*, EPA-600/4-82-029.

6. If any representative sample is taken from a distribution system for the purpose of chemical analysis:

(a) ~~The~~ *Except for lead and copper samples collected pursuant to 40 C.F.R. § 141.86, as adopted by reference in NAC 445A.4525, the* water line from which the sample is taken must be flushed until the temperature of the water stabilizes.

(b) The sample must be taken in a manner consistent with that described in chapter 9, section 9.9, of the *Handbook for Sampling and Sample Preservation of Water and Wastewater*, EPA-600/4-82-029.

7. If any sample is taken for the purpose of bacteriological examination, the sample must be collected in a container obtained from the laboratory performing the analysis of the sample.

8. A copy of the *Handbook for Sampling and Sample Preservation of Water and Wastewater* is available from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, or at the Internet address <http://www.ntis.gov>. The product code of the publication is PB83-124503, and *it* may be obtained at a cost of ~~[\$97.50.]~~ \$99.

Sec. 22. NAC 445A.4665 is hereby amended to read as follows:

445A.4665 1. Any significant deficiency noted in a sanitary survey must be addressed in writing to the Division or to the appropriate district board of health and must include a proposed

implementation plan and schedule for correction of the deficiency within 45 days after the receipt of the sanitary survey report by the public water system.

2. *A public water system shall correct any significant deficiency identified in the sanitary survey in accordance with a schedule approved by the Division or the appropriate district board of health or, if there is no approved schedule, in accordance with the schedule reported pursuant to subsection 1, if those deficiencies are within the control of the system.*

3. As used in this section, “significant deficiency” means any deficiency found at a public water system during a sanitary survey that is a violation of any provision of NAC 445A.450 to 445A.6731, inclusive, *and sections 2 to 15, inclusive, of this regulation*, which may have the potential to cause a risk to public health. A significant deficiency includes, without limitation, unsanitary source conditions, treatment plant deficiencies, inadequate disinfectant contact time, cross connections, endangerment of sources, unsanitary storage and distribution of water, inadequate pressure, inadequate staff and any other deficiency of comparable significance.

Sec. 23. NAC 445A.485 is hereby amended to read as follows:

445A.485 1. The owner or operator of a public water system ~~[must]~~ *shall* provide notice to the Division or the appropriate district board of health of the occurrence of any of the events listed in NAC 445A.538, in accordance with the provisions of that section.

2. Public notice of violations of primary drinking water regulations, and other circumstances with potential adverse health effects, is required pursuant to NRS 445A.940 and as follows:

(a) The owner or operator of a public water system ~~[must]~~ *shall* provide notice to persons served by the system for all violations of the primary standards, treatment techniques, monitoring requirements, testing procedures and other circumstances set forth in NAC 445A.450 to 445A.5405, inclusive, *and sections 2 to 12, inclusive, of this regulation* pursuant to the

requirements of this section and 40 C.F.R. §§ 141.201 to ~~141.210,~~ **141.211**, inclusive, as adopted by reference in NAC 445A.4525, including, without limitation:

- (1) Failing to comply with an applicable primary standard;
- (2) Failing to comply with a prescribed treatment technique;
- (3) Failing to perform water quality monitoring;
- (4) Failing to comply with testing procedures as prescribed by a drinking water regulation;
- (5) Operating under a variance or exemption;
- (6) Failing to comply with the requirements of any schedule that has been set under a variance or exemption;
- (7) The occurrence of a waterborne disease outbreak or other waterborne emergency;
- (8) Exceeding the nitrate MCL by a noncommunity water system when granted permission by the primacy agency under 40 C.F.R. § 141.11(d);
- (9) Exceeding the secondary maximum contaminant level for fluoride, set forth in subsection 2 of NAC 445A.455;
- (10) Making available unregulated contaminant monitoring data; or
- (11) Other violations as determined by the Division or the appropriate district board of health to require a public notice, not already listed in Appendix A to 40 C.F.R. §§ 141.201 to ~~141.210,~~ **141.211**, inclusive, as adopted by reference in NAC 445A.4525.

(b) Public notices are divided into three tiers to take into account the seriousness of the violation or situation and any potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in paragraph (a) ~~{of subsection 2}~~ are determined by the tier to which the violation or situation is assigned. The federal public notification regulations, 40 C.F.R. §§ 141.201 to ~~141.210,~~ **141.211**, inclusive, including

Appendices A, B and C, *as* adopted by reference ~~in~~ *in* NAC 445A.4525, provide the criteria for the tier assignment for each specific violation or situation, and the requirements for the content, form, manner and frequency of the notice.

(c) Each public water system ~~must~~ *shall* provide public notice to persons served by the water system in accordance with this section. Public water systems that sell or otherwise provide drinking water to other public water systems are required to give notice to the owners or operators of those systems, who are then responsible for providing public notice to the persons they serve. If a public water system has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the Division or the appropriate district board of health may allow the system to limit distribution of the public notice to only those persons served by that portion of the system which is out of compliance. Permission by the Division or the appropriate district board of health for limiting distribution of the notice must be granted in writing.

(d) A copy of the notice must also be sent to the Division or the appropriate district board of health in accordance with the requirements of 40 C.F.R. § 141.31(d), *as* adopted by reference ~~in~~ *in* NAC 445A.4525.

3. Public notice of a violation of NAC 445A.455 is required pursuant to NRS 445A.940 and as follows:

(a) When a secondary maximum contaminant level exceeds the levels or units specified in subsection 1 of NAC 445A.455, the public water system ~~must,~~ *shall*, within 90 days, collect and analyze three additional samples from the same sample point, but not more than one sample per month. If the average contaminant level of the four samples exceeds the secondary maximum

contaminant level, the public water system ~~[must]~~ *shall* notify the Division or the appropriate district board of health and ~~[must]~~ *shall* provide notice to the public. The notice must be:

(1) For community public water systems:

(I) Published in a newspaper of general circulation in the area served by a system not more than 30 days after the standard is exceeded, or delivered personally or by mail to each person served by the system not more than 30 days after the standard is exceeded; and

(II) Published and delivered annually thereafter as provided in the annual consumer confidence report prepared pursuant to NAC 445A.4845 if the standard continues to be exceeded.

(2) For noncommunity water systems:

(I) Delivered personally or by mail to each person served by the system not more than 30 days after the standard is exceeded, or posted, within 30 days after the standard is exceeded, in a prominent location for consumers of the water system to read; and

(II) Posted, or delivered annually thereafter if the standard continues to be exceeded.

(b) If the Commission grants a variance pursuant to NAC 445A.487 ~~[,]~~ *or* 445A.4872 ~~[or 445A.4874]~~ from the requirement concerning a secondary maximum contaminant level, the public water system shall give notice to the public pursuant to subparagraph (1) or (2) of paragraph (a), ~~[of subsection 3,]~~ as required by the type of system.

(c) In a fluoridated public water system, if the concentration for fluoride does not meet the concentrations specified in subsection 6 of NAC 445A.6682, the public water system ~~[must]~~ *shall* report the incident to the *Health* Division ~~[or the appropriate district board of health]~~ *of the Department of Health and Human Services* as required in paragraph (j) of subsection 12 of NAC 445A.6682.

(d) Notice to the public must be in such form and manner as prescribed by the Division or the appropriate district board of health and must ensure that the public using the system is adequately informed.

4. The Commission may not grant a variance from the provisions of public notification required by this section.

Sec. 24. NAC 445A.487 is hereby amended to read as follows:

445A.487 1. The Commission may grant a variance from a primary drinking water regulation to a public water system which cannot meet a requirement respecting a maximum contaminant level specified in such drinking water regulation because of characteristics of the raw water source or sources which are reasonably available to the system. A variance may be issued to a system on the condition that the public water system install the best available technology, treatment techniques or other means which the Commission ~~finds~~ *and the Administrator of the United States Environmental Protection Agency find* are reasonably available after taking costs into consideration and based on an evaluation satisfactory to the Commission that indicates that alternative sources of water are not reasonably available to the public water system. Before such a variance may be granted, the Commission must find that the variance will not result in an unreasonable risk to health.

2. The Commission may grant a variance to a public water system from any provision of a primary drinking water regulation which requires the use of a specified treatment technique with respect to a contaminant. ~~Prior to~~ *Before* the issuance of such a variance, the public water system must demonstrate to the satisfaction of the Commission that the treatment technique is not necessary to protect the health of persons because of the nature of the raw water source of the system.

3. The Commission may grant a variance from a secondary drinking water regulation to a public water system in accordance with the procedures for seeking variances from the Commission.

4. Public hearings and other procedures for consideration of requests for variances from NAC 445A.450 to 445A.492, inclusive, must be conducted in accordance with the procedures for seeking variances from the Commission. The Commission will grant a variance from a regulation only if it finds from the evidence presented at the hearing that:

(a) There are circumstances or conditions which:

- (1) Are unique to the applicant;
- (2) Do not generally affect other persons subject to the regulation;
- (3) Make compliance with the regulation unduly burdensome; and
- (4) Cause a hardship to and abridge a substantial property right of the applicant; and

(b) Granting the variance:

(1) Is necessary to render substantial justice to the applicant and enable him to preserve and enjoy his property right; and

(2) Will not be detrimental or pose a danger to public health and safety.

↪ Whenever an applicant for a variance alleges that he suffers or will suffer economic hardship by complying with the regulation, he must submit evidence demonstrating the costs of his compliance with the regulation. The Commission will consider the evidence and determine whether those costs are unreasonable.

5. As used in this section, “best available technology, treatment techniques or other means” means technology, techniques and means which are found reasonably available by the Administrator of the United States Environmental Protection Agency and which are identified

and applied in accordance with 40 C.F.R. §§ 141.61 to 141.66, inclusive, and 40 C.F.R. §§ 142.61 to 142.65, inclusive, as adopted by reference in NAC 445A.4525.

Sec. 25. NAC 445A.488 is hereby amended to read as follows:

445A.488 1. The Commission will, when it grants a variance to a public water system pursuant to NAC 445A.487 ~~[,] or~~ 445A.4872 ~~[or 445A.4874,]~~ prescribe:

(a) A schedule for compliance, including increments of progress, with the contaminant level requirement with respect to which the variance was granted.

(b) Such additional control measures as it may require for the contaminant during the period ending on the date compliance with the requirement is required.

2. The Commission will require, when it grants a variance to a public water system pursuant to NAC 445A.487 ~~[,] or~~ 445A.4872 ~~[or 445A.4874,]~~ unless an exemption is granted to a public water system pursuant to NAC 445A.489 or 445A.490, compliance with the conditions of the variance not later than 3 years after the date on which the variance was granted, except that a public system may be granted up to 2 additional years to comply with a variance technology, to secure an additional source of water, restructure or consolidate if the Division or the appropriate district board of health determines that additional time is necessary for capital improvements or to allow for financial or technical assistance from any other federal or state program.

3. No such schedule for compliance or effectuation may take effect until the Division or the appropriate district board of health has approved, or approved with modifications, the schedule after notice and a public hearing held in the same manner as the variance hearing.

4. A schedule approved by the Commission must require compliance by the public water system with each contaminant level requirement for which the variance was granted, as expeditiously as the Commission determines to be practicable.

Sec. 26. NAC 445A.489 is hereby amended to read as follows:

445A.489 1. The Commission may grant an exemption from any requirement respecting a maximum contaminant level or treatment technique of an applicable primary drinking water regulation to:

(a) A public water system which was in operation on the effective date of the requirement if:

(1) Because of compelling factors, including economic considerations, such as qualification of the public water system as serving a disadvantaged community, the public water system is unable to comply or to implement measures to develop an alternative source of supply;

(2) The granting of the exemption will not result in an unreasonable risk to health; and

(3) Management or restructuring changes, or both, cannot reasonably be made that will result in compliance with the primary drinking water standards or, if compliance cannot be achieved, improve the quality of the drinking water; or

(b) A public water system which was not in operation on the effective date of the requirement if:

(1) Because of compelling factors, including economic considerations, such as qualification of the public water system as serving a disadvantaged community, the public water system is unable to comply or to implement measures to develop an alternative source of supply;

(2) There is no reasonable alternative source of drinking water available to the public water system;

(3) The granting of the exemption will not result in an unreasonable risk to health; and

(4) Management or restructuring changes, or both, cannot reasonably be made that will result in compliance with the primary drinking water standards or, if compliance cannot be achieved, improve the quality of the drinking water.

2. Public hearings and other procedures for consideration of requests for exemptions from NAC 445A.450 to 445A.5405, inclusive, *and sections 2 to 12, inclusive, of this regulation* must be conducted in accordance with the procedures for seeking variances from the Commission.

3. As used in this section, “disadvantaged community” means an area served by a public water system in which the average income per household is less than 80 percent of the median household income of the county.

Sec. 27. NAC 445A.490 is hereby amended to read as follows:

445A.490 1. The Commission will, when it grants an exemption to a public water system, prescribe:

(a) A schedule for compliance, including increments of progress or measures to develop an alternative source of water supply, with the contaminant level or treatment technique requirement with respect to which the exemption was granted.

(b) Such control measures as it may require for the contaminant during the period ending on the date compliance with the requirement is required.

2. No such schedule for compliance or effectuation may take effect until the Commission or the appropriate district board of health has approved, or approved with modifications, the schedule after notice and a public hearing held in the same manner as the exemption hearing.

3. A schedule approved by the Commission or the appropriate district board of health must require compliance by the public water system with each contaminant level requirement for

which the exemption was granted as expeditiously as the Commission or the appropriate district board of health determines to be practicable except as otherwise provided by the Federal Act.

4. An exemption may not be granted unless the public water system establishes that:

(a) The public water system cannot meet the standard without the capital improvements which cannot be completed ~~prior to~~ *before* the date established by the Federal Act;

(b) In the case of a public water system which needs financial assistance for the necessary improvements, the public water system has entered into an agreement to obtain such financial assistance from any other state or federal program or any such assistance is reasonably likely to be available within the period of the exemption; or

(c) The public water system has entered into an enforceable agreement to become part of a regional public water system and the public water system is taking all practicable steps to meet the standard.

5. In the case of a public water system which does not serve a population of more than 3,300 and which needs financial assistance for the necessary improvements, an exemption granted under subsection 4 may be renewed for one or more additional 2-year periods, but not to exceed a total of 6 years, if the public water system establishes that it is taking all practicable steps to meet the requirements of subsection 4.

6. A public water system may not receive an exemption under this section if the system was granted a variance under NAC 445A.487 ~~]~~ *or* 445A.4872 . ~~[or 445A.4874.]~~

Sec. 28. NAC 445A.492 is hereby amended to read as follows:

445A.492 If any of the provisions of NAC 445A.450 to 445A.5405, inclusive, *and sections 2 to 12, inclusive, of this regulation* or any application thereof to any person, thing or circumstance is held invalid, it is intended that such invalidity not affect the remaining

provisions, or their application, that can be given effect without the invalid provision or application.

Sec. 29. NAC 445A.495 is hereby amended to read as follows:

445A.495 As used in NAC 445A.495 to 445A.5405, inclusive, *and sections 2 to 12, inclusive, of this regulation*, unless the context otherwise requires:

1. The words and terms defined in NAC 445A.497 to 445A.516, inclusive, *and sections 2 to 8, inclusive, of this regulation* have the meanings ascribed to them in those sections; and
2. The words and terms defined in 40 C.F.R. § 141.2, as adopted by reference ~~[pursuant to]~~ *in* NAC 445A.4525, have the meanings ascribed to them in that section.

Sec. 30. NAC 445A.517 is hereby amended to read as follows:

445A.517 The provisions of NAC 445A.495 to 445A.5405, inclusive, *and sections 2 to 12, inclusive, of this regulation* apply to:

1. Any public water system using surface water or groundwater under the direct influence of surface water; and
2. Any supplier of water who owns, controls or operates such a public water system.

Sec. 31. NAC 445A.519 is hereby amended to read as follows:

445A.519 1. A person who has reason to believe that an action taken by the Division pursuant to NAC 445A.495 to 445A.5405, inclusive, *and sections 2 to 12, inclusive, of this regulation* is incorrect or based on inadequate knowledge may, within 10 business days after receiving notice of the action, request an informal discussion with the employee responsible for the action and the immediate supervisor of the employee.

2. If the informal discussion does not resolve the problem, the aggrieved person may, within 10 business days after the date scheduled for the informal discussion, submit a written request to

the Division for an informal conference. The informal conference must be scheduled for a date, place and time mutually agreed upon by the aggrieved person and the Division, except that the informal conference must be held no later than 60 days after the date on which the Division received the written request.

3. The determination of the Division resulting from the informal conference cannot be appealed and is the final remedy available to the aggrieved person.

4. A person who is aggrieved by an action of the Division taken pursuant to NAC 445A.495 to 445A.5405, inclusive, *and sections 2 to 12, inclusive, of this regulation* relating to the denial of an application for or renewal of a permit or the suspension or revocation of a permit may appeal that action in accordance with the regulations of the Division after exhausting the informal procedures set forth in this section, except that the Division may waive the informal procedures, or any portion thereof, by giving written notice to the aggrieved person.

Sec. 32. NAC 445A.520 is hereby amended to read as follows:

445A.520 1. Except as otherwise provided in this section, each supplier of water shall treat the water in accordance with NAC 445A.521 and 445A.526, *and section 10 of this regulation* and 40 C.F.R. §§ 141.70, 141.76, 141.170, ~~and~~ 141.500 to 141.503, inclusive, *and 141.700*, as adopted by reference in NAC 445A.4525.

2. A supplier of water who meets the standards of performance set forth in this section and NAC 445A.521 and 445A.526 *and section 10 of this regulation* and meets the operating criteria set forth in NAC 445A.533 will be considered to be in compliance with the requirements of subsection 1.

3. The Division or the appropriate district board of health may require a higher degree of treatment than required by subsection 1, depending on the degree of contamination within the source water.

4. The Commission will not grant a variance from the provisions of this section.

Sec. 33. NAC 445A.521 is hereby amended to read as follows:

445A.521 1. Each supplier of water shall treat the water in accordance with 40 C.F.R. §§ 141.73, 141.173, ~~and~~ 141.550 to 141.553, inclusive, *and 141.711*, as adopted by reference in NAC 445A.4525.

2. The Commission will not grant a variance from the provisions of this section.

Sec. 34. NAC 445A.522 is hereby amended to read as follows:

445A.522 1. For the purposes of meeting the levels of treatment set forth in NAC 445A.520:

(a) Conventional filtration treatment is presumed to be capable of achieving at least *99.9 percent or 3-log removal of Cryptosporidium*, 99.7 percent or 2.5-log removal of ~~Giardia~~ *Giardia lamblia* cysts and 99 percent or 2-log removal of viruses if the process is in compliance with the operating criteria set forth in NAC 445A.533 and the standards of performance set forth in NAC 445A.521; ~~and~~

(b) Treatment by direct filtration ~~[, diatomaceous earth filtration and slow sand filtration]~~ is presumed capable of achieving at least ~~99.7 percent or 2.5-log removal of Cryptosporidium~~, 99 percent or 2-log removal of ~~Giardia~~ *Giardia lamblia* cysts and ~~90 percent or 1-log removal of viruses if the process is in compliance with the criteria and standards set forth in paragraph (a); and~~

(c) Treatment by diatomaceous earth filtration and slow sand filtration is presumed capable of achieving at least 99.9 percent or 3-log removal of Cryptosporidium, 99 percent or 2-log removal of Giardia lamblia cysts and 90 percent or 1-log removal of viruses if the process is in compliance with the criteria and standards set forth in paragraph (a).

2. The Division or the appropriate district board of health may grant higher efficiencies for removal than those specified in this section if the supplier of water demonstrates ~~to~~ *by a protocol reviewed and approved by* the Division *or the appropriate district board of health* that ~~the higher efficiency for removal can be obtained reliably.~~ :

(a) For Giardia lamblia cysts and virus, the higher efficiency for removal can be obtained reliably; and

(b) For Cryptosporidium, the filtration system can meet the requirements of the treatment performance component of the microbial toolbox pursuant to section 10 of this regulation.

Sec. 35. NAC 445A.524 is hereby amended to read as follows:

445A.524 1. The use of an alternative filtration technology, including packaged treatment plants, may be approved by the Division or the appropriate district board of health if the following requirements are met:

(a) The supplier of water demonstrates that the technology proposed provides a minimum of 99 percent or 2-log removal of ~~Giardia~~ Giardia lamblia cysts and ~~a~~ 99 percent or 2-log removal of ~~Cryptosporidium oocysts.~~ Cryptosporidium. The process must meet the standards of performance established in NAC 445A.521.

(b) An engineering report is submitted to the Division or the appropriate district board of health documenting the results of experiments done at pilot plants or tests completed on a full-

scale installation that is treating water with similar characteristics and exposed to similar hazards as the water proposed for treatment.

(c) If the alternative filtration technology is used to meet greater removal efficiencies for Cryptosporidium than those specified in paragraph (a) and includes the use of bag filters, cartridge filters or membrane filtration, the supplier of water shall ensure that the filters are operated in accordance with 40 C.F.R. § 141.719(a) and (b), as adopted by reference in NAC 445A.4525.

↪ If a supplier wishes to use bag filters, cartridge filters or membrane filtration, additional information on obtaining approval to operate with these technologies is outlined in the Membrane Filtration Guidance Manual, 2005 edition, published by the United States Environmental Protection Agency, document number EPA 815-R-06-009. A copy of the manual is available, free of charge, at the Internet address http://www.epa.gov/safewater/disinfection/lt2/pdfs/guide_lt2_membranefiltration_final.pdf.

2. If the use of an alternative filtration technology is approved by the Division or the appropriate district board of health, the supplier of water shall submit an engineering report, not less than 6 months after the system becomes operational, verifying that the alternative technology meets the standards established for performance under actual conditions of operation.

3. If the supplier of water does not meet these standards, he shall submit to the Division or the appropriate district board of health a timetable for the correction of the deficiencies.

Sec. 36. NAC 445A.525 is hereby amended to read as follows:

445A.525 1. A supplier of water may apply to the Division to operate without installing a system for filtration. The Division ~~for the appropriate district board of health~~ may grant ~~[this]~~ *the* request if the supplier of water, not later than December 30, 1991, or 18 months after

notification by the Division or the appropriate district board of health that a groundwater system is under the direct influence of surface water, whichever is later, meets the requirements set forth in 40 C.F.R. §§ 141.71, 141.171, 141.520, 141.521 and 141.522, as adopted by reference in NAC 445A.4525. ~~For systems~~ *For the Division to determine the adequacy of a watershed control program for a system* located at Lake Tahoe, the supplier of water must demonstrate that a level of protection which minimizes the potential for contamination by ~~Giardia lamblia~~ Giardia lamblia cysts, viruses and ~~Cryptosporidium oocysts~~ Cryptosporidium is provided by the location of the intake structure and a watershed control program. ~~The watershed control program must include the periodic performance of a watershed survey as required by NAC 445A.539, and the water system must be subject to annual on-site inspections to assess the watershed control program.~~

2. *A supplier of water shall obtain raw samples of the source water to test for Giardia lamblia cysts, viruses and Cryptosporidium before conducting any treatment on a schedule prescribed by the Division.*

3. To avoid the requirements for filtration, a supplier of water must comply with the provisions ~~that are~~ set forth in 40 C.F.R. §§ 141.74(b), ~~and~~ 141.75(a) ~~and~~ *141.712*, as adopted by reference in NAC 445A.4525. Additional information on obtaining approval to operate without filtration is outlined in the *Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources*, 1991 edition ~~(#PB93-222933INZ)~~, *product code PB93-222933*. This document is available at a cost of ~~\$117~~ *\$124* from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161 , *or at the Internet address <http://www.ntis.gov>*.

Sec. 37. NAC 445A.526 is hereby amended to read as follows:

445A.526 1. Each supplier of water shall provide disinfection treatment in accordance with 40 C.F.R. ~~§§~~ § 141.72, ~~[141.172 and 141.530 to 141.544, inclusive,]~~ as adopted by reference in NAC 445A.4525 ~~[]~~, *and the applicable inactivation components of the microbial toolbox pursuant to section 10 of this regulation.*

2. *If a supplier of water proposes to modify its disinfection practices, the supplier must first submit to the Division or the appropriate district board of health a disinfection profile and benchmark pursuant to 40 C.F.R. §§ 141.172, 141.530 to 141.544, inclusive, 141.708 and 141.709, as adopted by reference in NAC 445A.4525.*

3. The Commission will not grant a variance or an exemption from the provisions of this section.

Sec. 38. NAC 445A.527 is hereby amended to read as follows:

445A.527 1. Except as otherwise provided in this section, each supplier of water shall, on or after June 29, 1993, or on the date the system for filtration is installed, whichever is later, meet the requirements set forth in 40 C.F.R. §§ 141.74, 141.174 and 141.560 to 141.564, inclusive, *and the applicable components of the requirements for monitoring within the microbial toolbox set forth in 40 C.F.R. §§ 141.716 to 141.720, inclusive,* as adopted by reference in NAC 445A.4525.

2. A supplier of water shall measure and record the parameters that are needed to determine compliance with the requirements for concentration times time, including, but not limited to:

- (a) The temperature of the disinfected water;
- (b) The pH of the disinfected water, if chlorine is used as a disinfectant;
- (c) The disinfectant contact time; and

(d) The concentration of the residual disinfectant before or at the point the water reaches the first customer.

3. A supplier of water shall measure the concentration of residual disinfectant or heterotrophic plate count within the distribution system at the same frequency and at the same time and location as total coliforms are measured. A supplier of water that uses both a source of surface water or groundwater under the direct influence of surface water, and a source of groundwater that is not under the direct influence of surface water, may petition the Division or the appropriate district board of health for alternate sampling locations if he demonstrates that these sampling points are more representative of the disinfected surface water or groundwater under the direct influence of surface water in the distribution system.

Sec. 39. NAC 445A.530 is hereby amended to read as follows:

445A.530 1. A supplier of water proposing to:

- (a) Construct a new facility for filtration and disinfection; or
- (b) Make additions to or modify significantly an existing facility for treatment,

↪ must submit an engineering report to the Division or the appropriate district board of health.

The report must be approved by the Division or the appropriate district board of health before the supplier begins construction. The report must also describe how the facility will be designed to ensure that it complies with this section and NAC 445A.531.

2. A new facility for filtration and disinfection must:

(a) Be designed to attain an average daily effluent turbidity goal of 0.2 units of nephelometric turbidity when using conventional, direct, and diatomaceous earth filtration plants.

(b) Be free of structural and sanitary hazards.

(c) Provide for protection against contamination by backflow.

(d) Provide equipment for measuring and recording flow.

(e) *Provide equipment for measuring and recording the combined filter effluent turbidity.*

(f) Be designed to mitigate the effects of events such as earthquakes, fires, floods, freezing and sabotage that are reasonably foreseeable.

~~(g)~~ (g) Provide reasonable access for inspection, maintenance and monitoring of all unit processes.

~~(h)~~ (h) Provide for a coagulation process that includes rapid chemical mixing and is based on pilot plant or laboratory scale or equivalent results that demonstrate effectiveness of the coagulant chemicals over the full range of water quality conditions expected.

~~(i)~~ (i) Provide for filter-to-waste for each filter unit or addition of coagulant chemicals or organic polymers to the water used for backwashing.

~~(j)~~ (j) Provide backwash rates and facilities for surface or subsurface wash using air, water or a combination of these to clean the filter.

~~(k)~~ (k) Provide treatment for the removal of solids from filter backwash water if the water is recycled into the treatment process. Recycled backwash water must be returned to the headworks of the treatment plant.

~~(l)~~ (l) Make provision for facilities for pretreatment in the design of direct filtration, slow sand filtration or diatomaceous earth filtration plants.

~~(m)~~ (m) Provide equipment for disinfection that is of proper size for the full range of expected conditions of flow and capable of feeding accurately at all rates of flow.

~~(n)~~ (n) Provide for operation of the treatment plant without frequent shutdowns and start-ups.

3. As used in this section, “filter-to-waste” means a provision in the filtration process to allow the water that was filtered first to be wasted or reclaimed.

Sec. 40. NAC 445A.531 is hereby amended to read as follows:

445A.531 The following features for reliability or alternatives acceptable to the Division or the appropriate district board of health must be included in the design and construction of any plant that treats surface water or groundwater under the direct influence of surface water:

1. Alarm devices to indicate failures in the coagulation, filtration and disinfection processes. The alarm must notify the person designated by the public water system as responsible for taking corrective action and, if the facility is unmanned, have the capability to shut the plant down until corrective action can be taken.

2. Standby replacement equipment to ensure continuous operation and control of unit processes for coagulation, filtration and disinfection.

3. Multiple filter units to provide redundant capacity if filters are out of service for backwash or maintenance.

4. Multiple ultraviolet light reactors, if used to meet the requirements of NAC 445A.520, to provide redundant capacity if a reactor is out of service for maintenance.

Sec. 41. NAC 445A.533 is hereby amended to read as follows:

445A.533 A facility for filtration must be operated in accordance with the following requirements:

1. A plant for conventional and direct filtration must be operated at a rate of flow not to exceed 3 gallons per minute per square foot for single media filters and 6 gallons per minute per square foot for deep bed, dual or mixed media filters under conditions of gravity flow. For pressure filters, the rates of filtration must not exceed 2 gallons per minute per square foot for

single media filters and 3 gallons per minute per square foot for dual, mixed media or deep bed filters.

2. A slow sand filter must be operated at a rate of filtration not to exceed 0.1 gallons per minute per square foot. The filter bed must not be dewatered except for cleaning and maintenance.

3. A diatomaceous earth filter must be operated at a rate not to exceed 1 gallon per minute per square foot.

4. During normal operating conditions, any filter removed from service must be backwashed upon start-up.

5. *Any membrane filtration unit must be subjected to a direct integrity test upon start-up.*

6. Rates of filtration must be increased gradually when placing filters back into service after backwashing or any other interruption in the operation of the filter.

~~{6.}~~ 7. In a plant using conventional and direct filtration, the turbidity of filtered water from any individual filter after backwashing or any other interruption must be less than 0.5 units of nephelometric turbidity after 4 hours of the initial operation of the filter. ~~{, and the individual turbidity of the filter effluent must be less than or equal to 1 unit of nephelometric turbidity in at least 90 percent of interruption events during any consecutive 12 month period.}~~ The level of turbidity must never exceed ~~{2 units}~~ *1 unit* of nephelometric turbidity before placing the filter back into operation. ~~{Compliance with this requirement will be determined by using data from the previous 12 months.}~~

~~—7.}~~ 8. A pressure filter must be inspected physically and evaluated annually for occurrences such as media condition, formation of balls of mud and short circuiting. A written record of the inspection must be maintained at the treatment plant.

~~[8.]~~ **9.** Coagulation and flocculation unit processes must be in use at all times when a plant using conventional and direct filtration is in operation. The effectiveness and optimization of these processes must be demonstrated by jar testing, pilot filter column testing or other means acceptable to the Division or the appropriate district board of health.

~~[9.]~~ **10.** The level of turbidity of filtered water from each filter unit must be monitored with a continuous turbidity meter and ~~[reorder, or with]~~ *recorded at a minimum of every 15 minutes by* a sampling program approved by the Division ~~[.]~~ *or the appropriate district board of health.*

If this monitoring indicates that any filter unit is not performing as required by ~~[subsection 6.]~~ **40 C.F.R. § 141.175(b)(4) or 141.563(c), as adopted by reference in NAC 445A.4525**, the filter must be ~~[taken out of service and]~~ inspected to determine the cause of its inadequate performance. ~~[The filter unit must not be returned to service until its deficiencies have been corrected and tests have been made to ensure that the filter unit meets these requirements. —10.]~~ *by implementing a composite correction program. The Division or the appropriate district board of health may require that the filter be taken out of service.*

11. To obtain approval for rates higher than those specified in subsections 1, 2 and 3, ~~[of this section.]~~ a supplier of water must demonstrate to the Division that his filters can ensure the same water quality at the increased rates of flow.

Sec. 42. NAC 445A.534 is hereby amended to read as follows:

445A.534 A facility for disinfection must be equipped with:

1. A reserve supply of chemicals. ~~[; and]~~
2. An emergency plan to be put into effect if there is a failure in the disinfectant process.

The object of the plan must be to prevent delivery to the distribution system of any water that has

not been disinfected or that has been disinfected inadequately. The plan must be posted in the treatment plant or in any other place that is accessible to the operator of the plant.

3. If the facility includes ultraviolet light disinfection, equipment for measuring and recording the flow of each ultraviolet light reactor, unless otherwise justified by an engineer.

Sec. 43. NAC 445A.535 is hereby amended to read as follows:

445A.535 1. A supplier of water shall submit a plan of operations for each facility that treats surface water or groundwater under the direct influence of surface water to the Division or the appropriate district board of health for review and approval. The plan must be designed to produce the optimal quality of water from the treatment process. The supplier shall operate the facility in accordance with the approved plan.

2. The plan must include a description of:

- (a) The program for monitoring the performance of the treatment plant;
 - (b) The program for maintaining unit process equipment;
 - (c) The persons who operate the facility, including the number of the staff and the level of their training;
 - (d) The operation of each unit process;
 - (e) The procedures used in the laboratory, if applicable;
 - (f) The procedures used to determine chemical dose rates;
 - (g) The records of the facility;
 - (h) The procedure for responding to an emergency at the plant or involving the watershed;
- ~~and~~
- (i) *If the plant uses ultraviolet light, the procedure for use in the case of lamp breakage and a mercury spill; and*

(j) Any other features that contribute to the reliable operation of the plant.

Sec. 44. NAC 445A.536 is hereby amended to read as follows:

445A.536 1. Each supplier of water ~~must~~ *shall* maintain accurate and complete records of the operation of each treatment plant using surface water or groundwater under the direct influence of surface water. The records must include:

- (a) The results of all monitoring conducted in accordance with NAC 445A.527;
- (b) The date of any maintenance or inspection of a filter and the results of the inspection, including any evaluation of a pressure filter required by subsection ~~7~~ 8 of NAC 445A.533;
- (c) The quantity of water produced;
- (d) The hours of operation;
- (e) The rates of flow at the plant;
- (f) The rates of filtration;
- (g) The rates of backwash; and
- (h) The dates and description of failures of major equipment or unit processes and the action taken to correct these failures.

2. ~~The~~ *Each supplier of water shall maintain records in accordance with 40 C.F.R. § 141.722, as adopted by reference in NAC 445A.4525.*

3. *Unless otherwise specified in 40 C.F.R. § 141.33, as adopted by reference in NAC 445A.4525, or as determined by the Division or the appropriate district board of health, the records of a treatment plant must be retained for not less than ~~2 years, unless the Division or the appropriate district board of health has determined otherwise.~~ 3 years.*

Sec. 45. NAC 445A.537 is hereby amended to read as follows:

445A.537 1. Each supplier of water shall submit to the Division or the appropriate district board of health, on or after June 29, 1993, or on the date the system for filtration is installed, whichever is later, a monthly report on the operation of each facility not later than the 10th day of the following month.

2. The monthly report must include:

(a) A written explanation of the cause of any violation of the standards of performance set forth in NAC 445A.521 and 445A.526 *and section 10 of this regulation* and the operating criteria set forth in NAC 445A.533; and

(b) The information required by 40 C.F.R. §§ 141.75, 141.175, 141.570, ~~and~~ 141.571 ~~;~~ *and the applicable provisions of 40 C.F.R. § 141.721*, as adopted by reference in NAC 445A.4525.

3. In addition to monthly reports, other reporting actions must be performed pursuant to the applicable provisions of 40 C.F.R. § 141.721, as adopted by reference in NAC 445A.4525.

Sec. 46. NAC 445A.538 is hereby amended to read as follows:

445A.538 ~~[Beginning on or after June 29, 1993, or on the date the system for filtration is installed, whichever is later, each]~~ *Each* supplier of water shall ~~[notify the Division or the appropriate district board of health by telephone as soon as possible, but not later than the end of the next business day, whenever:~~

~~—1.— The turbidity of the filter effluent exceeds:~~

~~—(a) For conventional, direct filtration and absorption clarifier filtration systems, 1 unit of nephelometric turbidity.~~

~~—(b) For diatomaceous earth and slow sand filtration and systems which have filtration avoidance status, 5 units of nephelometric turbidity.~~

~~—(c) For alternative technologies, the turbidity level specified upon approval.~~

~~—2. More than two consecutive samples of the turbidity of the combined filter effluent taken every 4 hours exceed 1 unit of nephelometric turbidity.~~

~~—3.] :~~

1. Consult with the Division or the appropriate district board of health and provide public notification for a violation of a treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity pursuant to 40 C.F.R. § 141.203(b)(3) as identified in Appendix A to Subpart Q of 40 C.F.R. § 141, as adopted by reference in NAC 445A.4525.

2. Notify the Division or the appropriate district board of health by telephone as soon as possible, but not later than the end of the next business day, whenever:

(a) The combined filter effluent exceeds:

(1) One unit of nephelometric turbidity in a system using conventional or direct filtration treatment; or

(2) The maximum level of turbidity established by the Division or the appropriate district board of health for systems using alternative technologies.

(b) There is a failure to maintain at least 0.2 milligrams per liter of residual disinfectant in the water being delivered to the distribution system. ~~[, regardless of]~~ The supplier of water shall also notify the Division or the appropriate district board of health as to whether or not the residual level of disinfectant was restored to at least 0.2 milligrams per liter within 4 hours.

~~[4.]~~ *(c) An event occurs which may affect the ability of the treatment plant to produce safe, potable water, including, but not limited to, spills of hazardous materials in the watershed and failures of the unit treatment process.*

~~{5.}~~ (d) An outbreak of waterborne disease that is potentially attributable to the water system occurs.

~~{6.}~~ (e) There is a failure to meet the minimum concentration times time for any given day.

Sec. 47. NAC 445A.539 is hereby amended to read as follows:

445A.539 1. ~~{A}~~ *Unless an alternate frequency is otherwise required to maintain a watershed control program to meet the requirements for filtration avoidance pursuant to NAC 445A.525 or the requirements to treat Cryptosporidium pursuant to section 10 of this regulation, a* sanitary survey of the watershed of a public water system must be performed by a qualified professional engineer or other person approved by the Division or the appropriate district board of health at least once every 5 years.

2. A report of the survey, including:

(a) A physical and hydrogeological description of the watershed;

(b) A summary of the data compiled in monitoring the quality of the water;

(c) A description of activities and sources of contamination;

(d) A description of any significant changes that have occurred since the last survey which could affect the quality of the water;

(e) A description of the ability of the system to meet the requirements of NAC 445A.520, 445A.521, 445A.526 and 445A.529 to 445A.540, inclusive; and

(f) Any recommendations for corrective actions,

↪ must be submitted to the Division or the appropriate district board of health not less than 60 days after the completion of the survey.

Sec. 48. NAC 445A.540 is hereby amended to read as follows:

445A.540 1. A supplier of water shall notify persons served by the public water system:

(a) If he has not installed a system for filtration by June 29, 1993, and has not met the requirements of NAC 445A.525; or

(b) Whenever an outbreak of waterborne disease occurs.

2. Beginning on or after June 29, 1993, or on the date a system for filtration is installed, whichever is later, a supplier of water shall notify persons served by the public water system whenever there is a failure to comply with:

(a) The requirements for treatment or the standards of performance specified in NAC 445A.520, 445A.521 or 445A.526 ~~]~~ *or section 10 of this regulation;* or

(b) The monitoring requirements specified in NAC 445A.527.

3. The notification required by:

(a) Subsection 1 ~~]~~ and paragraph (a) of subsection 2 must be given in the manner required for violations of techniques of treatment as set forth in NAC 445A.485; and

(b) Paragraph (b) of subsection 2 must be given in the manner required for violations of monitoring requirements as set forth in NAC 445A.485.

~~[4.— If there is a failure to comply with the requirements set forth in paragraph (a) of subsection 2, the notice must include the following language:~~

~~—The Division of Environmental Protection of the State Department of Conservation and Natural Resources sets standards for drinking water and has determined that the presence of microbiological contaminants in water is a health concern at certain levels of exposure. If water is treated inadequately, microbiological contaminants in that water may cause disease. Symptoms may include diarrhea, cramps, nausea and jaundice, and any associated headaches and fatigue. These symptoms, however, are not only associated with disease-~~

~~causing organisms in drinking water but also may be caused by a number of factors other than your drinking water. The United States Environmental Protection Agency has set standards for treating drinking water to reduce the risk of these adverse health effects. Treatment such as filtering and disinfecting the water removes or destroys microbiological contaminants. Drinking water that is treated to meet these standards is associated with little to none of this risk and should be considered safe.]~~

Sec. 49. NAC 445A.607 is hereby amended to read as follows:

445A.607 For the purposes of NRS 445A.895:

1. “Available” means:

- (a) In sufficient supply of water and storage facilities to accommodate the anticipated demand; and
- (b) From a supplier who has issued a letter stating that it will service the anticipated demand.

2. “Satisfactorily serving the needs of its users” means providing service which is in compliance with NAC 278.410, 445A.450 to 445A.492, inclusive, and 445A.65505 to 445A.6731, inclusive ~~[.]~~, *and sections 13, 14 and 15 of this regulation.*

Sec. 50. NAC 445A.610 is hereby amended to read as follows:

445A.610 A permit to operate a water system must require the owner and operator to:

- 1. Comply with the provisions of NRS 445A.800 to 445A.955, inclusive.
- 2. Comply with the provisions of NAC 445A.450 to 445A.492, inclusive, 445A.595 to 445A.614, inclusive, and 445A.65505 to 445A.6731, inclusive ~~[.]~~, *and sections 13, 14 and 15 of this regulation.*
- 3. Report any changes in operations, ownership, facilities, maintenance or management to the Health Division.

4. Comply with any other limitations or conditions placed on the owner or operator by the Health Division.

Sec. 51. NAC 445A.65505 is hereby amended to read as follows:

445A.65505 As used in NAC 445A.65505 to 445A.6731, inclusive, *and sections 13, 14 and 15 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 445A.6551 to 445A.6661, inclusive, *and sections 13, 14 and 15 of this regulation* have the meanings ascribed to them in those sections.

Sec. 52. NAC 445A.65555 is hereby amended to read as follows:

445A.65555 “Approved backflow testing laboratory” means:

1. The Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California; or

2. Any other person or entity who the *Division or the appropriate district board of health [authority]* determines:

(a) Is competent and possesses the necessary facilities to investigate and evaluate assemblies for the prevention of backflow;

(b) Adheres to the procedures for testing and certification set forth in the *American Water Works Association Standards [§], as adopted by reference in NAC 445A.6663*; and

(c) Is independent of any manufacturers of assemblies for the prevention of backflow.

Sec. 53. NAC 445A.65795 is hereby amended to read as follows:

445A.65795 “Contamination” means an impairment of water quality by chemical substances or biological organisms which the *Division or the appropriate district board of health [authority]* determines to be sufficient to create a risk or threat to the public health.

Sec. 54. NAC 445A.65825 is hereby amended to read as follows:

445A.65825 “Determined to be compatible with drinking water” means that a product is determined to be compatible with drinking water through:

1. Certification of the product by its manufacturer, after the product has been tested in accordance with Standard 14, 42, 44, 53, 54, 55, 58, 60 or 61, as appropriate, ~~[of the American National Standards Institute and the National Sanitation Foundation International;]~~ *as adopted by reference in NAC 445A.6663;*
2. Compliance of the materials in the product with 21 C.F.R § 177.2420 ~~[;]~~, *as adopted by reference in NAC 445A.6663;* or
3. Certification of the product by an independent laboratory approved by the *Division or the appropriate district board of health* . ~~[authority;]~~

Sec. 55. NAC 445A.6583 is hereby amended to read as follows:

445A.6583 “Disinfection” means:

1. The introduction of chlorine or another chemical oxidant, or of another agent approved by the *Division or the appropriate district board of health* , ~~[authority;]~~ in such a concentration and for such a period of contact as is sufficient to kill or inactivate pathogenic or indicator microbiological organisms; or
2. The performance of another process approved by the *Division or the appropriate district board of health* ~~[authority]~~ in such a manner as to kill or inactivate pathogenic or indicator microbiological organisms.

Sec. 56. NAC 445A.6585 is hereby amended to read as follows:

445A.6585 “Division of Environmental Protection” ~~[means]~~ *and “Division” mean* the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Sec. 57. NAC 445A.65925 is hereby amended to read as follows:

445A.65925 “Finished water” means water that has been treated or otherwise developed in a manner that complies with NAC 445A.450 to 445A.540, inclusive, and 445A.65505 to 445A.6731, inclusive ~~[H]~~, *and sections 13, 14 and 15 of this regulation.*

Sec. 58. NAC 445A.6603 is hereby amended to read as follows:

445A.6603 “Groundwater under the direct influence of surface water” means any water beneath the surface of the ground that the ~~[Health]~~ Division *or the appropriate district board of health* has determined to have:

1. A significant occurrence of insects or other macroorganisms;
2. Algae or large-diameter pathogens such as *Giardia lamblia* or *Cryptosporidium* spp.; or
3. Significant and rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH which closely parallel climatic or surface water conditions.

Sec. 59. NAC 445A.6623 is hereby amended to read as follows:

445A.6623 “Pollution” means an alteration of the chemical, physical, biological or radiological integrity of water that:

1. Impairs the quality of the water to such an extent that the impairment adversely and unreasonably affects those aesthetic qualities which would have made the water desirable for domestic use; and
2. Does not impair the quality of the water to such an extent that the *Division or the appropriate district board of health* ~~[authority]~~ determines that the impairment creates a risk or threat to the public health.

Sec. 60. NAC 445A.66585 is hereby amended to read as follows:

445A.66585 “Water project” means the initial construction, or any renovation, modification or expansion, of:

1. Each portion of a public water system that begins operation after February 20, 1997; or
2. Each portion of a public water system that began operation on or before February 20, 1997, if the portion of the public water system is involved in:
 - (a) The collection, pumping, treatment, storage or distribution of water; or
 - (b) The boosting, sustaining or reducing of water pressure,

↳ except any construction, renovation, modification or expansion approved by ~~the health authority~~ *the Health Division, the appropriate district board of health* or other appropriate governmental entity before February 20, 1997.

Sec. 61. NAC 445A.66615 is hereby amended to read as follows:

445A.66615 The purposes of NAC 445A.65505 to 445A.6731, inclusive, *and sections 13, 14 and 15 of this regulation* are to:

1. Provide the public with reasonable assurance that its water is satisfactory for consumption and for ablutionary and culinary purposes;
2. Protect the public health and welfare by ensuring that water is developed, treated, stored and distributed in a safe manner;
3. Ensure a reliable supply of water;
4. Prevent the potential pollution or contamination of a public water system as a result of backpressure or backsiphonage;
5. Provide for the use of components in a public water system that are designed and constructed in accordance with accepted engineering principles, standards and practices; and

6. Protect the public investment in its infrastructure for the provision of water by public utilities.

Sec. 62. NAC 445A.6662 is hereby amended to read as follows:

445A.6662 1. Except as otherwise provided in subsection 2, the provisions of NAC 445A.65505 to 445A.6731, inclusive, *and sections 13, 14 and 15 of this regulation* apply to every public water system in this State.

2. Except for water projects performed after February 20, 1997, NAC 445A.65505 to 445A.6731, inclusive, *and sections 13, 14 and 15 of this regulation* do not apply to a public water system which the ~~[Health]~~ Division *or the appropriate district board of health* determines, based on a sanitary survey and past performance, to be safe and not subject to pollution or contamination as a result of the location, protection, construction, operation or maintenance of that public water system.

Sec. 63. NAC 445A.66625 is hereby amended to read as follows:

445A.66625 If any of the provisions of NAC 445A.65505 to 445A.6731, inclusive, *and sections 13, 14 and 15 of this regulation*, or any application of those provisions to any person, thing or circumstance is declared invalid, it is intended that such invalidity not affect the remaining provisions or applications to the extent that they can be given effect.

Sec. 64. NAC 445A.66635 is hereby amended to read as follows:

445A.66635 The ~~[Health]~~ Division shall not issue or renew any permit to operate a public water system or, except as otherwise provided in subsection 2 of NAC 445A.6669, review plans to construct, modify or expand such a system until the fees prescribed in NAC 445A.6664 have been paid.

Sec. 65. NAC 445A.6664 is hereby amended to read as follows:

445A.6664 1. The ~~Health~~ Division shall charge and collect fees for its service, as follows:

(a) Except as otherwise provided in subsection 2 of NAC 445A.6669, for reviewing an application for a permit to construct, modify or expand a public water system:

(1) If the public water system is a community water system:

(I) For reviewing on-site or off-site improvement plans for the construction of a new community water system within an existing subdivision or for a new subdivision or for the modification or expansion of an existing community water system within an existing subdivision. \$250

Plus \$3 for each connection for supply of water to customers.

(II) For reviewing plans to construct, modify or expand a community water system which is not part of a subdivision. 300

(III) For reviewing plans to construct, modify or expand a treatment facility of a community water system. 0.1 percent of the capital cost of the treatment facility, not to exceed \$3,250

(2) If the public water system is not a community water system, for reviewing any plans to construct, modify or expand the public water system. 200

(b) For issuing an annual permit to operate a public water system:

(1) If the system is a community water system:

Number of connections for service to customers

25 or less	\$225
26-3,000.....	225
	Plus 75 cents for each connection for service between 26 and 3,000 connections.
3,001-10,000.....	2,500
	Plus 60 cents for each connection for service between 3,001 and 10,000 connections.
10,001-50,000.....	6,700
	Plus 25 cents for each connection for service between 10,001 and 50,000 connections.
50,001-100,000.....	16,700
	Plus 10 cents for each connection for service between 50,001 and 100,000 connections.
over 100,000.....	21,700

(2) If the system is not a community water system and regularly serves at least 25 of the same persons for more than 6 months per year225

(3) If the system is not a community water system or a public water system that serves at least 25 of the same persons for more than 6 months per year100

(c) Except as otherwise provided in subsection 2, for issuing an annual permit to operate a treatment facility based on the capacity of the treatment facility as follows:

(1) Less than 500,000 gallons per day.....\$150

- (2) At least 500,000 gallons per day but less than 1 million gallons per day250
- (3) At least 1 million gallons per day but less than 5 million gallons per day1,500
- (4) At least 5 million gallons per day but less than 10 million gallons per day2,000
- (5) At least 10 million gallons per day but less than 50 million gallons per day3,000
- (6) At least 50 million gallons per day but less than 100 million gallons per day4,000
- (7) At least 100 million gallons per day or more7,500

2. An applicant for a permit to operate a treatment facility that only provides treatment related to chlorination is not required to pay the fees set forth in paragraph (c) of subsection 1.

3. As used in this section:

(a) “Capital cost of the treatment facility” means the cost estimated by an engineer to construct, modify or expand the treatment facility.

(b) “Community water system” means a public water system which:

- (1) Has at least 15 service connections used by residents for an entire year; or
- (2) Regularly serves at least 25 residents for an entire year.

Sec. 66. NAC 445A.66645 is hereby amended to read as follows:

445A.66645 1. A person who has reason to believe that an action taken by the ~~Health~~ Division *or the appropriate district board of health*, pursuant to NAC 445A.65505 to 445A.6731, inclusive, *and sections 13, 14 and 15 of this regulation* is incorrect or based on inadequate knowledge may obtain an administrative review of the matter only as provided in this section.

2. The aggrieved person may, not later than 10 working days after receiving notice of the action, request an informal discussion with the employee responsible for the action and his immediate supervisor.

3. If the informal discussion does not resolve the problem, the aggrieved person may, not later than 10 working days after the date scheduled for the informal discussion, request an informal conference by submitting a letter to the Bureau of ~~Health Protection Services~~ *Safe Drinking Water* of the ~~Health~~ Division requesting the conference. The informal conference must be held within 60 days after the Bureau receives the letter at a place, date and time mutually agreed upon by the aggrieved person, *the appropriate district board of health* and the Bureau. Except as otherwise provided in subsections ~~[3 and 4,]~~ *4 and 5*, the informal conference is the final administrative hearing on the matter.

4. If the informal conference does not resolve the problem and the action taken by the ~~Health~~ Division *or the appropriate district board of health* consisted of:

- (a) The denial of an application for a permit;
- (b) The suspension or revocation of a permit; or
- (c) The modification of or refusal to modify a permit,

↪ the aggrieved person may request a hearing pursuant to ~~[NAC 439.190.]~~ *NRS 445A.610. The request must be submitted in writing to the Commission not more than 10 days after the date on which the person received notice of the determination by the Division or the appropriate district board of health.*

5. The Bureau of ~~Health Protection Services~~ *Safe Drinking Water* may waive any of the provisions of subsections 1 to 4, inclusive. The Bureau shall provide the aggrieved person with written notice of any waiver it grants pursuant to this subsection regarding his grievance.

Sec. 67. NAC 445A.6665 is hereby amended to read as follows:

445A.6665 The ~~Health~~ Division, *or the appropriate district board of health with the concurrence of the Division*, may grant a supplier of water a special exception from any of the

provisions of NAC 445A.65505 to 445A.6731, inclusive, *and sections 13, 14 and 15 of this regulation* if the special exception:

1. Is justified by an engineer;
2. Involves an advance in technology, improvement in materials, or alternative method of construction or operation that will not be detrimental to the public health; and
3. Will not conflict with the provisions of NAC 445A.66615.

Sec. 68. NAC 445A.66655 is hereby amended to read as follows:

445A.66655 1. A supplier of water and, where applicable, each customer of a public water system shall comply with the provisions of NAC 445A.65505 to 445A.6731, inclusive ~~§~~, *and sections 13, 14 and 15 of this regulation.*

2. A supplier of water:

(a) Is responsible for the quality and quantity of water delivered to its customers and shall provide a safe and reliable supply of water to all of the customers in its area of service.

(b) Shall not provide any customer with a service connection to the public water system unless the public water system is in compliance with the applicable provisions of NAC 445A.65505 to 445A.6731, inclusive, *and sections 13, 14 and 15 of this regulation* both before and after the service connection is provided.

3. A supplier of water who issues a commitment for water service and, after issuing that commitment, is physically unable to comply with the applicable requirements of NAC 445A.65505 to 445A.6731, inclusive, *and sections 13, 14 and 15 of this regulation* under all conditions other than emergencies, commits a violation subject to the provisions of NRS 445A.950 and 445A.955.

Sec. 69. NAC 445A.6666 is hereby amended to read as follows:

445A.6666 If a subdivision is proposed to be located in the area of service of a public water system, the *Division or the appropriate district board of health* ~~[authority]~~ shall not approve:

1. A tentative map for the proposed subdivision unless the *Division or the appropriate district board of health* ~~[authority]~~ receives an acknowledgment of water service for the proposed subdivision.

2. A final map for the proposed subdivision unless:

(a) The *Division or the appropriate district board of health* ~~[authority]~~ receives:

(1) A commitment for water service for the proposed subdivision; and

(2) If the public water system is an existing public water system, a copy of the plan prepared pursuant to subsection 3 of NAC 445A.66725.

(b) The plans submitted pursuant to NRS 278.385 for the installation of water meters or other devices to measure water delivered to each user of water in the subdivision provide that the water meters or other devices will be installed in appropriate protective boxes.

Sec. 70. NAC 445A.66665 is hereby amended to read as follows:

445A.66665 ~~[H-]~~ A supplier of water shall:

~~[(a)]~~ **1.** Develop an organized plan of predetermined activities for the public water system to restore its services in the contingency that an emergency, including any failure of power, mechanical or electrical failure or natural disaster, reduces the capability of the public water system to supply the water demanded by its customers within its area of service. The plan must include any actions necessary for responding to any breaks in a water main of the public water system.

~~[(b)]~~ **2.** Submit a copy of the plan to the *Division or the appropriate district board of health* ~~[authority or the county clerk of the county in which the public water system is located].~~

~~—2.— For a public water system that:~~

~~—(a) Began operation on or before February 20, 1997, compliance with subsection 1 is required not later than January 1, 1999.~~

~~—(b) Begins operation after February 20, 1997, compliance with subsection 1 is required]~~ not later than 18 months after the public water system begins operation.

Sec. 71. NAC 445A.6667 is hereby amended to read as follows:

445A.6667 A supplier of water shall prepare a manual of operations and maintenance regarding all of the facilities of the public water system and submit the manual to the *Division or the appropriate district board of* health ~~[authority]~~ for review and approval. The manual must:

1. Describe normal procedures for the operation and maintenance of each facility of the public water system and procedures for use in emergencies.

2. Include any plans required pursuant to NAC 445A.535 or subsection 9 of NAC 445A.66795.

3. Be maintained at each facility of the public water system at all times for use by the operators and other personnel of the facility

Sec. 72. NAC 445A.6668 is hereby amended to read as follows:

445A.6668 A supplier of water may elect to participate in the program of the ~~[Health]~~ Division for the assessment of sources of groundwater for vulnerability to contamination. Pursuant to that program, the ~~[Health]~~ Division may evaluate a source of water used by a public water system and, based upon its determination of the susceptibility of the source to contamination, authorize a reduction in the required frequency for monitoring the water quality of the source for the presence of certain contaminants. The ~~[Health]~~ Division shall base such a determination upon:

1. Any previous results from the monitoring of water quality.
2. The proximity of a source of groundwater to potential sources of contamination.
3. The environmental persistence and potential mobility of any identified contamination.
4. Any policies and procedures that could be carried out to control potential sources of contamination.
5. The potential effects in the worst possible case of a release from a potential source of contamination.
6. The physical features and conditions in place to protect the source of groundwater from potential sources of contamination, including the design and construction of the well, the type of soil and the hydrogeological environment.

Sec. 73. NAC 445A.66685 is hereby amended to read as follows:

445A.66685 1. The design and construction of a public water system must comply with the provisions of:

- (a) NAC 445A.65505 to 445A.6731, inclusive ~~[]~~, *and sections 13, 14 and 15 of this regulation.*
- (b) *The American Water Works Association Standards* ~~[]~~, *as adopted by reference in NAC 445A.6663.*
- (c) Standards 14, 42, 44, 53, 54, 55, 58, 60 and 61 of the American National Standards Institute and ~~[the National Sanitation Foundation]~~ *NSF* International ~~[]~~, *as adopted by reference in NAC 445A.6663.*
- (d) *Recommended Practice for Backflow Prevention and Cross-Connection Control* ~~[]~~, *as adopted by reference in NAC 445A.6663.*

- (e) *Recommended Standards for Water Works* ~~[H]~~, *as adopted by reference in NAC 445A.6663.*
- (f) For public water systems in Carson City, Fallon, Reno, Sparks, Yerington, Douglas County, Lander County, Lyon County, Nye County or Washoe County, *Standard Specifications for Public Works Construction* ~~[H]~~, *as adopted by reference in NAC 445A.6663.*
- (g) For public water systems in Boulder City, Henderson, North Las Vegas, the Big Bend Water District or the Las Vegas Valley Water District, *Uniform Design and Construction Standards for Water Distribution Systems* ~~[H]~~, *as adopted by reference in NAC 445A.6663.*
- (h) *The Uniform Plumbing Code* ~~[H]~~, *as adopted by reference in NAC 445A.6663.*
- (i) Any other engineering standards approved by the ~~[Health]~~ Division.

2. If there is any conflict between any of the provisions described in subsection 1, the most stringent of those provisions prevails.

Sec. 74. NAC 445A.6669 is hereby amended to read as follows:

445A.6669 1. Except as otherwise provided in this section, a supplier of water shall, before commencing a water project:

(a) Submit to the *Division or the appropriate district board of health*, ~~[authority,]~~ with the appropriate fees, an application for approval of the water project that complies with the requirements of NAC 445A.66695;

(b) *Submit any monitoring results, reports or documentation required by section 9 of this regulation for monitoring the quality of the source water and NAC 445A.526 for disinfection profiling and benchmarking; and*

(c) Obtain ~~[the health authority's]~~ a review and *the* written approval of *the Division or the appropriate district board of health for* the water project.

2. ~~[A health authority]~~ *The Division or the appropriate district board of health* may waive the provisions of subsection 1 if:
- (a) The water project is limited to a modification or expansion of a distribution system which:
 - (1) Involves 500 feet or less of the distribution system;
 - (2) Affects not more than 5 percent of the total number of service connections to the public water system; or
 - (3) Increases the total number of service connections to the public water system by not more than 5 percent;
 - (b) The water project otherwise complies with the provisions of NAC 445A.65505 to 445A.6731, inclusive ~~[;]~~, *and sections 13, 14 and 15 of this regulation; and*
 - (c) The supplier of water:
 - (1) Employs or contracts with an engineer to carry out the provisions of NAC 445A.66705 regarding the water project;
 - (2) Submits to the *Division or the appropriate district board of health* ~~[authority]~~ a copy of its manual of operations and maintenance for the public water system; and
 - (3) Submits to the *Division or the appropriate district board of health* ~~[authority]~~ annual reports which:
 - (I) Summarize the status of work on the water project; and
 - (II) Contain maps depicting the distribution system, as it is being built.
3. The provisions of subsection 1 do not apply to any activities necessary for:
- (a) The maintenance of any facilities of a public water system, except for the relining or recoating of storage tanks; or

(b) The repair of any facilities of a public water system in an emergency. The supplier of water shall notify the *Division or the appropriate district board of health* [authority] immediately, by telephone, when an emergency exists that threatens the quality of water.

Sec. 75. NAC 445A.66695 is hereby amended to read as follows:

445A.66695 An application for approval of a water project must contain:

1. Complete plans for the water project, including the details of any improvements to be made and all work to be performed on-site.
2. Complete specifications to supplement the plans for the water project.
3. A design report that:
 - (a) Describes the water project and basis for design of the water project;
 - (b) Provides the criteria for design, data and other pertinent information defining the water project; and
 - (c) Establishes the adequacy of the proposed water project to meet the needs of the public water system.
4. Chemical, physical, bacteriological and radiological analyses of any new sources of water which are proposed to be used, which:
 - (a) Are conducted by a properly certified laboratory; and
 - (b) Indicate that the water complies with the provisions of NAC 445A.450 to 445A.492, inclusive.
5. The requirements for fire flow and fire demand.
6. Any other pertinent information required by the *Division or the appropriate district board of health* [authority] to evaluate the application.

Sec. 76. NAC 445A.6671 is hereby amended to read as follows:

445A.6671 1. ~~[A health authority]~~ *The Division or the appropriate district board of health* shall not approve a water project unless the application for approval of the water project demonstrates that the water project will comply with the applicable provisions of NAC 445A.65505 to 445A.6731, inclusive ~~[]~~, *and sections 13, 14 and 15 of this regulation.*

2. Approval of a water project is effective for 1 year, except that ~~[a health authority]~~ *the Division or the appropriate district board of health* may extend this period in 1-year increments if:

(a) Work is being performed on the water project; and

(b) The *Division or the appropriate district board of health* ~~[authority]~~ receives a schedule of work and periodic updates on the progress of the water project.

3. ~~[A health authority]~~ *The Division or the appropriate district board of health* shall revoke its approval of a water project if work on the water project:

(a) Does not commence within 1 year after the approval of the water project becomes effective; or

(b) Ceases for a continuous period of 1 year.

Sec. 77. NAC 445A.66715 is hereby amended to read as follows:

445A.66715 1. Work on a water project must be:

(a) Performed in substantial compliance with the plans and specifications approved for the water project by the *Division or the appropriate district board of health* . ~~[authority.]~~ Approval of the *Division or the appropriate district board of health* ~~[authority]~~ is required before carrying out any proposed changes in materials, equipment, quantities, configurations or processes, and before any additions or deletions of infrastructure, which would affect the quality or quantity of water.

(b) Inspected by qualified representatives of the supplier of water.

2. Within 30 days after the completion of a water project, the supplier of water shall certify to the *Division or the appropriate district board of health* [authority] that the water project was completed in substantial compliance with the plans and specifications approved for the water project by the *Division or the appropriate district board of health* . [authority.]

Sec. 78. NAC 445A.6672 is hereby amended to read as follows:

445A.6672 A supplier of water for an existing public water system shall:

1. Ensure that the public water system maintains a sufficient capacity for the development and treatment of water, and a storage capacity of sufficient quantity, to satisfy the requirements of all users of the public water system under the conditions of maximum day demand and peak hour demand.

2. Ensure that the residual pressure in the distribution system is:

(a) At least 20 psi during conditions of fire flow and fire demand experienced during maximum day demand;

(b) At least 30 psi during peak hour demand; and

(c) At least 40 psi during maximum day demand.

↪ Unless otherwise justified by an engineer and approved by the *Division or the appropriate district board of health* , [authority.] high head losses must be avoided by maintaining normal water velocities at approximately 8 feet per second during all conditions of flow other than fire flow.

3. If the public water system relies exclusively on water wells as its source of water, ensure that the total capacity of the system is sufficient to meet:

(a) The maximum day demand, fire flow and fire demand when all the facilities of the system are functioning; or

(b) The average day demand, fire flow and fire demand when the most productive well of the system is not functioning,

↳ whichever is greater. When computing total capacity for this purpose, credit must be given for any storage capacity.

4. Ensure that water projects are completed in such a manner as to meet the actual maximum day demand, peak hour demand, fire flow and fire demand for developments of property in the area of service of the public water system.

Sec. 79. NAC 445A.66725 is hereby amended to read as follows:

445A.66725 A supplier of water for an existing public water system shall:

1. Determine the total capacity of the public water system through engineering analyses that use historical data or other guidelines or parameters accepted by the engineering profession and, upon request, submit documentation of that capacity to the *Division or the appropriate district board of health* . ~~[authority.]~~ When analyzing the total capacity of the public water system with regard to requirements for maximum day demand, only the alternative pumping capacity and the storage capacity of the public water system may be considered as sources of supply.

2. When assessing the total capacity of the public water system and the need for water projects to meet future commitments, use a network hydraulic analysis of the public water system. The analysis must be prepared by an engineer.

3. Prepare a plan for the timely completion of any water projects required to meet the anticipated needs of developers of property within the area of service of the public water system

and, upon request, provide a copy of the plan to the *Division or the appropriate district board of health* . ~~[authority.]~~

4. Maintain:

(a) A current list of the users of the public water system.

(b) A copy of each pending acknowledgment of water service it has issued.

5. Provide to the *Division or the appropriate district board of health* , ~~[authority.]~~ upon request and at no charge, any data, technical information or engineering analyses or reports necessary to determine the acceptability of any technologies, processes, products, facilities or materials associated with the design, construction, operation or maintenance of the public water system.

Sec. 80. NAC 445A.66735 is hereby amended to read as follows:

445A.66735 1. A supplier of water for a new public water system shall ensure that, except as otherwise justified by an engineer and approved by the *Division or the appropriate district board of health* ~~[authority]~~ pursuant to subsection 2, the public water system's capacity for the development and treatment of water, whether surface water or groundwater, or both, is sufficient to provide, when the demand for water in the area of service of the system is:

(a) Not more than 100 residential equivalents, at least 2 gallons per minute per residential equivalent for metered systems and 2.5 gallons per minute per residential equivalent for unmetered systems.

(b) More than 100 but not more than 250 residential equivalents, at least 1.5 gallons per minute per residential equivalent for metered systems and 2 gallons per minute per residential equivalent for unmetered systems.

(c) More than 250 but not more than 500 residential equivalents, at least 1.2 gallons per minute per residential equivalent for metered systems and 1.7 gallons per minute per residential equivalent for unmetered systems.

(d) More than 500 residential equivalents, at least 1 gallon per minute per residential equivalent for metered systems and 1.5 gallons per minute per residential equivalent for unmetered systems.

2. The *Division or the appropriate district board of* health [authority] may, after evaluation on a case-by-case basis, revise the minimum requirements set forth in subsection 1 when an area of service involves unique circumstances or applications of water, including an area of service that contains mines or large residential lots or has extraordinary industrial, institutional, commercial or other nonresidential needs.

Sec. 81. NAC 445A.6674 is hereby amended to read as follows:

445A.6674 Except as otherwise provided in NAC 445A.66755:

1. A supplier of water shall ensure that:

(a) An existing public water system maintains a storage capacity that, as determined by an engineer on the basis of historical data, accepted engineering judgment and a network hydraulic analysis, is sufficient to ensure that the total capacity of the public water system will meet current and anticipated demands for water while maintaining the pressures indicated in NAC 445A.6711.

(b) A new public water system maintains a storage capacity that is sufficient to provide the amount of water required for sufficient operating storage, emergency reserve and fire demand.

2. Storage requirements for fire demand must be calculated according to the requirements of the fire authority. The *Division or the appropriate district board of* health [authority] shall

evaluate the design of a public water system based upon appropriate documentation of those requirements.

3. A supplier of water for an existing public water system shall ensure that the total storage capacity and capacity of booster pumps for each zone of pressure in the distribution system are sufficient to meet the maximum day demand within that zone. Water stored in a higher zone of pressure may be provided to serve a lower zone of pressure if:

- (a) An appropriate pressure regulator is installed between the zones; and
- (b) The requirements for the higher zone of pressure are not compromised.

Sec. 82. NAC 445A.66745 is hereby amended to read as follows:

445A.66745 Except as otherwise provided in NAC 445A.66755:

1. An existing public water system must maintain an operating storage in such an amount as an engineer determines, based upon historical data and the system's capacity for the development and treatment of water, to be sufficient for the system to meet requirements for maximum day demand.

2. A new public water system must, except as otherwise justified by an engineer and approved by the *Division or the appropriate district board of health*, ~~authority,~~ maintain an operating storage equal to 700 gallons for each residential equivalent in the area of service of a metered system and 1,225 gallons for each residential equivalent in the area of service of an unmetered system.

Sec. 83. NAC 445A.6676 is hereby amended to read as follows:

445A.6676 1. The development or treatment of a source of water for a public water system must comply with the applicable provisions of:

- (a) NAC 445A.66765 to 445A.6696, inclusive; and

(b) NAC 445A.495 to 445A.540, inclusive.

2. An engineer who designs such a project shall demonstrate to the *Division or the appropriate district board of* health **[authority]** that:

(a) Any source of water selected for development contains a sufficient quantity of available water to ensure that the total capacity of the public water system is adequate; and

(b) Any water intended to be supplied to users of the public water system will meet the standards set forth in NAC 445A.450 to 445A.492, inclusive, for microbiological, physical, chemical and radiological quality.

3. A supplier of water shall, within any applicable economic, technical and legal limitations, obtain water from the best source available.

Sec. 84. NAC 445A.66765 is hereby amended to read as follows:

445A.66765 1. Treatment facilities must be capable of producing water that complies with the requirements of NAC 445A.450 to 445A.492, inclusive. If a treatment facility is designed to meet primary standards, the facility must use the best available technology to attain that purpose. If a supplier of water proposes to meet secondary standards by using point-of-entry treatment devices or point-of-use treatment devices, or both, the proposal must be reviewed and approved by the *Division or the appropriate district board of* health **[authority]** before it is carried out.

2. Before a supplier of water selects a design for a treatment facility, it shall cause an engineer to conduct an investigation to determine the physical, chemical, microbiological and radiological characteristics of the raw water to be treated. The investigation must include:

(a) A determination of any seasonal variations in the quality of the raw water; and

(b) A sanitary survey of the relevant portions of the public water system in this State, to identify potential sources of contamination that could affect the quality of the water at its source, at any impoundments of the water and at any facilities for the delivery of the water.

Sec. 85. NAC 445A.6677 is hereby amended to read as follows:

445A.6677 1. A supplier of water shall, before using a treatment facility:

(a) Submit to the *Division or the appropriate district board of health* ~~authority~~ the information regarding the design of the facility set forth in subsection 2; and

(b) Obtain ~~the health authority's~~ a review and *the* written approval of the design of the facility ~~from the Division or the appropriate district board of health.~~

2. ~~The~~ *In addition to any requirements specified in section 9 of this regulation, the* information required pursuant to subsection 1 includes:

(a) The range of the quality of water to be treated at the facility.

(b) The results of any relevant pilot studies.

(c) A schematic diagram of the facility.

(d) The critical criteria for the design of the facility, including, without limitation, the average day demand, maximum day demand, peak hour demand, rates of loading and backwashing, rates for the feeding of chemicals and capability for handling solids.

(e) Detailed plans and specifications for the facility.

(f) Verification that the materials to be used in the facility are determined to be compatible with drinking water.

(g) Any other information the *Division or the appropriate district board of health* ~~authority~~ determines necessary to complete its review.

Sec. 86. NAC 445A.66775 is hereby amended to read as follows:

445A.66775 A supplier of water shall:

1. Before plans and specifications are prepared for a treatment facility, consult with the *Division or the appropriate district board of health* [authority] regarding the selection of a site for the facility; and

2. When selecting such a site, consider the applicable topography and conditions of the soil and any potential hazards from earthquake, fire, flood and other causes.

Sec. 87. NAC 445A.6678 is hereby amended to read as follows:

445A.6678 A supplier of water shall, before a treatment facility is designed, consult with the *Division or the appropriate district board of health* [authority] regarding the amount of redundancy the *Division or the appropriate district board of health* [authority] will determine is necessary for the facility. The *Division or the appropriate district board of health* [authority] shall base that determination upon the number of connections to be served, the availability of other sources of water acceptable to the *Division or the appropriate district board of health* [authority] and the capability of the public water system to control the use of water.

Sec. 88. NAC 445A.66785 is hereby amended to read as follows:

445A.66785 A treatment facility must:

1. Be designed in such a manner as to ensure:
 - (a) The reliable operation of the facility; and
 - (b) That the public water system can meet its current demands for water.
2. Except as otherwise specifically allowed by the *Division or the appropriate district board of health* : [authority:]

(a) Ensure that at any time the facility is the sole source of water for the public water system, the total capacity of the system is sufficient to meet the maximum day demand, peak hour demand and fire flow for the area of service of the system.

(b) Include at least two devices each for pumping, mixing chemicals, flocculation, sedimentation, filtration and disinfection.

(c) Be constructed in such a manner as to allow individual devices required pursuant to paragraph (b) to be taken out of service without disrupting the operation of the facility.

(d) Have drains and pumps of such a size as to allow the removal of water within a reasonable time.

(e) Have a standby source of power available to allow the operation of essential functions when the regular source of power fails.

(f) When filtration is used, discharge filtered water after backwashing into a system for waste.

(g) If the facility does not have a person present on a 24-hour basis, include a device that automatically shuts off the facility when the facility is not operating properly.

Sec. 89. NAC 445A.66795 is hereby amended to read as follows:

445A.66795 If the design of a treatment facility includes the application of chemicals, a supplier of water shall submit to the *Division or the appropriate district board of health* ~~authority~~ with the information required pursuant to NAC 445A.6677:

1. Descriptions of the equipment for feeding the chemicals, including the minimum and maximum rates of feeding.
2. A description of the location of the feeders, layout of piping and points of application.
3. A description of the facilities for the storage and handling of the chemicals.

4. Specifications for the chemicals to be used.
5. A description of the procedures for operation and control, including proposed rates of application.
6. Descriptions of the testing equipment and monitoring procedures to be used.
7. The results of any chemical, physical or biological tests, and any other tests, performed to determine the optimum chemical treatment.
8. A description of the assemblies for the prevention of backflow proposed to be used for protection against cross-connections.
9. A plan for the safety of persons operating the facility which conforms to any applicable state or federal requirements for occupational safety and health.

Sec. 90. NAC 445A.66805 is hereby amended to read as follows:

445A.66805 In a treatment facility:

1. Each chemical used for the treatment of water must be determined to be compatible with drinking water.
2. Containers for the shipping of chemicals must be labeled in such a manner as to include:
 - (a) The name, purity, concentration and date of manufacture of each chemical.
 - (b) The name and address of the supplier of the chemical.
 - (c) Any other information required by any applicable state or federal statutes or regulations for occupational safety and health.
3. Storage space for chemicals must:
 - (a) Be adequate for the storage of a sufficient supply of chemicals. Unless the *Division or the appropriate district board of* health ~~[authority]~~ determines that the availability of alternative

supplies of chemicals warrants otherwise, a supplier of water shall maintain at least a 30-day supply of chemicals.

- (b) Be adequate for the convenient and efficient handling and delivery of chemicals.
- (c) Maintain conditions of dry storage.
- (d) Provide adequate ventilation.

Sec. 91. NAC 445A.66825 is hereby amended to read as follows:

445A.66825 1. In addition to any disinfection required pursuant to NAC 445A.526, a supplier of water shall provide for the continuous disinfection, in accordance with NAC 445A.66825 to 445A.6685, inclusive, of any groundwater used by the public water system which:

- (a) Does not comply with primary standards;
- (b) Is obtained from a well that is located or constructed in a manner that varies from the requirements of NAC 445A.65505 to 445A.6731, inclusive ~~[H]~~, *and sections 13, 14 and 15 of this regulation;* or
- (c) Is distributed through a distribution system that is constructed in a manner that varies from the requirements of NAC 445A.65505 to 445A.6731, inclusive ~~[H]~~, *and sections 13, 14 and 15 of this regulation.*

2. A supplier of water shall:

- (a) Locate any facilities for disinfection in such a manner that the facilities are accessible throughout the entire year.
- (b) Provide adequate housing for equipment used for disinfection and for the storage of disinfectants.

3. If a supplier of water proposes to use any disinfectants other than chlorine, including iodine, ozone, chlorine dioxide, chloramines or ultraviolet light, the supplier of water shall, before preparing the final plans and specifications for the facility, submit the proposal to and obtain the approval of the ~~[health authority.]~~ *Division or the appropriate district board of health. If chlorine dioxide, ultraviolet light or ozone is used for inactivation of Giardia lamblia cysts, viruses or Cryptosporidium, the disinfection practice must comply with the standards for disinfection set forth in NAC 445A.526.*

4. Chloramines may be used as a secondary disinfectant to maintain an effective residual of disinfectant in a distribution system only if the *Division or the appropriate district board of health*, ~~[authority,]~~ after conducting an evaluation of each proposal for such a use on a case-by-case basis, determines that chloramines are suitable for that use.

Sec. 92. NAC 445A.6683 is hereby amended to read as follows:

445A.6683 If chlorine is used for the disinfection of water:

1. The disinfection must be accomplished with liquefied or gaseous chlorine, calcium hypochlorite or sodium hypochlorite.
2. The supplier of water shall use chlorinators that:
 - (a) Feed chlorine into solution by gas or feed hypochlorite by positive displacement or erosion;
 - (b) Are determined to be compatible with drinking water; and
 - (c) Are designed in a manner which ensures that a chlorine residual of not less than 0.05 mg/l is maintained at all times and at all locations in the distribution system.
3. The supplier of water shall provide and maintain a kit of spare parts for all chlorinators which is adequate for the repair of any parts that are subject to wear and breakage. If the supplier

of water does not have the ability to repair chlorinators in an expeditious manner, he must provide a complete backup set of equipment for chlorination.

4. The application of chlorine must be by automatic control, except that manual control may be used where a system for chlorination only treats water of reasonably constant flow and quality. If the application of chlorine is by automatic control:

(a) Flow proportional control must be used where the quality of the water is reasonably constant and the rate of flow is not reasonably constant; and

(b) Residual flow control must be used under other conditions.

5. The chlorine must be applied:

(a) Continuously at a point in such a manner that, based on the pH, temperature and biological quality of the water, the presence in the water of any ammonia or substances that produce taste or odor, and any other pertinent factors, will provide for the maximum period of contact and maximum mixing. Where necessary, appropriate baffles or methods of blending must be provided.

(b) In a manner that minimizes the formation of chloro-organic compounds that are significant to the public health.

(c) If groundwater is being treated, by applying the chlorine at the wellhead, an inlet for a storage tank or a pipeline in a manner that will provide an adequate period of contact to inactivate enteric viruses and kill bacteria, parasites and other pathogens.

6. The piping for chlorinators must be designed in such a manner as to prevent contamination of the supply of treated water by water of uncertain or nonpotable quality. Unless otherwise approved by the *Division or the appropriate district board of health*, [authority,] only finished water may be used in a chlorinator.

7. The supplier of water shall:

(a) Provide equipment for testing chlorine residual which is capable of:

(1) Performing the procedures identified in *Standard Methods for the Examination of Water and Wastewater* ~~[§]~~, *as adopted by reference in NAC 445A.6663*; and

(2) Measuring chlorine residual to the nearest 0.05 mg/l or 0.05 ppm.

(b) If surface water is chlorinated, provide automatic recorders of chlorine residual.

Sec. 93. NAC 445A.6684 is hereby amended to read as follows:

445A.6684 1. Except as otherwise justified by an engineer and approved by the *Division or the appropriate district board of health*, ~~[authority,]~~ gaseous chlorine or equipment for the use of gaseous chlorine must not be located in a building where there are any living quarters.

2. Cylinders of gaseous chlorine:

(a) Must not be stored in areas where they are exposed to direct sunlight or are readily accessible to unauthorized persons.

(b) Must be isolated from the operating areas of a public water system and anchored or otherwise restrained, through the use of a chain or other device, to prevent their falling over. A valve stem wrench or valve handle must be maintained on each cylinder so that the supply of gaseous chlorine can be shut off quickly in the case of an emergency. The valve protection hood must be kept in place except when a cylinder is in operation.

Sec. 94. NAC 445A.66845 is hereby amended to read as follows:

445A.66845 In a facility of a public water system where gaseous chlorine is used for the disinfection of water:

1. The chlorinator, the cylinders of gaseous chlorine and a scale or other device suitable for determining the amount of gaseous chlorine contained in each cylinder must be kept above grade in a separate, reasonably gastight and corrosion-resistant room where:

(a) No ammonia is stored; and

(b) Any openings to the remainder of the facility are sealed.

2. The chlorine room must be provided with screened vents near the floor which terminate outdoors through a reasonably gastight duct at a point which is not less than 8 feet above the surrounding grade and where gaseous chlorine will not sink into spaces below the surface of the ground. Mechanical ventilation must be used. The exhaust system must be capable of providing not less than one air change per minute in the room.

3. The door to the chlorine room must open outward to the exterior of the building and be equipped with a push bar for quick exit. The room must be equipped with a latch that locks by key in such a manner that the key can be inserted in the lock outside of the door to the room. The room must be locked at all times except when personnel are inside.

4. A shatter-resistant window must be provided in the wall or door of the chlorine room. The window must provide a clear and unobstructed view of the inside of the room and be not less than 256 square inches in size. Adequate artificial illumination must be provided to allow the observation and maintenance of the equipment in the room.

5. Switches for the operation of the exhaust fan and the artificial illumination must be located on the outside of the chlorine room.

6. The floor area of the chlorine room must be of adequate size to house the chlorinator, cylinders, scale and any appurtenances.

7. The device for feeding chlorine must be designed in such a manner that during accidents or interruptions in the supply of water, or a break in the system, the feeder positively and automatically shuts off the supply of gaseous chlorine and vents any leaking gas outside of the chlorine room at a safe point of discharge. Feed lines must not carry any pressurized gas outside the room. The room must be equipped with a properly functioning device for detecting any leakage of gaseous chlorine which is acceptable to the *Division or the appropriate district board of health [authority]* and which includes an audible and visual alarm and a telemetric device that automatically dials the telephone number of a responsible person. A leakage test kit, consisting of a 56-percent solution of ammonia and a sponge swab, must also be provided and used.

8. The chlorinator must be of a solution-feed type which is designed to prevent backflow and capable of delivering chlorine at its maximum rate without releasing gaseous chlorine into the chlorine room. Pressure relief valves must discharge to the outside atmosphere in a safe area.

9. The temperature in the chlorine room must not fall below 55°F or the temperature that the manufacturer of the chlorinator indicates is necessary for the proper operation of the chlorinator, whichever is higher. A means to keep the temperature above that level must be provided. The cylinders must be protected from direct sources of heat. Appropriate measures must be taken to avoid the condensation of chlorine in feed lines and associated equipment that can result when the feeding equipment is cooler than the cylinder.

10. Two self-contained breathing apparatuses, which are designed for use in a chlorine atmosphere and of a type compatible with any applicable requirements of the fire authority and state and federal standards for occupational safety and health, must be located outside of the chlorine room in a closed, unlocked cabinet or similarly secure place. A cylinder of compressed air, for replacement of the cylinders attached to the self-contained breathing apparatuses, and a

record book for recording any use of the apparatuses ~~§~~ must also be kept in the cabinet or similarly secure place.

11. There must be posted:

(a) Outside of the chlorine room, a description of the first-aid measures for treating victims of chlorine exposure and the telephone number of the supplier of the gaseous chlorine.

(b) On the door to the chlorine room, in a location where it is readily visible to any person approaching the door, a sign stating “CAUTION - CHLORINE GAS” and “DANGER.” The telephone numbers of persons to contact in case of a leak or other emergency must be prominently displayed on or near the sign.

Sec. 95. NAC 445A.6686 is hereby amended to read as follows:

445A.6686 ~~[A health authority]~~ *The Division or the appropriate district board of health* may require a supplier of water to establish a redundant capacity for the development and treatment of water if:

1. A water well is the sole source of water for the public water system; and
2. Based upon the remoteness of the facilities, availability of spare parts, access to equipment and other factors in a particular case, the *Division or the appropriate district board of health* ~~[authority]~~ determines that the redundancy is desirable to protect the public health and ensure the availability of safe and reliable drinking water.

Sec. 96. NAC 445A.66865 is hereby amended to read as follows:

445A.66865 1. Before designing and carrying out a proposal for the location of a water well, a supplier of water shall:

(a) Submit to the *Division or the appropriate district board of health* ~~[authority]~~ information on any flood zone that includes the proposed location; and

(b) In consultation with the *Division or the appropriate district board of health* , [authority,] identify all potential sources for the pollution or contamination of groundwater at the proposed location.

2. Except as otherwise justified by an engineer and approved by the *Division or the appropriate district board of health* , [authority,] no water well may be located:

(a) Within 50 feet of a gravity sanitary sewer or gravity storm sewer; or

(b) Within 150 feet of a wastewater force main, wastewater lift station, septic tank or absorption field, or any other source of pollution or contamination.

Sec. 97. NAC 445A.66875 is hereby amended to read as follows:

445A.66875 Before a public water system uses a water well as a source of water, the supplier of water shall submit to the *Division or the appropriate district board of health* [authority] documentation indicating that the supplier of water has a legal right to divert water from the well for municipal, quasi-municipal or domestic purposes.

Sec. 98. NAC 445A.6688 is hereby amended to read as follows:

445A.6688 After the construction of a water well and before the attachment of a permanent pump to the well, the supplier of water shall:

1. Cause a step drawdown test and a constant discharge aquifer test, or another engineering investigation or analysis suitable for determining the characteristics of the well for the production of water, to be performed on the well and submit the results of the tests, investigation or analysis to the *Division or the appropriate district board of health* . [authority,] The supplier of water shall coordinate its activities with the *Bureau of Water Pollution Control of the Division* [~~of Environmental Protection~~] to ensure that any discharge of water resulting from the tests, investigation or analysis will not violate any standards for water quality.

2. Determine the well yield for the well and submit that information to the *Division or the appropriate district board of health* . ~~[authority.]~~

Sec. 99. NAC 445A.66885 is hereby amended to read as follows:

445A.66885 1. After the construction of a water well is completed and before any water from the well is allowed to enter a public water system, the supplier of water shall:

(a) Submit to the *Division or the appropriate district board of health* ~~[authority]~~ a copy of a chemical analysis conducted by a properly certified laboratory which indicates that the water complies with the provisions of NAC 445A.450 to 445A.492, inclusive; and

(b) If the supplier of water proposes to blend, dilute or otherwise treat the water to attain compliance with any of those provisions:

(1) Submit to the *Division or the appropriate district board of health* ~~[authority]~~ a complete description of the proposal, as prepared by an engineer; and

(2) Obtain the approval of the proposal by the *Division or the appropriate district board of health* . ~~[authority.]~~

2. After the construction of any modification or reconditioning of a water well is completed and before the well is placed into service:

(a) The well and any associated pumping equipment must be disinfected in compliance with *American Water Works Association Standard C654* ~~[;]~~, *as adopted by reference in NAC 445A.6663*; and

(b) A satisfactory bacteriological analysis of a sample of the water from the well must be submitted to the *Division or the appropriate district board of health* . ~~[authority.]~~

Sec. 100. NAC 445A.6694 is hereby amended to read as follows:

445A.6694 1. Before commencing the construction of any improvements for the development of a spring as a source of water for a public water system, the supplier of water shall submit to the *Division or the appropriate district board of* health ~~[authority]~~ for its review and approval:

(a) Detailed plans and specifications for the work.

(b) The statement of an engineer indicating the measured or anticipated rate and quantity of flow from the spring.

(c) Documentation that the supplier of water has a legal right to divert water from the spring for municipal, quasi-municipal or domestic purposes.

(d) The results of an analysis of water quality, performed by a properly certified laboratory, which demonstrates that the water complies with the provisions of NAC 445A.450 to 445A.492, inclusive.

(e) A map that shows the location of any source of pollution or contamination in the area and indicates the owner of the land where the source is located.

2. After the development of a spring as a source of water for a public water system, the supplier of water shall submit to the *Division or the appropriate district board of* health : ~~[authority:]~~

(a) A microscopic particulate analysis which shows that the water from the spring is not groundwater under the direct influence of surface water.

(b) Information regarding the rate of flow developed from the spring.

(c) A depiction of the development of the spring as built.

3. Water from a spring must not be introduced into a public water system until the use of the water is approved, in writing, by the *Division or the appropriate district board of health* .

~~[authority]~~

Sec. 101. NAC 445A.66945 is hereby amended to read as follows:

445A.66945 1. If a spring is used as a source of water for a public water system, the supplier of water shall establish a zone of protection for the spring, as determined by technically defensible analyses of the specific conditions of the site, to protect the source of water from the establishment of a source of pollution or contamination. To ensure the availability of that protection, the supplier of water shall:

(a) Execute a written agreement not to locate or permit a source of pollution or contamination within any part of the zone of protection he owns; and

(b) Obtain the written agreement of all other owners of land within the zone of protection not to locate or permit a source of pollution or contamination within the zone of protection.

2. The agreements required by subsection 1 must be binding on all heirs, successors and assigns of the property owners, and:

(a) If the property is not public land, recorded in the office of the county recorder of each county in which the property is located, together with a description of the property. A copy of the recorded instrument must be submitted to the *Division or the appropriate district board of health* ~~[authority]~~ for its review.

(b) If the property is public land, a copy of the written agreement must be submitted to the *Division or the appropriate district board of health* ~~[authority]~~ for its review.

Sec. 102. NAC 445A.6695 is hereby amended to read as follows:

445A.6695 1. Except as otherwise provided in subsection 2, no source of pollution or contamination is allowed within a zone of protection established pursuant to NAC 445A.66945.

2. The *Division or the appropriate district board of health* [authority] may:

(a) Allow sewer lines within the zone of protection, subject to such precautionary conditions as the *Division or the appropriate district board of health* [authority] deems appropriate.

(b) Authorize other exceptions to the provisions of subsection 1 if the *Division or the appropriate district board of health* [authority] determines, after evaluating the particular situation in each case, that there are special circumstances which justify each exception.

Sec. 103. NAC 445A.66955 is hereby amended to read as follows:

445A.66955 Except as otherwise justified by an engineer and approved by the *Division or the appropriate district board of health* , [authority,] a device for the collection of water from a spring which is used as a source of water for a public water system, whether the device consists of collection tile, perforated PVC, infiltration boxes or tunnels, must be:

1. Covered with a minimum of 10 feet of impervious soil cover that extends a minimum of 15 feet in all horizontal directions up gradient from the device for the collection of water; or

2. Where it is impossible to comply with the requirements of subsection 1, covered with an impermeable liner. If an impermeable liner is necessary:

(a) The liner must have a total thickness of at least 12 mils and all seams of the liner must be folded or welded in such a manner as to prevent leakage.

(b) The liner must be determined to be compatible with drinking water.

(c) The liner must be installed in such a manner as to ensure its integrity. There must not be any stones that are 2 inches or more in any dimension, or that have any sharp edges, located within 6 inches of the liner.

(d) A minimum of 2 feet of relatively impervious soil cover must be placed over the liner.

(e) The liner and soil cover must extend a minimum of 15 feet in all horizontal directions up gradient from the device for the collection of water.

↪ If warranted by the physical circumstances of a particular spring, the *Division or the appropriate district board of health* [authority] may require more stringent criteria for the design of an impermeable liner than the criteria set forth in this subsection.

Sec. 104. NAC 445A.6696 is hereby amended to read as follows:

445A.6696 Except as otherwise justified by an engineer and approved by the *Division or the appropriate district board of health*, [authority,] if a spring is used as a source of water for a public water system:

1. A diversionary channel must be constructed in such a manner as to be capable of diverting from the area of the spring all anticipated runoff of surface water.
2. Each area for the collection of water from the spring must have at least one junction box, which can be locked, suitable for the inspection of the spring and the testing of water from the spring.
3. All collection boxes and junction boxes must incorporate access by manholes, air vents and overflow piping. The lids for those boxes must be gasketed, and the chambers of those boxes adequately screened and vented. Vents must be elbowed downward and placed not less than 12 inches nor more than 18 inches off the ground.
4. Any vegetation which is located within 100 feet of the spring and has a root system greater than 2 feet in length must be removed.
5. A permanent device for measuring the flow of water must be installed. The device, which may consist of a weir, must be properly housed and otherwise protected.

6. The spring must be developed in such a manner as to eliminate, as thoroughly as possible, the ponding of water within the area for collection. Where the ponding of water is unavoidable, the excess must be collected as drainage and routed down gradient beyond the immediate area for collection in a controlled manner which avoids the possibility for pollution or contamination of the spring.

Sec. 105. NAC 445A.66965 is hereby amended to read as follows:

445A.66965 A supplier of water shall ensure that:

1. Each pumping facility of the public water system is designed and constructed in compliance with the provisions of NAC 445A.66965 to 445A.6706, inclusive.
2. The design of the pumping facilities of the public water system are appropriate to maintain requirements for the quality, quantity and pressure of water.
3. Except as otherwise justified by an engineer and approved by the *Division or the appropriate district board of health*, ~~[authority.]~~ the public water system does not use any pumps installed in subsurface vaults.
4. If it is necessary to install any pumps in suction lift, appropriate priming systems are provided.

Sec. 106. NAC 445A.67025 is hereby amended to read as follows:

445A.67025 Except as otherwise justified by an engineer and approved by the *Division or the appropriate district board of health*, ~~[authority.]~~ a supplier of water shall ensure that, with regard to the suction piping of the public water system:

1. The velocity of water in the piping does not exceed 3 feet per second.
2. The diameter of the piping is at least 2 inches greater than that of the inlet for the pump.

3. The reducer between the piping and the pump is an eccentric reducer and not a concentric reducer.

4. A fitting is installed between the inlet valve and pump which will allow easy removal of the pump. For pumps in suction lift, unions must not be used, and valves, except for foot valves, must not be installed on suction lines.

5. There is a continuous slope up from the surface of the water to the pump. The suction line must be as straight as possible, and the restriction of suction must be minimized.

6. If there is a valve on the suction line, there is installed between the valve and the pump, preferably on a spool, a gauge that:

(a) Operates within the appropriate range of pressure; and

(b) Is equipped with a pet cock or ball valve. Except when the gauge is being read, the pet cock and ball valve must remain closed.

7. If elbows are required in the suction line, the elbows are of a sufficiently long radius to minimize head loss.

8. Each inlet of a suction pipe in a suction well or clear well is:

(a) Bell-shaped in such a manner as to reduce head loss at the entrance. Square-cut inlets are prohibited.

(b) Adequately submerged, in accordance with the specifications of the manufacturer, at a depth of at least six times the diameter of the pipe.

(c) Located away from:

(1) The floor of the suction well or clear well at a distance specified by the manufacturer of the pump or, in the absence of such a specification, at a distance of not less than four nor more than five times the diameter of the pipe.

(2) The sidewall of the suction well or clear well at a distance specified by the manufacturer of the pump or, in the absence of such a specification, at a distance of not less than one-half the diameter of the pipe nor more than the diameter of the pipe.

9. If an inlet screen is installed:

(a) The inlet screen is designed in such a manner that an adequate flow can enter the pump when half of the screen is plugged.

(b) The diameter of the screen inlet is at least three times the diameter of the suction pipe inlet.

10. If a foot valve is used, the diameter of the foot valve is at least 2 inches greater than that of the inlet piping.

11. If a pump is connected to a header used for suction:

(a) The connection is at an angle relative to the header of not less than 30 degrees nor more than 45 degrees; or

(b) If it is necessary to connect the pump to the header at an angle of 90 degrees, the pump is located away from the header at a distance of at least eight times the diameter of the suction pipe.

12. If a pump is in suction head, a valve is installed in the suction line to facilitate the removal of the pump for maintenance. The valve must not be used to throttle the pump.

Sec. 107. NAC 445A.6703 is hereby amended to read as follows:

445A.6703 Except as otherwise justified by an engineer and approved by the *Division or the appropriate district board of health*, ~~authority,~~ a supplier of water shall ensure that, with regard to the discharge piping of the public water system:

1. A concentric reducer or eccentric reducer is installed at the pump, such that the diameter of the discharge pipe is at least 2 inches greater than that of the discharge of the pump.

2. A fitting, which may consist of a spool or union, is installed on a discharge pipe to facilitate the removal of the pump. A gauge with a pet cock or ball valve must also be installed on the discharge pipe.

3. A check valve or other suitable type of valve is installed just beyond the fitting required by subsection 2, to prevent the reversal of flow through the pump. On pumping installations of:

(a) Low pressure, a swing check valve may be used.

(b) High pressure, a silent check valve or automatic check valve, or another suitable valve, must be used. The engineer who designs such an installation shall seek to minimize the potential for water hammer.

4. Another valve is installed just beyond the check valve required pursuant to subsection 3, to isolate the discharge and to provide for a positive shutdown of the system when repair is required.

5. Isolation valves are not used for the control of flow or pressure and remain only in a fully open or a fully closed position. If the control of flow or pressure is desired, other valves must be installed.

6. The piping is arranged in such a manner as to avoid high spots. An air and vacuum valve, which is piped to a drain, must be provided.

7. The piping is rigidly supported and restrained in such a manner as to prevent movement.

Sec. 108. NAC 445A.6705 is hereby amended to read as follows:

445A.6705 1. The source of power for a pumping system must be electric, except that the *Division or the appropriate district board of* health **[authority]** may authorize the use of an alternative source of power where warranted. Alternative sources of power must be installed in accordance with applicable electrical, building and mechanical codes.

2. Where a failure of power would cause the public water system to cease its minimum essential service:

- (a) The supply of power must be provided by at least two independent sources; or
- (b) A standby or auxiliary source of power must be provided.

Sec. 109. NAC 445A.67055 is hereby amended to read as follows:

445A.67055 1. If any equipment of a pumping system is used during winter, the equipment must be adequately heated in a manner that ensures the safe and efficient operation of the components of the pumping system. If a pump house is not occupied by any personnel, the heat must only be sufficient to prevent any freezing of the equipment and processes for treatment. If a pumping installation will not be used during winter, the equipment must be isolated and drained in such a manner as to prevent damage from freezing.

2. A pumping station must have adequate ventilation, as provided by windows, doors, roof ventilators and other means. Except as otherwise approved by the *Division or the appropriate district board of health*, ~~authority,~~ forced ventilation that results in at least six changes of air per hour must be provided for all rooms, compartments, pits, vaults and other enclosures below the ground floor, and in any area where an unsafe atmosphere may develop or excessive heat may build up.

3. A pumping station must be adequately lighted in a manner that provides a safe and functional environment for work. The electrical wiring for the lighting system must conform to applicable electrical and building codes.

Sec. 110. NAC 445A.6706 is hereby amended to read as follows:

445A.6706 1. Hydropneumatic systems:

- (a) Must not be used in a public water system with 150 or more service connections.

(b) Shall be deemed inadequate for protection from fire and the storage of water.

2. If a hydropneumatic system is used:

(a) The tank and its appurtenances must be completely housed and, except as otherwise approved by the *Division or the appropriate district board of health*, [authority,] located above the normal surface of the ground. If the *Division or the appropriate district board of health* [authority] authorizes the location of the tank or any appurtenances below the ground, there must be adequate drainage, heating, ventilation, lighting, maintenance and protection from flood.

(b) The hydropneumatic system must be designed to provide a minimum pressure of at least 30 psi at all points in the distribution system during peak hour demand. A pressure gauge must be installed on the inlet line for the pressure tank.

(c) The pressure tanks must be constructed in such a manner that:

(1) The tanks meet anticipated requirements for pressure.

(2) The interior coatings of the tanks are determined to be compatible with drinking water.

(3) The tanks are equipped with a 24-inch access manhole, a drain, control equipment that consists of a pressure gauge, a glass for sighting water, an air blowoff and a means for adding air, and pressure-operated controls for starting and stopping the pumps.

(4) Bypass piping is provided that will facilitate the repair or coating of the tanks.

(5) The amount of the gross volume, as expressed in gallons, of the hydropneumatic tank is at least ten times the amount of the capacity, as expressed in gallons per minute, of the largest pump in the hydropneumatic system.

(d) At least two pumping units must be provided. The capacity of the wells and pumps in the hydropneumatic system must be at least ten times the average day demand.

(e) The method used to adjust the volume of air must be approved by the *Division or the appropriate district board of health* . ~~[authority.]~~ The compressors must deliver an adequate volume of air, which has been filtered and is free of oil, to the pressure tank.

Sec. 111. NAC 445A.67075 is hereby amended to read as follows:

445A.67075 1. Except as otherwise provided in subsection 3, storage tanks must:

(a) Consist of welded steel and comply with *American Water Works Association Standard D100*;

(b) Consist of factory-coated, bolted steel and comply with *American Water Works Association Standard D103*;

(c) Consist of reinforced concrete of portland cement;

(d) Consist of prestressed concrete and comply with *American Water Works Association Standard D110*; or

(e) Consist of fiberglass-reinforced plastic and comply with *American Water Works Association Standard D120*.

2. Reservoirs with floating covers may be used for the storage of water only if approved by the *Division or the appropriate district board of health* ~~[authority]~~ after evaluation on a case-by-case basis. If so approved, such a reservoir must have a lining and cover composed of a flexible membrane which conforms to the requirements of:

(a) Standard 54 of the American National Standards Institute and ~~[the National Sanitation Foundation]~~ *NSF* International; and

(b) *American Water Works Association Standard D130*.

3. The *Division or the appropriate district board of health* ~~[authority]~~ may authorize a public water system to use a storage tank composed of galvanized steel if:

(a) The plans and specifications for the tank are submitted to the *Division or the appropriate district board of health* . ~~[authority.]~~

(b) The tank is assembled and hot-dip galvanized, and any other coating is applied, at a factory. The tank must not be modified at another location unless the modification is inspected by an engineer and approved by the *Division or the appropriate district board of health* .
~~[authority.]~~

(c) Any material used to coat the tank is determined to be compatible with drinking water. Before being introduced into service, the tank must be sampled for the presence of volatile organic chemicals.

(d) An analysis of the quality of water in the tank demonstrates that the stored water will not corrode the tank and the only material used to coat the tank is a galvanized coating.

(e) The construction of the tank complies with *American Water Works Association Standard D103*.

4. This section does not:

(a) Prohibit ~~[a health authority]~~ *the Division or the appropriate district board of health* from:

(1) Disallowing the use of galvanized storage tanks in a public water system; or

(2) Imposing more stringent requirement for the construction of a galvanized storage tank.

(b) Apply to the use of galvanized tanks for any purpose other than the storage of water for a public water system.

5. All standards referenced in this section are adopted by reference in NAC 445A.6663.

Sec. 112. NAC 445A.6708 is hereby amended to read as follows:

445A.6708 1. Storage tanks must:

(a) Be designed by an engineer, structurally competent and constructed of materials that are acceptable to the *Division or the appropriate district board of health* . ~~[authority.]~~

(b) Employ a foundation that is appropriate for the type of tank and complies with the *American Water Works Association Standards* ~~[.]~~, *as adopted by reference in NAC 445A.6663.*

2. A supplier of water shall provide means for the drainage of storage structures. Storage structures that provide pressure directly to the distribution system must be designed in such a manner that they can be isolated from the distribution system and drained for cleaning or maintenance without any loss of pressure in the distribution system.

3. Storage structures must have a device for overflow that is brought down to an elevation of not less than 12 inches nor more than 24 inches above the surface of the ground, is sloped for complete drainage and discharges over a drainage inlet, plunge pool or splash plate without causing erosion. The outlet of the drain must be protected with an angled flapper valve and located in such a manner that any discharge is visible. The device must be sufficiently large to dispose of overflow at a rate that equals the maximum rate for filling the structure. The device must have an air gap and must not discharge directly into a sanitary sewer or a storm sewer. Discharge from the device must be controlled in a manner that does not present a hazard to or cause a nuisance for any existing or contemplated development of property.

4. Storage tanks must contain vents that:

(a) Prevent external pressures from causing the tank to buckle; and

(b) Are designed in such a manner as to:

(1) Prevent the entrance of rain and surface water; and

(2) Exclude dust, birds, insects and other animals as much as possible.

↪ For the purposes of this subsection, “vent” does not include a device for overflow.

5. Vents, devices for overflow, drain outlets and other openings in a storage tank must be constructed and located in such a manner as to protect the stored water from contamination. Top and side vents must be screened and turned downward, except that mushroom vents in the center of the roof are acceptable. Screens used for venting air must be constructed of a stainless steel that is not susceptible to damage by corrosion and must have not less than 22 nor more than 24 mesh per inch. Drain outlets must have an air gap. Vents in buried structures must be not less than 24 inches nor more than 36 inches above the finished grade.

6. The discharge pipes from all storage structures must be located in a manner that will prevent the flow of sediment into the distribution system. A removable silt stop, of not less than 4 inches nor more than 6 inches, must be installed on the floor of a storage structure over the discharge pipe.

7. Storage structures must have a device for indicating the level of water in the structure. Automatic controls and set points must be provided which are adequate to maintain the level of water. Alarms to indicate respectively that the level of the water is too high or too low must be installed in or transmitted by telemetry to a prominent location. The design and operation of such a structure must provide for an adequate turnover of stored water. If a public water system has two or more storage structures located at different hydraulic elevations, the *Division or the appropriate district board of health [authority]* may require the public water system to install altitude control valves or similar controls.

8. Steel storage tanks must have:

(a) Two manholes, each with a diameter of 30 inches, in the side of the tank that allow entry into the interior of the tank for cleaning and maintenance.

(b) One manhole on the roof of the tank. The manhole must have a curbing or frame around its opening that:

- (1) Extends at least 4 inches above the surface of the roof;
- (2) Is gasketed;
- (3) Is hinged on one side; and
- (4) Is equipped with a cover that:
 - (I) Is watertight;
 - (II) Can be locked; and
 - (III) Overlaps the curbing by at least 2 inches.

9. Storage structures and their appurtenances, including vents, riser pipes and devices for overflow, must be designed in such a manner as to prevent any freezing that would interfere with the proper functioning of the structures and their appurtenances.

10. Each catwalk located over finished water stored by a public water system must have a solid floor with raised edges and be constructed in such a manner that shoe scrapings and other dirt will not fall into the finished water.

11. Sampling taps must be provided in a vault at a storage tank which are appropriate for facilitating the collection of samples of stored water for chemical analyses and for ascertaining the concentration of coliform bacteria.

12. If necessary to allow for any differential movement of a storage tank caused by settling or seismic activity, the inlet and discharge piping of the tank must be provided with flexible coupling.

Sec. 113. NAC 445A.67085 is hereby amended to read as follows:

445A.67085 1. All metal surfaces of a storage structure must be properly protected by the application of paint or another coating. The coating used must not result in the transfer of any substance into the water which imparts a taste or odor to the water or causes the water to exceed any primary or secondary standards. All internal coatings must be determined to be compatible with drinking water.

2. A storage tank, whether coated in the field or in the factory, must not be placed into service unless:

(a) The tank is cured for the appropriate time.

(b) After the tank is cured, the tank is filled with water and the water is retained in the tank for 5 days.

(c) The water retained in the tank is tested on the sixth day by a properly certified laboratory for the presence of volatile organic chemicals.

(d) The results of the test are submitted to and approved by the *Division or the appropriate district board of health* . ~~authority.~~

3. Storage structures must be disinfected before being put into service for the first time and after being entered for cleaning, repair or painting. The disinfection must be conducted in accordance with *American Water Works Association Standard C652* ~~[]~~, *as adopted by reference in NAC 445A.6663*. The disposal of any heavily chlorinated water that results from the process of disinfection must be coordinated with the *Bureau of Water Pollution Control of the Division* . ~~[of Environmental Protection.]~~ Before the structure is placed into operation after disinfection, two samples of water in the structure, taken at least 24 hours apart, must indicate that any concentration of coliform bacteria in the structure meets primary standards.

Sec. 114. NAC 445A.67115 is hereby amended to read as follows:

445A.67115 1. Before designing a water main for a public water system, an engineer shall perform a network hydraulic analysis on the public water system, based upon the requirements for flow and pressure set forth in NAC 445A.6672 to 445A.66735, inclusive, and 445A.6711.

2. Except as otherwise authorized by the *Division or the appropriate district board of health* [authority] on a case-by-case basis, the inside diameter of the water mains of a public water system must have a nominal size of at least 6 inches.

3. A water service lateral that serves a fire hydrant must, if the water service lateral is:

(a) Not more than 150 feet in length, be not less than 6 inches in diameter.

(b) More than 150 feet in length, be of a diameter that is justified by an engineer and approved by the *Division or the appropriate district board of health* . [authority.]

↪ A fire hydrant must not be connected to a water main or water service lateral that does not have a sufficient capacity for fire flow.

4. A distribution system for mobile home parks and recreational vehicle parks must be designed in compliance with the *Uniform Plumbing Code* [], *as adopted by reference in NAC 445A.6663*.

Sec. 115. NAC 445A.6712 is hereby amended to read as follows:

445A.6712 1. A distribution system must be designed, to the extent possible, in such a manner as to eliminate dead ends and form a grid system or system of arterial loops. Except as otherwise justified by an engineer and approved by the *Division or the appropriate district board of health* , [authority.] tree systems are prohibited.

2. Where a dead end cannot be eliminated, it must:

(a) If the flow and pressure is sufficient, terminate with:

(1) A gate valve of the same size as the water main; and

(2) A fire hydrant; or

(b) Terminate with a flushing device approved by the *Division or the appropriate district board of health* . ~~[authority]~~ The flushing device must be of a sufficient size to provide a velocity of at least 2.5 feet per second in the water main being flushed. No flushing device may be connected directly to any sewer line.

Sec. 116. NAC 445A.67135 is hereby amended to read as follows:

445A.67135 1. Air and vacuum valves, air release valves or hydrants must be installed at high points in water mains where air tends to accumulate.

2. Suitably sized blowoff valves must be provided in appropriate locations at low points in water mains with diameters of 20 inches or more. Blowoff valves must have air gaps and must not discharge directly into sewer lines.

3. Except as otherwise provided in subsection 4, the openings of any vents in a valve required pursuant to this section must:

(a) Be located at least 1 foot above the grade of the ground surface; and

(b) Have a discharge pipe that is screened, elbowed and faced downward in such a manner as to protect the pipe from traffic and other disturbances. The screen must not be susceptible to damage by corrosion and must have not less than 22 nor more than 24 mesh per inch.

4. If compliance with subsection 3 is impracticable, the *Division or the appropriate district board of health* ~~[authority]~~ may, on a case-by-case basis, authorize below-grade openings in vents. If so authorized:

(a) The openings must be located in subsurface chambers or pits which are adequately drained and are not subject to flooding; and

(b) The drains from the chambers or pits must have air gaps and must not be connected directly to any sewer lines.

Sec. 117. NAC 445A.67145 is hereby amended to read as follows:

445A.67145 1. Except as otherwise provided in this section, a water main must be installed:

(a) For public water systems in Carson City, Fallon, Reno, Sparks, Yerington, Douglas County, Lander County, Lyon County, Nye County or Washoe County, in compliance with *Standard Specifications for Public Works Construction* and *American Water Works Association Standards* ~~H~~, *as adopted by reference in NAC 445A.6663.*

(b) For public water systems in Boulder City, Henderson, North Las Vegas, the Big Bend Water District or the Las Vegas Valley Water District, in compliance with *Uniform Design and Construction Standards for Water Distribution Systems* and the *American Water Works Association Standards* ~~H~~, *as adopted by reference in NAC 445A.6663.*

(c) For public water systems in other areas of the State, in compliance with the *American Water Works Association Standards* ~~H~~, *as adopted by reference in NAC 445A.6663.*

(d) Except as otherwise provided in paragraphs (a), (b) and (c), in compliance with the procedures for installation recommended by the manufacturer of the water main.

2. Except as otherwise provided in this subsection, water mains must be installed in areas that are dedicated for public use as streets or highways or are otherwise sufficiently open to the public to facilitate access for maintenance and emergency repairs. Water mains may be constructed on private property, under structures or in or under bodies of water only if approved by the *Division or the appropriate district board of health* . ~~[authority.]~~

3. Piping for a distribution system must be designed and constructed in such a manner that appropriate measures, as determined by frost depth, type of backfill and surface loads, are taken for trenching, bedding and refilling. Water mains must be:

(a) Properly bedded and covered with a sufficient amount of earth or other insulation to prevent freezing.

(b) Installed with at least 36 inches of cover over the piping or at least 12 inches below frost depth, whichever is deeper.

4. The design and construction of a distribution system must provide for the avoidance of pressure surges and water hammer through the use of reaction blocking and similar methods. Where appropriate, water mains, tees, bends, plugs and hydrants must have thrust blocks, thrust anchors or joints designed to prevent movement. Water mains located on a slope must be restrained in such a manner as determined appropriate by an engineer.

5. Locator tape, magnetic tape or conductive wire and tape must be installed in the trench above a water main.

6. A water main must not be placed into service after its initial construction until:

(a) The water main has been disinfected in accordance with *American Water Works Association Standard C651* ~~[-]~~, *as adopted by reference in NAC 445A.6663*. The disposal of any spent chlorine solutions must be coordinated with the Division . ~~[of Environmental Protection.]~~

(b) An analysis of the water main which indicates that it meets primary standards for coliform bacteria has been obtained and reported to the *Division or the appropriate district board of health* . ~~[authority.]~~

7. The piping installed in a distribution system must, if the piping consists of:

- (a) Ductile iron, be pressure tested in accordance with *American Water Works Association Standard C600* ~~{}~~, *as adopted by reference in NAC 445A.6663*;
- (b) PVC, be pressure tested in accordance with *American Water Works Association Standard C605* ~~{}~~, *as adopted by reference in NAC 445A.6663*; or
- (c) Another material, be pressure tested in accordance with:
- (1) For public water systems in Carson City, Fallon, Reno, Sparks, Yerington, Douglas County, Lander County, Lyon County, Nye County or Washoe County, *Standard Specifications for Public Works Construction* ~~{}~~, *as adopted by reference in NAC 445A.6663*;
 - (2) For public water systems in Boulder City, Henderson, North Las Vegas, the Big Bend Water District or the Las Vegas Valley Water District, *Uniform Design and Construction Standards for Water Distribution Systems* ~~{}~~, *as adopted by reference in NAC 445A.6663*; or
 - (3) For public water systems in other areas of the State, the requirements of the *Division or the appropriate district board of health*, ~~{}~~

↪ before the piping is flushed, disinfected or sampled for an analysis of water quality.

8. During the construction of a distribution system, any openings in unfinished piping or appurtenances must be sealed at the end of each working day in such a manner as to prevent the entry of birds and other animals, dirt, trench water and other sources of pollution or contamination.

Sec. 118. NAC 445A.6716 is hereby amended to read as follows:

445A.6716 If a sewer service lateral parallels a water main or water service lateral, the sewer service lateral must be in a separate trench and:

1. Located:

(a) At least 12 inches lower than the water main or water service lateral, as measured vertically from the exterior walls of the pipes; and

(b) At least 48 inches away from the water main or water service lateral, as measured horizontally from the exterior walls of the pipes; or

2. If compliance with subsection 1 is impracticable, located in such a manner as is authorized by the **[Health]** Division.

Sec. 119. NAC 445A.6717 is hereby amended to read as follows:

445A.6717 1. If a sewer main crosses a water service lateral, the sewer main must be located:

(a) At least 18 inches lower than the water service lateral, as measured vertically from the exterior walls of the pipes; or

(b) If compliance with paragraph (a) is impracticable, in such a manner as is authorized by the **[Health]** Division.

2. If a water service lateral is in place at the time a sewer main is constructed and must be relocated to comply with this section, the relocation must be performed:

(a) With the approval of and in accordance with the procedures and standards of the supplier of water; or

(b) If compliance with paragraph (a) is impracticable, in such a manner as is authorized by the **[Health]** Division.

Sec. 120. NAC 445A.67175 is hereby amended to read as follows:

445A.67175 1. If a sewer service lateral crosses a water main or water service lateral, the sewer service lateral must be located:

(a) At least 12 inches lower than the water main or water service lateral, as measured vertically from the exterior walls of the pipes; or

(b) If compliance with paragraph (a) is impracticable, in such a manner as is authorized by the **[Health]** Division.

2. If a water main or water service lateral is in place at the time a sewer service lateral is constructed and must be relocated to comply with this section, the relocation must be performed:

(a) With the approval of and in accordance with the procedures and standards of the supplier of water; or

(b) If compliance with paragraph (a) is impracticable, in such a manner as is authorized by the **[Health]** Division.

Sec. 121. NAC 445A.6718 is hereby amended to read as follows:

445A.6718 1. A supplier of water shall consult with the *Division or the appropriate district board of* health **[authority]** before preparing any plans for the construction of a pipeline of the public water system across any surface water, regardless of whether the crossing will be over or under the surface of the water.

2. If the pipeline will cross over the surface of the water, the pipe must be adequately supported and anchored, protected from damage and freezing, and accessible for repair and replacement.

3. Except as otherwise provided in subsection 4, if the pipeline will cross under the surface of the water, the pipe must be:

(a) Covered with at least 5 feet of backfill; and

(b) Enclosed in a pipe sleeve or encased with at least 4 inches of cement slurry.

4. If the pipeline will cross under the surface of a channel of water that is 15 or more feet wide:

(a) The pipe must be constructed with watertight mechanical joints that are capable of deflection.

(b) Isolation valves must be located at both ends of the crossing in such a manner that the length of the crossing can be isolated for testing, repair and sampling. The isolation valves must be easily accessible and must not be subject to flooding. The isolation valve closest to the source of the supply of water must be located in a manhole or valve chamber which is large enough for human access. The manhole or valve chamber must contain a permanent sampling tap and means for pressure testing the pipe.

(c) The pipe must be enclosed in a pipe sleeve or encased with at least 4 inches of cement slurry.

Sec. 122. NAC 445A.67185 is hereby amended to read as follows:

445A.67185 A supplier of water shall:

1. Ensure that there are no unprotected connections between the supplies of water, systems for the pumping, storage and treatment of water, and distribution system of the public water system and any source of pollution or contamination pursuant to which any unsafe water or other degrading material can be discharged or drawn into the public water system as a result of backsiphonage or backpressure.

2. Develop and carry out a program for the control of cross-connections that is approved by the *Division or the appropriate district board of health* . ~~{authority}~~ Except for a program that has been approved by ~~{a health authority}~~ *the Health Division or the appropriate district board of health* before February 20, 1997, a program for the control of cross-connections must:

(a) Be submitted to the *Division or the appropriate district board of* health **[authority]** for its approval ~~[no]~~ *not* later than:

(1) January 1, 1999; or

(2) Eighteen months after the public water system begins operation,

↳ whichever is later.

(b) Include:

(1) A schedule for implementation.

(2) A plan for inspecting the properties served by the public water system to determine the potential risk of cross-connection and backflow.

(3) A plan for testing and tracking all primary assemblies for the prevention of backflow which are intended to protect the public water system upstream from a service connection. The plan must provide for the annual testing of those assemblies and for the retention of records from that testing.

(4) A list of the particular assemblies for the prevention of backflow which may be used in the public water system or on service connections to the public water system.

(5) A list of the measures the supplier of water will take to enforce the program if any customers of the system fail to comply with the program.

(c) Ensure compliance with NAC 445A.67185 to 445A.67255, inclusive.

(d) Except as otherwise provided in NAC 445A.67185 to 445A.67255, inclusive, comply with the provisions of:

(1) The *Uniform Plumbing Code* **[§]**, *as adopted by reference in NAC 445A.6663;*

(2) *Recommended Practice for Backflow Prevention and Cross-Connection Control* **[§]**, *as adopted by reference in NAC 445A.6663;* and

(3) The *Manual of Cross-Connection Control* ~~H~~, *as adopted by reference in NAC 445A.6663.*

↪ If there is any conflict between any of the provisions described in this paragraph, the most stringent of those provisions prevails.

Sec. 123. NAC 445A.67195 is hereby amended to read as follows:

445A.67195 Except as otherwise provided in NAC 445A.67185 to 445A.67255, inclusive, or authorized by the *Division or the appropriate district board of health*, ~~authority,~~ the minimum type of protection from cross-connection required for a service connection to:

1. A public building or any building:

(a) That contains a hotel, motel, casino, condominium or town house, or any apartments;

(b) Used for commercial purposes where a specific business activity has not been identified;

or

(c) In which one or more sewage pumps or sewage ejectors have been installed,

↪ consists of a reduced pressure principle assembly.

2. A building that:

(a) Has multiple stories and booster pumps or elevated tanks to distribute potable water; or

(b) Exceeds 40 feet in height, as measured from the service connection to the highest water

outlet,

↪ consists of a double check valve assembly.

3. A class 1, class 2 or class 3 fire sprinkler system consists of a double check valve assembly.

4. A class 4, class 5 or class 6 fire sprinkler system consists of a reduced pressure principle assembly.

5. A hydronic heating system that contains any chemical additives consists of a reduced pressure principle assembly.
6. A baptismal font of a church consists of a reduced pressure principle assembly.
7. A facility for bottling beverages consists of a reduced pressure principle assembly.
8. A brewery consists of a reduced pressure principle assembly.
9. A cannery, facility for the processing of food, packing house or rendering facility consists of a reduced pressure principle assembly.
10. A facility for cold storage consists of a reduced pressure principle assembly.
11. A dairy processing facility consists of a reduced pressure principle assembly.
12. A restaurant or other facility in which food is served consists of a reduced pressure principle assembly.
13. A dental clinic consists of a reduced pressure principle assembly.
14. A hospital, medical building or clinic consists of a reduced pressure principle assembly.
15. A convalescent home or nursing home consists of a reduced pressure principle assembly.
16. A sanitarium consists of a reduced pressure principle assembly.
17. A morgue, mortuary or facility for conducting autopsies consists of a reduced pressure principle assembly.
18. A laboratory, including, without limitation, a laboratory of a teaching institution or another biological or analytical facility, consists of a reduced pressure principle assembly.
19. A facility of a school, college or university consists of a reduced pressure principle assembly.

20. A facility for the production of motion pictures consists of a reduced pressure principle assembly.

21. A facility for the publishing or printing of a newspaper consists of a reduced pressure principle assembly.

22. A veterinary clinic, pet shop or facility for grooming pets consists of a reduced pressure principle assembly.

23. A laundry or dry cleaning facility consists of a reduced pressure principle assembly.

24. A dyeing facility consists of a reduced pressure principle assembly.

25. A facility for mechanical, chemical or electrochemical plating consists of a reduced pressure principle assembly.

26. Any portable spraying or cleaning equipment consists of an air gap.

27. A pool or spa consists of a reduced pressure principle assembly.

28. A park for mobile homes or recreational vehicles consists of a reduced pressure principle assembly.

29. A facility located on a waterfront, including, without limitation, a fishery, fish hatchery, dock or marina, consists of a reduced pressure principle assembly.

30. A facility for the production of power consists of a reduced pressure principle assembly.

31. A facility for the production, storage or transmission of oil or gas consists of a reduced pressure principle assembly.

32. A facility that handles, processes or stores radioactive materials or substances consists of a reduced pressure principle assembly.

33. A facility for processing sand or gravel consists of a reduced pressure principle assembly.

34. A system for storm drainage, the collection of sewage or the distribution of reclaimed wastewater consists of an air gap.

35. A facility in which:

(a) Water is used to manufacture, store, compound or process chemicals for industrial purposes;

(b) Chemicals are added to water used in the compounding or processing of products;

(c) Chemicals are added to the supply of water; or

(d) The supply of water is used for the transmission or distribution of chemicals,

↳ consists of a reduced pressure principle assembly.

36. A facility for the manufacture of aircraft or missiles consists of a reduced pressure principle assembly.

37. A facility for the manufacture, repair or washing of motor vehicles consists of a reduced pressure principle assembly.

38. A facility for the manufacturing or processing of film consists of a reduced pressure principle assembly.

39. A facility for the manufacturing of ice consists of a reduced pressure principle assembly.

40. A facility for the manufacturing, processing or cleaning of metal consists of a reduced pressure principle assembly.

41. A facility for the manufacturing of natural or synthetic rubber consists of a reduced pressure principle assembly.

42. A facility for the manufacturing of paper or paper products consists of a reduced pressure principle assembly.

43. Any other facility for manufacturing, processing or fabricating consists of a reduced pressure principle assembly.

Sec. 124. NAC 445A.67205 is hereby amended to read as follows:

445A.67205 Except as otherwise provided in NAC 445A.67185 to 445A.67255, inclusive, the minimum type of protection required for a service connection to:

1. An auxiliary supply of water must consist of a double check valve assembly or reduced pressure principle assembly, as determined by the supplier of water and approved by the

Division or the appropriate district board of health . ~~[authority;]~~

2. An irrigation system, including a system for irrigating median strips, must consist of:

(a) A pressure vacuum breaker or double check valve assembly, as determined by the supplier of water and approved by the *Division or the appropriate district board of health* ;

~~[authority;]~~ or

(b) Except as otherwise authorized by the *Division or the appropriate district board of health* , ~~[authority;]~~ if facilities have been installed for pumping, injecting or applying fertilizers, pesticides or other hazardous systems, a reduced pressure principle assembly.

Sec. 125. NAC 445A.6721 is hereby amended to read as follows:

445A.6721 1. The *Division or the appropriate district board of health* ~~[authority;]~~ shall determine, on a case-by-case basis, the minimum type of protection from cross-connection required for any type of service connection which is not specified in NAC 445A.67185 to 445A.67255, inclusive.

2. If there is any conflict between any of the provisions of NAC 445A.67185 to 445A.67255, inclusive, regarding the type of protection from cross-connection required for a particular type of service connection, the most stringent of those provisions prevails.

3. The *Division or the appropriate district board of health* [authority] or supplier of water may impose requirements regarding the installation and use of assemblies for the prevention of backflow which are more stringent than the provisions of NAC 445A.67185 to 445A.67255, inclusive.

Sec. 126. NAC 445A.6723 is hereby amended to read as follows:

445A.6723 Except as otherwise authorized by the *Division or the appropriate district board of health* , [authority,] if an air gap is installed on a service connection:

1. The air gap must be located as closely as practicable to the service connection, on the opposite side of the service connection from the public water system.
2. All piping from the service connection to the receiving tank must be above grade and visible.
3. There must be no type of outlet, tee, tap, take-off or connection to or from the service line between the service connection and the air gap.
4. Expansion tanks or pressure relief valves must be provided as appropriate for the potential threat of water hammer and thermal expansion.

Sec. 127. NAC 445A.67235 is hereby amended to read as follows:

445A.67235 Except as otherwise authorized by the *Division or the appropriate district board of health* , [authority,] if a reduced pressure principle assembly is installed on a service connection:

1. The reduced pressure principle assembly must be installed:
 - (a) In a horizontal and level position, except that the reduced pressure principle assembly may be installed in a vertical position if the assembly has been:
 - (1) Specifically designed for operation in that position; and

(2) Tested and certified to be suitable for operation in that position by an approved backflow testing laboratory.

(b) As closely as practicable to the service connection, on the opposite side of the service connection from the public water system.

(c) Above ground and, to the extent possible, not less than 12 inches nor more than 36 inches above the finished grade, as measured from the bottom of the assembly.

(d) At a site with adequate drainage, or with drain piping, for any fluid that is discharged when the assembly is activated.

(e) In such a manner that no part of the assembly will be submerged during normal conditions of operation and weather.

(f) In such a manner as to be readily accessible for maintenance and testing.

2. The reduced pressure principle assembly must not be installed below grade, in any subsurface vault, or in any vault, chamber or pit where there is any potential that the relief valve could become submerged.

3. The reduced pressure principle assembly must have a free-flowing drain with an air gap.

4. There must be no type of outlet, tee, tap, take-off or connection to or from the service line between the service connection and the reduced pressure principle assembly.

5. Expansion tanks or pressure relief valves must be provided as appropriate for the potential threat of water hammer and thermal expansion.

6. The reduced pressure principle assembly may be installed indoors if the installation complies with subsections 1 to 5, inclusive, and has a clearance of:

(a) At least 12 inches on top;

(b) At least 24 inches on the side with test cocks; and

(c) At least 12 inches on the other sides.

Sec. 128. NAC 445A.6724 is hereby amended to read as follows:

445A.6724 Except as otherwise authorized by the *Division or the appropriate district board of health*, [authority,] if a double check valve assembly is installed on a service connection:

1. The double check valve assembly must be installed:

(a) In a horizontal and level position, except that the double check valve assembly may be installed in a vertical position if the assembly has been:

(1) Specifically designed for operation in that position; and

(2) Tested and certified to be suitable for operation in that position by an approved backflow testing laboratory.

(b) As closely as practicable to the service connection, on the opposite side of the service connection from the public water system.

(c) Above ground and, to the extent possible, not less than 12 inches nor more than 36 inches above the finished grade, as measured from the bottom of the assembly.

(d) In such a manner as to be readily accessible for maintenance and testing.

2. There must be no type of outlet, tee, tap, take-off or connection to or from the service line between the service connection and the double check valve assembly.

3. Expansion tanks or pressure relief valves must be provided as appropriate for the potential threat of water hammer and thermal expansion.

4. The double check valve assembly may, if above-grade installation is impracticable and the *Division or the appropriate district board of health* [authority] approves of the installation, be installed in a below-grade vault in such a manner that:

(a) The top of the double check valve assembly is not more than 8 inches below grade.

(b) There is:

(1) At least 12 inches of clearance between the bottom of the vault and the bottom of the double check valve assembly;

(2) At least 24 inches of clearance between the side of the vault and the side of the double check valve assembly with test cocks; and

(3) At least 12 inches of clearance between the side of the vault and the other sides of the double check valve assembly.

(c) To the extent warranted by climatic conditions, the double check valve assembly is protected from freezing.

(d) The vault has adequate drainage to prevent the accumulation of water, which drains to daylight, to free-draining soil or to a sufficient amount of gravel placed under the vault to provide for free drainage and prevent the accumulation of water under the vault. A vault that does not have an integrated bottom must be placed on a layer of gravel which is not less than 3 inches deep.

(e) The vault is protected from vandalism.

(f) The vault is not located in an area subject to vehicular traffic.

5. The double check valve assembly may be installed indoors if:

(a) The installation complies with subsections 1 to 4, inclusive; and

(b) The double check valve assembly has a clearance of:

(1) At least 12 inches on top;

(2) At least 24 inches on the side with test cocks; and

(3) At least 12 inches on the other sides.

Sec. 129. NAC 445A.67265 is hereby amended to read as follows:

445A.67265 Except as otherwise authorized by the ~~Health~~ Division, if any part of a distribution system loses all pressure, the supplier of water shall, before placing that part of the distribution system back into service:

1. Inform the customers of the public water system within the affected portion of its area of service of the need to boil their water before consumption.
2. Collect, on 2 or more consecutive days, samples of water from that part of the distribution system which indicate that the presence of any coliform bacteria complies with primary standards.

Sec. 130. NAC 445A.6727 is hereby amended to read as follows:

445A.6727 1. Except as otherwise provided in subsection 2, after a water main is cleaned or repaired, and before the water main is placed back into service:

(a) The water main must be disinfected in accordance with *American Water Works Association Standard C651 H*, *as adopted by reference in NAC 445A.6663*. The disposal of any spent chlorine solutions must be coordinated with the *Bureau of Water Pollution Control of the* Division . ~~[of Environmental Protection.]~~

(b) An analysis of the water main which indicates that it meets primary standards for coliform bacteria must be obtained and reported to the *Division or the appropriate district board of health* . ~~[authority.]~~

2. Compliance with subsection 1 is not required if a water main is kept full of water under continuous pressure while it is being repaired.

Sec. 131. NAC 445A.6728 is hereby amended to read as follows:

445A.6728 Water hauling may be used only:

1. In an emergency or on a temporary basis when water hauling is the only means of distributing drinking water to the customers of a public water system; and

2. If:

(a) The proposal for water hauling is submitted to and approved by the *Division or the appropriate district board of health* [authority] before the water hauling begins;

(b) Each vehicle to be used for water hauling is inspected by the *Division or the appropriate district board of health* [authority] before it is used for water hauling and annually thereafter; and

(c) The supplier of water ensures that the water hauling complies with NAC 445A.67275 to 445A.6731, inclusive.

Sec. 132. NAC 445A.67285 is hereby amended to read as follows:

445A.67285 If ~~[a health authority]~~ *the Division or the appropriate district board of health* approves the use of water hauling:

1. The water must be obtained only from a source that:

(a) Meets primary and secondary standards; and

(b) Has been approved by the *Division or the appropriate district board of health* [authority] before the water is obtained.

↪ The supplier of water shall provide the *Division or the appropriate district board of health* [authority] with evidence of compliance with this subsection.

2. The supplier of water shall provide for:

(a) The sanitary transfer of water from its source to the tanks used for water hauling and from those tanks to the tanks owned or used by customers of the public water system.

(b) The sampling and analysis of the hauled water, at a frequency approved by the *Division or the appropriate district board of health* , [authority,] to determine whether the hauled water

meets primary standards for coliform bacteria. If the water in any vehicle fails to meet those standards, the vehicle must not be used for water hauling until further testing indicates that the contamination has been eradicated. The supplier of water shall provide the *Division or the appropriate district board of health* ~~[authority]~~ with evidence of compliance with this paragraph.

(c) The sanitation and disinfection of the tanks used for water hauling and of the lines and appurtenances used for the transfer and distribution of the water. After it is constructed, cleaned or repaired, and before it is placed into service:

(1) Such a tank, line or appurtenance must be disinfected in accordance with *American Water Works Association Standard C651* ~~[]~~, *as adopted by reference in NAC 445A.6663*. The disposal of any spent chlorine solutions must be coordinated with the *Bureau of Water Pollution Control of the* Division . ~~[of Environmental Protection.]~~

(2) An analysis of the tank, line or appurtenance which indicates that it meets primary standards for coliform bacteria must be obtained and reported to the *Division or the appropriate district board of health* . ~~[authority.]~~

3. The chlorine residual in the hauled water must be not less than 1 mg/l and not more than 5 mg/l.

4. Except as otherwise authorized by the *Division or the appropriate district board of health* , ~~[authority,]~~ the vehicles used for water hauling must be used only for the distribution of potable water and must never have contained, hauled or carried any materials or substances other than water from a source approved by the *Division or the appropriate district board of health* . ~~[authority.]~~

5. There must be no modification of the facilities where the water is obtained or the tanks in which the water is hauled without the prior approval of the *Division or the appropriate district board of health* . ~~{authority.}~~

6. The tanks used for water hauling must be cleaned and disinfected with a chlorine solution, at such frequencies as the *Division or the appropriate district board of health* ~~{authority}~~ determines appropriate, in accordance with the following procedure:

(a) A sufficient amount of chlorine must be added to the tank to bring the chlorine residual to not less than 50 ppm.

(b) The chlorine solution in the tank must be agitated thoroughly and allowed to contact the tank and any attached hoses for not less than 30 minutes.

(c) The disposal of the spent chlorine solution must be coordinated with the *Bureau of Water Pollution Control of the* Division . ~~{of Environmental Protection.}~~

Sec. 133. NAC 445A.6729 is hereby amended to read as follows:

445A.6729 If ~~{a health authority}~~ *the Division or the appropriate district board of health* approves the use of water hauling, the supplier of water shall maintain a log of its activities relating to the water hauling which must include:

1. The dates of hauling.
2. The amounts hauled.
3. An identification of each vehicle used for hauling.
4. The source of the water hauled.
5. The concentration of chlorine in the water hauled.
6. The places where the water was delivered.
7. Copies of any relevant contracts or other agreements.

8. The results of the required analyses for coliform bacteria.

Sec. 134. NAC 445A.67295 is hereby amended to read as follows:

445A.67295 If ~~[a health authority]~~ *the Division or the appropriate district board of health* approves the use of water hauling:

1. Any containers, tanks, hoses, fittings, piping or other equipment used to store, haul or transfer the water must be constructed of materials and coatings determined to be compatible with drinking water.

2. The tanks used for hauling and equipment used for the delivery of the water must be readily accessible for cleaning.

3. A tank used for hauling must have:

(a) A manhole of adequate size for the maintenance of the tank.

(b) A drain on the bottom which is adequate for the complete drainage of the tank.

4. Each opening in a tank used for hauling or a fitting used for the delivery of water must be tightly sealed by gasket, threaded joint, weld or similar means.

5. Each end of a hose or fitting used for the delivery or receipt of water must have a threaded or clamped cap. The cap must be in place when the hose or fitting is not in use and properly stored when the hose or fitting is in use.

6. A tank used for the hauling or storage of water must have an air relief vent that:

(a) Terminates downward; and

(b) Is covered with a metal screen that is resistant to damage by corrosion and has not less than 22 nor more than 24 mesh per inch.

7. The discharge line from each pump or tank must have a check valve, located as near to the pump or tank as is practicable.

8. A tank used for water hauling must be filled:

(a) From an overhead standpipe which is equipped with a testable double check valve assembly and approved by the *Division or the appropriate district board of health* ; ~~[authority;]~~

(b) From a distribution system which is equipped with a testable double check valve assembly and approved by the *Division or the appropriate district board of health* ; ~~[authority;]~~
or

(c) By another method approved by the *Division or the appropriate district board of health* .
~~[authority;]~~

↪ If a standpipe is used, the standpipe must terminate a distance of at least two times the diameter of the pipe above the opening used for filling the tank, and the discharge end of the pipe must be capped when not in use.

9. The area used for filling a tank used for water hauling must be:

(a) Composed of concrete; and
(b) Properly drained and maintained in such a manner as to prevent the occurrence of standing water.

Sec. 135. NAC 445A.67305 is hereby amended to read as follows:

445A.67305 If ~~[a health authority]~~ *the Division or the appropriate district board of health* approves the use of water hauling, a vehicle used for that purpose must be marked in such a manner that:

1. The name and address of the person or other entity responsible for performing the water hauling appear on both sides of the tank, or on both of the doors of the vehicle, in letters that are completely legible at all times from a distance of 50 feet.

2. The words “domestic water,” “drinking water,” or “potable water” appear on both sides of the tank in letters that are completely legible at all times.

Sec. 136. NAC 445A.6731 is hereby amended to read as follows:

445A.6731 If ~~[a health authority]~~ *the Division or the appropriate district board of health* approves the use of water hauling, a vehicle used for that purpose must have available:

1. A chlorine solution with a concentration of not less than 50 mg/l nor more than 100 mg/l for the disinfection of any hose, fitting or cap that becomes contaminated during the transfer of water.

2. Strips or other devices for testing the concentration of chlorine which are:

(a) Approved by the *Division or the appropriate district board of health* ; ~~[authority;]~~ and

(b) Sufficient for determining the chlorine residual in the hauled water and in the solution required by subsection 1.

Sec. 137. NAC 445A.67561 is hereby amended to read as follows:

445A.67561 1. The Division shall provide an applicant with a short-term or long-term loan from the Account for the Revolving Fund for a water project pursuant to the criteria set forth in this chapter and chapter 445A of NRS.

2. The Division shall determine the eligibility of a water project to receive a loan from the Account for the Revolving Fund before the Division establishes the priority list pursuant to NAC 445A.67567 to 445A.67571, inclusive.

3. Any change made by an applicant to the design of his proposed water project which the applicant makes after the Division has determined that the water project is eligible for a loan, but before the Board for Financing Water Projects has committed to a loan contract, must be reported by the applicant to the Division not later than 15 days after the applicant changes the

design. The Division may decide that a water project is no longer eligible for a loan based upon the design changes.

4. Water projects that are eligible for a loan from the Account for the Revolving Fund are limited to systems which are not owned by the Federal Government that are:

- (a) Publicly or privately owned community water systems; or
- (b) Nonprofit, noncommunity water systems.

5. Water projects that are eligible for a loan from the Account for the Revolving Fund include, without limitation, water projects which:

- (a) Facilitate compliance with the health protection objectives of 42 U.S.C. § 300j-12(a)(2);
- (b) Facilitate compliance with NAC 445A.453 and 445A.455;
- (c) Replace aging infrastructure, if such infrastructure is needed to maintain compliance with

or to further the public health protection goals of:

- (1) The Safe Drinking Water Act;
- (2) The provisions of NAC 445A.450 to 445A.540, inclusive ~~§§~~, *and sections 2 to 12, inclusive, of this regulation;* or
- (3) The provisions of NAC 445A.65505 to 445A.6731, inclusive ~~§§~~, *and sections 13, 14 and 15 of this regulation;*
- (d) Consolidate water supplies; or
- (e) Facilitate the purchase of a portion of the capacity of another system to improve the cost efficiency of a public water system.

6. An applicant may be eligible to receive a loan from the Account for the Revolving Fund if the water project involves:

(a) The replacement, rehabilitation or enhancement of an existing system for the collection, pumping, treatment, storage or distribution of water, or portions thereof, which is deemed necessary by the Division for the integrity and performance of the public water system to satisfy the requirements of NAC 445A.450 to 445A.6731, inclusive ~~§~~, *and sections 2 to 15, inclusive, of this regulation;* or

(b) The creation of a new distribution system designed primarily to serve residents within an existing water system who are using domestic wells which have public health or water quality problems. Such a distribution system must provide sufficient existing or planned capacity for the development, treatment and storage of the new water of the system. The applicant shall provide assurances acceptable to the Division that the existing population in the service area of the public water system currently obtaining its water from domestic wells will connect to the new distribution system within a reasonable time after completion of the water project.

7. The Division shall decide on a case-by-case basis the costs for which an applicant may receive a loan. The costs of a water project for which an applicant may receive a loan from the Account for the Revolving Fund include, without limitation, costs for:

- (a) Planning and design;
- (b) Construction management, including, without limitation, inspection;
- (c) Water project facilities;
- (d) Land and rights-of-way or easements that are necessary to complete the water project;
- (e) The preparation of any environmental documents that the Division or any other state or federal agency requires; and
- (f) Legal and financial services.

8. The Division may extend the term of a long-term loan to 30 years under special conditions for a disadvantaged community.

9. As used in this section:

(a) “Disadvantaged community” means an area served by a public water system in which the median household income is less than 80 percent of the state median household income.

(b) “Domestic use” has the meaning ascribed to it in NRS 534.013.

(c) “Domestic well” means a well that supplies water for domestic use.

Sec. 138. NAC 445A.4874 is hereby repealed.

TEXT OF REPEALED SECTION

445A.4874 Variances: Unique circumstances. (NRS 445A.855, 445A.860)

1. A person who, because of unique circumstances, is unduly burdened by a regulation of the Commission and thereby suffers a hardship and the abridgment of a substantial property right may apply for a variance from the regulation.

2. An application for such a variance must be made to the Commission.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R194-08

The State Environmental Commission adopted regulations assigned LCB File No. R194-08 which pertain to chapter 445A of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

With this regulation, the Nevada Division of Environmental Protection, Bureau of Safe Drinking Water (NDEP/BSDW) is proposing to update its Federal adoption by reference date for regulations that have been promulgated by the U.S. Environmental Protection Agency (US EPA) from July 1, 2005 to July 1, 2006.

During this period, US EPA codified the Long Term 2 Enhanced Surface Water Treatment Rule and the Stage 2 Disinfectants and Disinfection Byproducts Rule which the NDEP/BSDW is now adopting. The regulations also addresses related changes to the Design, Construction, Operation and Maintenance regulations as well as clarification of language related to: the Public Notice Rule; the Lead and Copper Rule; the Interim Enhanced Surface Water Treatment Rule; the Long Term 1 Enhanced Surface Water Treatment Rule; language related to Best Available Technology (BAT) and repeal of a variance provision deemed to be in conflict with another existing provision. The regulation further includes adoption of 40 CFR 142.61 to 142.65, inclusive, for purpose of better defining BAT for variances. These portions of the regulation are necessary to maintain Primary Enforcement Responsibility (Primacy) approval from the U.S. EPA for the Safe Drinking Water Act components of Nevada's program.

This regulation was further amended to update agency naming conventions in the Public Water System Design, Construction, Operation and Maintenance portion, made necessary by the 2005 Legislative transfer of the Bureau of Safe Drinking Water from the Health Division to the NDEP. Certain amendments also clarified regulatory roles and responsibilities of the NDEP/BSDW and the two large County Health Districts. Finally, this regulation makes various minor amendments to clean up existing regulatory language.

1. A description of how public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary.

Since Federal promulgation of the Long Term 2 Enhanced Surface Water Treatment Rule and the Stage 2 Disinfectants and Disinfection Byproducts Rule in 2006, NDEP/BSDW staff has been actively engaged with the regulated community and the US EPA Region 9 in providing educational training and workshops on the future implementation of the new federal rules. Additional outreach opportunities included annual Nevada Rural Water Association Conferences, Distance Learning Broadcast trainings through the UNR Extension Service and small group meetings and trainings with identified major stakeholders.

Prior to the public hearing, the NDEP/BSDW held three (3) official public workshops on the above referenced regulation at the locations noted below.

Las Vegas June 23, 2008 9:30 am to 12:00 noon College of Southern Nevada Charleston Campus 6375 W. Charleston Blvd	Carson City June 24, 2008 1:30 pm to 4:30 pm Bryan Building 901 South Stewart St	Elko June 25, 2008 10:00am to 12:30 pm Great Basin College Main Campus 1500 College Parkway
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Notifications of the regulation adoption Workshops were posted in all requisite library locations. In addition, the Workshop notice was mailed to 1,771 individuals, including all public water systems, all certified water system operators, and a large number engineering companies on file with the Bureau.

Approximately 31 people attended the workshops. At the workshops staff from the Bureau of Safe Drinking Water utilized a slide presentation (123 slides) to explain the proposed regulatory changes as well as answered numerous questions posed by workshop participants.

Following these workshop, the State Environmental Commission (SEC) held a public hearing to consider the regulation on October 6, 2009. The hearing was conducted as a video conference in Carson City and Las Vegas. The hearing location in Carson City was the Bryan Building, 901 South Stewart Street (2nd floor, Tahoe Room). In Las Vegas the hearing was held at the Nevada Division of Environmental Protection, 2030 E. Flamingo Rd. Suite 230. The SEC hearing agenda was posted at the meeting location, at the State Library in Carson City, and at the Offices of the Division of Environmental Protection in Carson City and Las Vegas. Copies of the agenda, the public notice, and the proposed regulation were also made available to all public libraries throughout the state as well as to individuals on the SEC electronic and ground-based mailing lists.

The public notice for the regulation was published on Monday, September 14, 21, and 28, 2009 in the Las Vegas Review Journal and Reno Gazette Journal newspapers. Information about the regulation was also made available on the SEC website at:

http://sec.nv.gov/main/hearing_100609.htm

2. The number persons who attended the SEC Regulatory Hearing:

- (a) Attended October 06, 2009 hearing; 30 (approx.)
- (b) Testified on this Petition at the hearing: 2 (2 NDEP Staff)

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses as indicated in number 1 above.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The State Environmental Commission adopted the regulation with several non-substantive word clarifications to reflect comments acquired during the public workshop process including comments solicited from US EPA officials and NDEP staff. The changes were incorporated (“green-lined”) and included in the final submittal of the regulation to the Legislative Counsel Bureau.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

This regulation is likely to have an economic impact on portions of the public and/or the business community in cases where public water systems will require expanded monitoring and/or certain capital improvements to meet regulatory compliance requirements. More specifically, the adoption of the regulation will impact the monitoring and treatment requirements of public water systems which disinfect and/or utilize surface water.

There are approximately 35 Public Water Systems (PWS) that may be classified as small businesses that are impacted by the Stage 2 Disinfectants and Disinfection Byproducts Rule, and six of these will see a slight increase in monitoring, however none are expected to modify their treatment to comply with the regulation.

There are 22 PWS that treat surface water and are impacted by the Long Term 2 Enhanced Surface Water Treatment Rule. All PWS that treat surface waters, however, will be required to perform at least two rounds of source water monitoring six years apart, and some systems will have to install additional treatment processes to treat for Cryptosporidium. Two PWS may be classified as small businesses. It is anticipated for one PWS no additional treatment will be required. For surface water systems which only disinfect and have been granted filtration avoidance status under the Surface Water Treatment Rule, these systems must install a second disinfectant and treat for Cryptosporidium. Five of the PWS that treat surface water fall into this category, and one is considered a small business.

Of note, an unquantifiable benefit to the public exists related to better protection of health and safety and decreased medical costs as a direct result of further regulating disinfection byproducts and waterborne disease.

6. The estimated cost to the agency for enforcement of the adopted regulation.

Existing staff resources will be utilized to implement this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

This regulation amendment will not duplicate any State regulation. In order to avoid overlap of Title 40 of the US Environmental Protection Agency's CFR, these regulations adopt portions of the federal regulations by reference.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

This regulation amendment will not be more stringent than federal regulations.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation amendment does not propose new or increased fees.