

**FORM FOR PETITIONING THE STATE ENVIRONMENTAL COMMISSION FOR
ADOPTION, FILING AMENDMENTS OR REPEAL OF COMMISSION REGULATIONS.**

Form #1

1. Nevada Division of Environmental Protection
901 South Stewart Street, Ste. 4001
Carson City, NV 89701-5249
775-687-9418
August 24, 2016



Bruce Holmgren, P.E., Chief
Bureau of Water Pollution Control
(775) 687-9433

2. The Division of Environmental Protection (Division) is an agency of the Department of Conservation and Natural Resources of the State of Nevada. The Division is an environmental regulatory agency.
3. Nevada Revised Statutes (NRS) 445A.425, Powers and duty of Commission, establishes the authority of the State Environmental Commission to adopt regulations carrying out the provisions of NRS 445A.300 to 445A.730, Water Pollution Control, inclusive, including standards of water quality and amounts of waste that may be discharged into waters of the State and controlling the injection of fluids through a well.

SPECIFIC CHANGES:

The Division proposes to modify the regulations pertaining to the use of reclaimed water; the administrative continuance of underground injection control permits; and the definition of the size of onsite sewage disposal systems (NAC 445A.274 - NAC 445A.277; NAC 445A.819; NAC 445A.849; NAC 445A.867; and NAC 445A.872). The Division proposes to add a new category of reclaimed water that will require higher standards of treatment and may be used for activities not currently allowed; specifically, the allowance of indirect potable reuse. The Division proposes to change the text of the existing reclaimed water categories to provide clarity through added definitions and allowed uses for reclaimed water and to add new fee categories for aquifer recharge for indirect potable reuse. The Division also proposes to add new fee categories to the underground injection control fee schedule; allow for the administrative continuance of underground injection control permits; and redefine the size of onsite sewage disposal systems that are regulated by the agency to be consistent with other State regulations.

4. **NEED AND PURPOSE:**
Nevada is an arid state, subject to water scarcity issues that can be worsened by drought, as was outlined by the Nevada Drought Forum. Reclaimed water is a valuable resource for the State, and its use should be allowed where human health and the environment are not negatively impacted. The current regulations do not adequately address the scope of possible uses for reclaimed water in the State. The proposed regulations are intended to allow for the expanded use of reclaimed water in the State in a manner that is protective of human health and the environment.

5. **ECONOMIC EFFECTS:**

- (a) **Regulated Business/Industry:** The proposed regulations to not mandate additional actions or costs on the regulated community. The proposed regulations allow for additional uses of reclaimed water and include an additional category of reclaimed water. Should a regulated entity choose to pursue activities allowed by the proposed regulations, the entity may incur associated costs.
- (b) **Public:** The proposed regulations are not expected to have a direct economic effect on the public.

(c) Enforcing Agency: Costs incurred by the Division for the enforcement of the proposed regulations will be covered by the proposed permit fees.

6. The proposed regulations do not overlap nor duplicate any regulations of other State or governmental agencies.
7. The proposed regulations are no more stringent than what is established by federal law.
8. There are new permit fees associated with the proposed regulations. The new fees are for permit applications and for annual services, major modifications, or renewals of permits for the discharge of reclaimed water to spreading basins and for the injection of reclaimed water to groundwater through injection wells for indirect potable reuse, neither of which are currently regulated. Of the four new fee schedules for each discharge type, the highest requires a permit application fee of \$10,000 and an annual review and services fee of \$40,000. The agency will use those fees to compensate for the time and resources required to enforce the regulations.

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Revision Approved by SEC 10-3-95