Workshops to Solicit Comments on Proposed Amendments to NAC 445A: Water Controls

LCB File R101-16

Summary

NDEP is proposing to update NAC 445A. NDEP is proposing 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. NDEP is also proposing the following changes to NAC 445A: change the text of the existing reclaimed water categories to provide clarity through added definitions and allowed uses for reclaimed water; add new fee categories for aquifer recharge for indirect potable reuse; add new fee categories to the underground injection control (UIC) fee schedule; allow for the administrative continuance of UIC permits; and redefine the size of onsite sewage disposal systems that are regulated by the agency to be consistent with other State regulations.

Three public workshops were held to provide the public with an overview of, and opportunity to ask questions and comment on, the proposed amendments to NAC 445A (LCB file R101-16).

The workshops were held at the following locations:

Carson City	**Las Vegas**	**Elko**
September 19, 2016	September 20, 2016	September 21, 2016
10:00 am	10:00 am	2:00 pm
Bryan Building	Grant Sawyer Building	Elko City Hall
Tahoe Hearing Room	Room 1100	Council Chamber Room
901 S. Stewart Street, Room 2001	555 East Washington Ave.	1751 College Ave.
Carson City, NV 89701	Las Vegas, NV 89101	Elko, NV 89801

Carson City Workshop Summary

The workshop was called to order at 10:00 am.

Nicholas Brothers introduced himself, Peter Lassaline, and Bruce Holmgren as the workshop panelists. Mr. Brothers then gave an overview of the purpose of the workshop.

The public was given an opportunity to provide general comments and questions. There were none.

Mr. Lassaline gave an overview of the proposed regulations.

The public was given an opportunity to ask questions regarding the proposed regulations. The following questions were asked:

- An employee of Resource Concepts, Inc. asked if golf course ponds would require fencing as a result of the proposed regulations. The answer was no, golf course ponds will not require fencing. The proposed regulations will not affect existing permitted uses of reclaimed water.

- An employee of Resource Concepts, Inc. asked if effluent management plans would be called reclaimed water management plans. The answer was yes, as permits are renewed, effluent management plans will be referred to as reclaimed water management plans.

The public was given another opportunity to provide general comments and questions. There were none.

The workshop was adjourned at approximately 10:20 am.

The workshop attendance sheet is attached.

Las Vegas Workshop Summary

The workshop was called to order at 10:00 am.

Nicholas Brothers introduced himself, Peter Lassaline, and Bruce Holmgren as the workshop panelists. Mr. Brothers then gave an overview of the purpose of the workshop.

The public was given an opportunity to provide general comments and questions. There were none.

Mr. Lassaline gave an overview of the proposed regulations.

The public was given an opportunity to ask questions regarding the proposed regulations. The following questions were asked:

- An employee of Utilities Inc. asked what the difference was between spreading basins and rapid infiltrations basins. NDEP replied that the difference is the intended use, spreading basins being for indirect potable reuse and rapid infiltration basins for disposal of treated wastewater. It was then asked if there was a difference in design criteria. NDEP replied that there is not necessarily a difference in design criteria, but there is a different level of technical review due to the intended use.

- An employee of the Clark County Water Reclamation District requested confirmation that the intent of the regulations was not to require fencing around existing golf course ponds and Clark County Wetlands Park ponds. NDEP confirmed that statement.

- An employee of the City of Henderson asked if future golf course ponds would be regulated in the same way as current golf course ponds with regard to fencing. The answer was yes, they would be.

- An employee of Utilities Inc. asked for clarification on acceptable fencing, specifically, would their six-foot block wall fence suffice or would it require razor wire on top. The answer was that the block wall would suffice and that razor wire would not be required.

- An employee of Carollo Engineers asked for clarification on the intent of Section 19 of the proposed regulations, which prohibits the use of reclaimed water for maintaining a controlled temperature and humidity environment within an enclosed area. NDEP replied that the intent was to prohibit the use of reclaimed water for cooling where the air that came into contact with the reclaimed water would also come into contact with people. It was then asked for clarification on which type of cooling uses would be

permitted under the Category B allowed use. NDEP replied by stating that uses of reclaimed water in industrial cooling would be handled on a case-by-case basis through the permitting process.

- An employee of the Las Vegas Valley Water District asked if Category A water used in toilet flushing would require a permit. The answer was yes, a permit will be needed. It was then asked if a currently permitted facility, which uses Category A reclaimed water for toilet flushing, would need to obtain a separate permit as a result of these regulations. The answer was no, a separate permit will not be needed. The proposed regulations will not affect existing permitted uses of reclaimed water.

The public was given another opportunity to provide general comments and questions.

- An employee of the Clark County Water Reclamation District asked if any comments or questions were given by the public at the Carson City public workshop. Mr. Lassaline replied and summarized the Carson City workshop questions and answers. It was then asked if comments could be sent in by email. The answer was yes.

The workshop was adjourned at approximately 10:30 am.

The workshop attendance sheet is attached.

Elko Workshop Summary

The workshop was called to order at 2:00 pm.

Nicholas Brothers introduced himself, Peter Lassaline, and Bruce Holmgren as the hosts of the workshop. Mr. Brothers then gave an overview of the purpose of the workshop.

The public was given an opportunity to provide general comments and questions. There were none.

Mr. Lassaline gave an overview of the proposed regulations.

The public was given an opportunity to ask questions regarding the proposed regulations. There were none.

The public was given another opportunity to provide general comments and questions. There were none.

The workshop was adjourned at approximately 2:20 pm.

The workshop attendance sheet is attached.

Summary of Written Comments

Written comments were received until September 23, 2016 at 5:00 pm, both by mail and email. Below is a summary of those written comments.

- The Truckee Meadows Water Authority submitted a letter of support for the proposed regulations.
- The City of Reno submitted a letter of support for the proposed regulations.
- The City of Henderson submitted comments that both supported the proposed regulations and suggested that Category B reclaimed water be removed from the fencing requirements of Sec. 20, Item 5 of R101-16.

- Pahrump Utilities Company Inc. submitted comments that thanked NDEP for clarifying that treated effluent that is disposed of in rapid infiltration basins does not fall under the requirements of the proposed regulations and for clarifying that a six-foot high block wall fence would meet the requirements of Sec. 20, Item 5 of R101-16. The letter also requested that these clarifications be included in the proposed regulations.
- WateReuse Association submitted comments that generally supported the regulations, but expressed concerns regarding the fencing requirements of the proposed regulations.
- The City of Sparks submitted a letter of support for the proposed regulations.
- Utilities, Inc. submitted a letter thanking NDEP for clarifying, at the Las Vegas workshop, the difference between spreading basins and rapid infiltration basins, for clarifying that their existing facility's fence will suffice, and for clarifying the intent of adding reclaimed water Category A+. The letter also suggested that NDEP should include a definition for rapid infiltration basin to the proposed regulations and included a proposed definition.
- The Clark County Water Reclamation District submitted comments that were generally supportive of the proposed regulations but also expressed concerns about the fencing requirements that were added.
- The Western Regional Water Commission, Northern Nevada Water Planning Commission, submitted a letter of support for the proposed regulations.
- The Clark County Wetlands Park submitted comments expressing concern regarding the fencing language in the proposed regulations and suggesting that acceptable access restrictions be listed.
- The Southern Nevada Water Authority submitted comments that generally supported the regulations and expressed concerns regarding the fencing requirements and the language that prohibited the use of reclaimed water in cooling applications.

In response to written comments and public input received during the workshops, NDEP has revised the proposed regulations. The revisions are not significant, and add clarity to the intent of the regulations. The following revisions were made:

- Section 20, Part 5, which would have added fencing requirements, has been removed from the proposed regulations.
- Section 19, Part 2 has been reworded to add clarity. It has been changed from "*A person shall not use reclaimed water for maintaining a controlled temperature and humidity environment within an enclosed area.*" to "*A person shall not use reclaimed water for maintaining a controlled temperature and humidity environment in which air that contacts the reclaimed water is delivered to an area that may be occupied.*"

Sign in Sheet

R101-16: Reclaimed Water Regulations Workshop

Carson City, NV

September 19, 2016

Name	Email Address	Check this box to receive a summary of the workshop
Kristin Roaldson	kristin@rci-nv.com	✓
Robert Charpentier	rcharpentier@tmwa.com	✓
Peter Krueger	peter@fuelingnevada.com	
Chris Mahannah	chrisj@mahzo.com	
Sharada Maligireddy	smaligireddy@ndep.nv.gov	✓
Lydia Peri	LPeri@washoecounty.us	✓
Donnie		
Randy		
Dave Kershaw		
Russ Land		

Sign in Sheet

R101-16: Reclaimed Water Regulations Workshop

Las Vegas, NV

September 20, 2016

Name	Email Address	Check this box to receive a summary of the workshop
Valerie Flock	vflock@ndep.nv.gov	✓
Adrian Edwards	Adrian.Edwards@cityofHenderson.com	✓
Dan Burns	burnsdesuhdmail.org	✓
Gregory Hafen II	gth2@pacihafen.com	✓
Todd Tietjen	Todd.Tietjen@SNWA.com	✓
DAN FISCHER	dfischer@cleanwaterteam.com	✓
Dana LaRance	dana.larance@cityofhenderson.com	✓
Michael Arrasate	michael.arrasate@cityofhenderson.com	✓
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Jeff Johnson	Jeff.Johnson@snwa.com	✓
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STEVEN ROSS	steven.ross@lvvwd.com	✓
JIM GANS	jgans@cox.net	✓

Sign in Sheet

R101-16: Reclaimed Water Regulations Workshop

Elko, NV

September 21, 2016

Name	Email Address	Check this box to receive a summary of the workshop
Mike Musey	mmusey@barrick.com	X
Chris Natoli	cnatolie barrick.com	X
Ryan Limberg	rlimberg@elkocitynv.gov	X