

Permanent Regulation - Filing Statement

Nevada Division of Environmental Protection
Bureau of Safe Drinking Water

Legislative Review of Adopted Regulations as Required
by Administrative Procedures Act, NRS 233B.066

State Environmental Commission (SEC) LCB File No. R061-10

P2010-03

R061-10: Safe Drinking Water Adoption By Federal Reference: The Nevada Division of Environmental Protection (NDEP) is proposing to update its adoption by reference date in NAC 445A for regulations that have been promulgated by the U.S. Environmental Protection Agency (U.S. EPA) from July 1, 2006 to July 1, 2009. Nevada's Safe Drinking Water Program regulates public water systems using a combination of State regulations and the National Primary Drinking Water Regulations (NPDWR) adopted by reference. The U.S. EPA has granted the NDEP primary enforcement responsibility for the NPDWR. In order to maintain primary enforcement responsibility, the NDEP must adopt regulations that are at least as stringent as new or amended federal regulations.

In part, the proposed amendments adopt the new federal Ground Water Rule and the Lead and Copper Rule Short-Term Revisions and Clarifications. The Lead and Copper Rule is a current regulation implemented by the NDEP. These amendments are considered necessary to maintain Primary Enforcement Responsibility for NDEP's Bureau of Safe Drinking Water's (BSDW) federal program elements. Additionally, changes are proposed to enhance a BSDW safe drinking water program element in response to needs of the regulated community, and provide "cleanup" and clarification of existing regulations.

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.

The NDEP held three public workshops on the above referenced regulation as depicted below.

Elko	Carson City	Las Vegas
May 11, 2010 9:00 am to 10:30 am	May 12, 2010 9:00 am to 10:30 am	May 13, 2010 9:00 am to 10:30 am
Elko Convention & Visitors Authority 700 Moren Way Cedar Room	Department of Conservation & Natural Resources Bryan Building 901 South Stewart St	College of Southern Nevada Charleston Campus 6375 W. Charleston Blvd

Following the workshop, the State Environmental Commission (SEC) held a regulatory hearing on June 17, 2010 in Reno at the Nevada Department of Wildlife. A public notice and agenda for the SEC hearing 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 permanent regulation were also made available at all public libraries throughout the state as well as to individuals on the SEC electronic and ground-based mailing lists.

The public notice was published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the above referenced SEC regulatory hearing. Other information about the proposed regulation was also made available on the SEC website at: http://www.sec.nv.gov/main/hearing_0610.htm

2. The number persons who attended the SEC Regulatory Hearings:

- (a) Approximately 20
- (b) Testified on the regulations: 2 (1 NDEP Staff) (1 TMWA Staff)
- (c) Submitted written comments: (none)

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 through e-mail and telephone exchanges, and public workshops indicated in number 1 above. Workshops were posted in all requisite library locations. In addition, the Workshop notice was mailed to 1920 individuals, including all public water systems, all certified water system operators, and a large number of engineering companies on file with the Bureau. Workshops fully described the proposal and attendees were provided the opportunity to ask questions or comment on the proposed amendments. Two individuals were present at the above referenced SEC hearing and provided support for Section 7 of this petition. No adverse comments were received prior to the SEC regulatory hearing.

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 regulation was adopted with some minor non-substantive language changes; an errata sheet containing the changes to the original draft regulation was submitted with this filing statement 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.

Adoption of this regulation is not expected to result in a significant additional financial burden to the business community or the general public. In general, the economic impact of this regulation for a given drinking water system might involve marginal costs for repeated water samples to identify microbial contamination. The cost of sampling analysis ranges from approximately \$12.00 to \$25.00 per sample. Water systems have from 1 to approximately 63 active sources. However systems with multiple sources can reduce the number of sources to be sampled by submitting a Triggered Representative Source Water Monitoring Plan. In general the regulation provides for better protection of the health and safety of the public and may result in decreased medical costs that might be incurred as a direct result of waterborne disease or lead exposure. A complete analysis of the estimated economic effect of the regulation is available online at: http://sec.nv.gov/docs/form1_p2010-03.pdf (see #5).

6. The estimated cost to the agency for enforcement of the adopted regulation.

While the regulation will increase the responsibilities of existing staff at the Division of Environmental Protection, the new regulatory requirements will be implemented with existing resources. The outcome of ongoing resource evaluation will determine if appropriate additional resources will be sought to ensure adequate oversight of public water systems in Nevada to ensure the protection of public health.

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 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.