

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R136-24

August 1, 2024

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

AUTHORITY: §§ 1-8, NRS 445A.425.

A REGULATION relating to pollution; defining certain terms relating to holding tank systems; revising requirements for a permit for the installation of a holding tank system; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Environmental Commission within the State Department of Conservation and Natural Resources to adopt regulations which protect the waters of the State by providing standards for the amounts of waste which may be discharged into the waters of the State and which prohibit the injection of fluids through a well into underground water which may supply a public water system. (NRS 445A.425) Existing regulations: (1) require a person to obtain a permit to install a holding tank system for domestic sewage; (2) authorize the Division of Environmental Protection of the State Department of Conservation and Natural Resources or other administrative authority to issue such a permit for a site that meets certain conditions; and (3) set forth certain requirements for portable holding tanks. (NAC 445A.9692) **Section 5** of this regulation: (1) authorizes the Division to issue a permit for the installation of a holding tank system, in a county whose population is 700,000 or more (currently only Clark County), for a site that meets certain conditions. **Section 5:** (1) provides that such a permit expires 5 years after the date on which the permit was issued or on December 31, 2030, whichever is earlier; and (2) requires that a site issued such a permit be connected to a public or community sewerage system by December 31, 2030.

Sections 2-4 of this regulation define certain terms relating to a holding tank system. **Section 6** of this regulation makes a conforming change to indicate the proper placement of **sections 2-5** in the Nevada Administrative Code.

Section 7 of this regulation requires each holding tank to: (1) have a certain minimum capacity; (2) be watertight; (3) be structurally sound and made of durable, noncorrosive materials; and (4) be designed and constructed to provide a secure, watertight connection with certain sewer pipes. **Section 7** also: (1) revises the name of portable holding tanks to temporary holding tanks; and (2) limits the placement and use of temporary holding tanks to a period of not more than 180 days. **Sections 5 and 7** also require the operator of the holding tank system to submit a plan for the abandonment of the holding tank system to the Division or other

administrative authority, as applicable, before the expiration or termination, as applicable, of a permit for such a holding tank system.

Section 1. Chapter 445A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *“Holding tank system” means a stationary tank or tanks that operate in series or in parallel for the storage and accumulation of domestic sewage.*

Sec. 3. *“Operate in parallel” means that the holding tanks in a holding tank system have an equal supply of influent and operate congruently.*

Sec. 4. *“Operate in series” means that the holding tanks in a holding tank system connect in such a way that one tank will overflow or feed into the next subsequent tank.*

Sec. 5. 1. *Notwithstanding the provisions of NAC 445A.9692, in a county whose population is 700,000 or more, the Division may issue an individual permit for the installation of a holding tank system for domestic sewage for a site if:*

(a) The site is being developed for nonresidential purposes and will use waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority;

(b) The owner or operator of the site has applied and has not been provided a waiver from the General Manager of the Southern Nevada Water Authority to the prohibition on the installation of a new septic system pursuant to section 38.4 of the Conservation of Colorado River Water Act;

(c) A public or community sewerage system is not available or expected to become available at the time of development but is expected to become available not more than 5 years

after the date on which a permit is issued pursuant to this section, but not later than December 31, 2030;

(d) The agency responsible for the public or community sewerage system or the developer of the site has:

- (1) Completed the engineering designs for the public or community sewerage system;*
- (2) Secured funding for the expansion of the public or community sewerage system; and*
- (3) Is in the process of negotiating a contract for the expansion of the public or community sewerage system;*

(e) The owner or operator of the site has begun construction of the necessary on-site and off-site infrastructure to connect to the public or community sewerage system once the system is operational;

(f) The proposed holding tank system is anticipated to be used for not more than 5 years;

(g) The projected daily sewage flow is not more than 3,500 gallons, unless otherwise approved by the Division;

(h) The holding tank system will meet the setbacks required pursuant to NAC 445A.965;

(i) Only domestic sewage will be discharged into the holding tank; and

(j) Within 90 days after any building connected to the holding tank system is connected to the public or community sewerage system, the proposed holding tank system will be decommissioned pursuant to NAC 445A.9702.

2. An application for a permit for the installation of a holding tank system issued pursuant to this section must include, without limitation:

(a) Evidence that the site and holding tank system meet the requirements set forth in subsection 1;

(b) A copy of a contract with a septic tank pumping contractor who has been issued a permit under chapter 444 of NAC that requires the tank to be inspected and pumped at regular intervals or as needed and the contents to be treated in a manner and at a facility approved by the Division; and

(c) Evidence that the holder of the permit of the proposed treatment facility will accept the pumpings for treatment.

3. A holding tank system for which a permit is issued pursuant to this section must comply with each of the following requirements:

(a) Plans and specifications for the proposed holding tank system must be submitted to the Division for review and approval;

(b) Each holding tank in the holding tank system must:

(1) Have a minimum liquid capacity of 1,000 gallons;

(2) Comply with the holding tank standards established by the Division;

(3) Be located and designed to facilitate the removal of its contents by pumping;

(4) Be equipped with both an audible and visual alarm, placed in locations acceptable to the Division, to indicate when the tank is 75 percent full;

(5) The tank must be watertight and have no overflow vent at an elevation lower than the overflow level of the lowest fixture served;

(6) Be designed for anti-buoyancy if test-hole examination or other observations indicate that seasonally high groundwater may float the tank when empty;

(7) The tank must be structurally sound and made of durable, noncorrosive materials;
and

(8) The tank must be designed and constructed to provide a secure, watertight connection with the sewer pipe for any building to which the tank is connected; and

(c) The combined liquid capacity of the holding tanks in the holding tank system may not exceed 45,000 gallons.

4. A holding tank system for which a permit is issued pursuant to this section may be designed to operate in series or in parallel.

5. At all times that a holding tank system permitted pursuant to this section is being used, the holder of the permit must maintain a service contract with a septic tank pumping contractor who has been issued a permit under chapter 444 of NAC to provide regular inspections and pumping of the holding tank system.

6. Before a permit issued pursuant to this section expires, the holder of the permit must submit to the Division for review and approval a plan for the abandonment of the holding tank system.

7. Notwithstanding the provisions of NAC 445A.962 and 445A.9692, a permit issued pursuant to this section expires 5 years after the date on which the permit is issued or on December 31, 2030, whichever is earlier.

8. A site for which a permit is issued pursuant to this section must be connected to a public or community sewerage system by not later than December 31, 2030.

Sec. 6. NAC 445A.950 is hereby amended to read as follows:

445A.950 As used in NAC 445A.950 to 445A.9706, inclusive, *and sections 2 to 5, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 445A.9502 to 445A.9576, inclusive, *and sections 2, 3 and 4 of this regulation* have the meanings ascribed to them in those sections.

Sec. 7. NAC 445A.9692 is hereby amended to read as follows:

445A.9692 1. The installation of a holding tank system for domestic sewage , *including, without limitation, any vault toilets or temporary holding tanks*, requires a permit. The Division or other administrative authority may issue a permit for a site that meets all of the following conditions:

- (a) The site cannot be approved for installation of a standard subsurface disposal system.
- (b) A public or community sewerage system is not available or expected to be available within 5 years after completion of the site.
- (c) The holding tank is intended to serve a county, state or national park, or an occasional-use facility, including, without limitation, a county fair or rodeo, or the holding tank is under the control of a city or other legal entity authorized to construct, operate and maintain a public or community sewerage system.
- (d) The projected daily sewage flow is not more than 500 gallons, unless otherwise allowed by the Division or other administrative authority.
- (e) The setbacks required pursuant to NAC 445A.965 can be met.
- (f) Only domestic sewage will be discharged into the holding tank.

2. At all times that a holding tank permitted pursuant to this section is being used, the holder of the permit must maintain a service contract with a septic tank pumping contractor who has been issued a permit under chapter 444 of NAC to provide regular inspection and pumping of the holding tank.

3. Except as otherwise provided in subsections 5 and 6, a holding tank for which a permit is issued pursuant to this section must comply with the following requirements:

(a) Plans and specifications for each proposed holding tank *and the design and specifications of the manufacturer for each vault toilet, if applicable*, must be submitted to the Division or other administrative authority for review and approval.

(b) Each tank must:

- (1) Have a minimum liquid capacity of ~~12,000~~ *1,000* gallons;
- (2) Comply with the tank standards established by the Division;
- (3) Be located and designed to facilitate the removal of its contents by pumping;
- (4) Be equipped with both an audible and a visual alarm, placed in locations acceptable to the Division or other administrative authority, to indicate when the tank is 75 percent full;
- (5) ~~Have~~ *The tank must be watertight and have* no overflow vent at an elevation lower than the overflow level of the lowest fixture served; ~~and~~
- (6) Be designed for anti-buoyancy if test-hole examination or other observations indicate that seasonally high groundwater may float the tank when empty ~~+~~;
- (7) *The tank must be structurally sound and made of durable, noncorrosive materials; and*
- (8) *The tank must be designed and constructed to provide a secure, watertight connection with the sewer pipe for any building to which the tank is connected.*

4. An application for a permit for installation of a holding tank must include:

(a) A copy of a contract with a septic tank pumping contractor who has been issued a permit under chapter 444 of NAC that requires the tank to be inspected and pumped at regular intervals or as needed and the contents to be treated in a manner and at a facility approved by the Division or other administrative authority; and

(b) Evidence that the ~~owner or operator~~ *holder of the permit* of the proposed treatment facility will accept the pumpings for treatment.

5. ~~Portable~~ *Temporary* holding tanks may be ~~temporarily~~ placed *for a period of not more than 180 days* at the site of limited-duration events, including, without limitation, construction projects, if the following requirements are met:

(a) The tank must be owned and serviced by a septic tank pumping contractor who has been issued a permit under chapter 444 of NAC.

(b) Tank placement and use must comply with all applicable local planning, building and health requirements.

~~(c) Only domestic sewage may be discharged into the tank.~~

~~(d)~~ The tank must be maintained in a sanitary manner to prevent a health hazard or nuisance.

~~(e)~~ *(d)* The tank must not be buried, unless approved by the Division or other administrative authority.

~~(f)~~ *(e)* The tank may not be used to service a dwelling, a recreational vehicle or any other structure having sleeping accommodations, except that a tank may be used on a construction site to serve a contractor's job shack or night watchman's trailer.

(f) The combined liquid capacity of such temporary holding tanks may not exceed 15,000 gallons.

6. In addition to the provisions of subsection 5, a ~~portable~~ *temporary* holding tank that is ~~temporarily~~ placed pursuant to that subsection must meet the following standards:

(a) Tank capacity must not exceed 1,000 gallons unless approved by the Division or other administrative authority.

(b) ~~{The tank must be watertight and have no overflow vent lower than the overflow level of the lowest fixture served.~~

~~—(c) The tank must be structurally sound and made of durable, noncorrosive materials.~~

~~—(d) The tank must be designed and constructed to provide a secure, watertight connection with the sewer pipe for any building to which the tank is connected.~~

~~—(e)~~ The tank must be marked with the name and phone number of the septic tank pumping contractor who has been issued a permit under chapter 444 of NAC and who is responsible for maintaining the tank.

7. Before a permit issued pursuant to this section is terminated, the holder of the permit must submit to the Division or other administrative authority for review and approval a plan for the abandonment of the holding tank system.

Sec. 8. Section 5 of this regulation expires on December 31, 2030.