

**FORM 1: FORM FOR PETITIONING THE STATE ENVIRONMENTAL COMMISSION FOR
ADOPTION, FILING AMENDMENTS OR REPEAL OF COMMISSION REGULATIONS**
(Provide attachments as needed)

1. Name, address, telephone number, and signature:

Name: Nevada Division of Environmental Protection

Address: 901 S. Stewart St., Ste 4001, Carson City, NV 89701

E-mail Address: mnguyen@ndep.nv.gov

Telephone Number: 775-687-9515

Date of Petition: March 16, 2018

Representative capacity and signature of petitioner, authorized individual, officer or attorney:



My-Linh Nguyen, Ph.D., P.E., Chief
Bureau of Safe Drinking Water

2. Specific type of petitioner (individual, partnership, corporation, government agency, or other) and the exact occupation or business, including a description of the occupation or business if necessary:

The Nevada Division of Environmental Protection (NDEP) is a division of the Nevada Department of Conservation and Natural Resources of the State of Nevada. NDEP is an environmental regulatory agency.

3. Exact and specific nature of changes sought, including delineation of the regulations, statutory provisions of Commission decisions involved. May include a statement of the written term or substance of the proposed regulatory action, or a description of the subjects and issues involved:

The NDEP is requesting adoption of these regulatory amendments governing the Design, Construction, Operation and Maintenance of Public Water Systems found in Chapter 445A of the Nevada Administrative Code (NAC). Statutory authority to adopt these amendments is contained in Nevada Revised Statutes 445A.860.

SPECIFIC CHANGES: The NDEP proposes to modify the regulations pertaining to engineering design of public water systems. Revisions sections include certain definitions; amending the time frame for initiation and completion of a water project (445A.6671); clarifications to the NDEP approach for handling determination of "lead free" construction (445A.66085 and 445A.65825); clarifications in use of documents adopted by reference (445A.6663 and 445A.66685); addition of design review requirements for non-potable construction that could impact water infrastructure (445A.67105); change to the definition of "sewer main" (445A.66395) and "separations and crossings" regulations (445A.6715-445A.67175, inclusive); clarification on backflow for fire hydrants and sprinkler systems (445A.6719 and 445A.67215); and NAC 445A.5403 is proposed for repeal as redundant of 445A.6671.

4. A statement of the need for and purpose of the proposed regulations:

The public water system engineering design regulations have not been substantially revisited since 1997. In that time, construction materials and methods have improved and in 2017 the need to revisit the regulations was deemed warranted. A broad workgroup of statewide stakeholders was convened by NDEP, including local health departments, City and County government, large and small water systems, engineers, builders, and attorneys, totaling approximately 40 individuals. The NDEP considered this amendment based on discussions and recommendations from the workgroup to provide updates and clarifications to regulatory requirements and improve review efficiency while ensuring protection of public health and safety.

The proposed amendment helps clarify public water system engineering design regulations. The amendment updates and removes redundancies in distribution system definitions; modifies time frame for initiation and completion of a water project; clarifies compliance requirements for lead-free and drinking water compatibility standards and engineering standards adopted by reference; clarifies mitigation requirements for horizontal separation and vertical crossing between water and sewer lines; and add clarifications to back-flow prevention requirements.

5. A statement of the:

(a) Estimated economic effect of the regulation on the business which it is to regulate:

The proposed amendment, to provide clarification and reduce redundancy, is not expected to have an economic impact on the regulated community.

(1) Both adverse and beneficial effects:

No adverse effects is expected with this proposed amendment. This amendment clarifies compliance expectations to improve process efficiency.

(2) Both immediate and long-term effects:

This amendment clarifies compliance expectations to improve process efficiency.

(b) Estimated economic effect on the public:

The proposed amendment is not expected to have an economic effect on the public.

(1) Both adverse and beneficial effects:

The proposed amendment will provide clarification and reduce redundancy and is not expected to have an economic impact on the public.

(2) Both immediate and long-term effects:

The proposed amendment will improve review efficiency while ensuring protection of public health and safety.

(c) Estimated cost by the agency for enforcement of the proposed regulation:

The proposed amendment is not expected to increase cost to the agency for enforcement of the proposed regulation. Clarifications and revisions to engineering regulations will help clarify compliance expectations and improve review efficiency.

6. A description of any regulations for 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 overlap or duplicate any local, State, or Federal regulation.

7. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions. The statement must include the specific citation of the federal statute or regulation requiring such adoption:

This regulation amendment will not be more stringent than Federal regulations.

8. 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 will not require a new or increases of existing fees.