

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB FILE NO. R133-24I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/17/2024**

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THE STATE ENVIRONMENTAL COMMISSION**

File No. P2024-10

June 11, 2024

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

AUTHORITY: §§1-4, NRS 445A.855, 445A.860, 445A.863.

Section 1: NAC 445A.454 is hereby amended to read as follows:

Primary standards: Monitoring and analysis.

1. The monitoring requirements for the primary standards set forth in NAC 445A.453 must be performed as required by 40 C.F.R. §§ 141.21 to 141.29, inclusive, 141.40, 141.41, 141.42, 141.74, 141.86 to 141.89, inclusive, 141.131, 141.132, 141.133, 141.172, 141.173, 141.174, 141.402, 141.530 to 141.564, inclusive, 141.605, 141.621 to 141.628, inclusive, 141.701 to 141.709, inclusive, and 141.851 to 141.858, inclusive, as adopted by reference in NAC 445A.4525.

2. Any analysis conducted to determine compliance with the primary standards referenced in NAC 445A.453 must be performed by a laboratory that is certified pursuant to the provisions of NAC 445A.542 to 445A.54296, inclusive, in accordance with:

(a) The method or methods listed in, or approved pursuant to, the provisions of NAC 445A.542 to 445A.54296, inclusive, for the selected contaminant or contaminants in the drinking water;
or

(b) Any method for the selected contaminant or contaminants in the drinking water approved by the United States Environmental Protection Agency as an acceptable alternative test procedure for drinking water.

3. For water systems which are conducting water quality monitoring at a frequency greater than annually, compliance with the maximum contaminant levels for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium or thallium must be determined *in accordance with 40 C.F.R. § 141.23(j)(i), as adopted by reference in NAC 445A.4525.*

~~[during normal operating conditions by a running annual average at any sampling point.]~~ A monitoring program identifying the sampling points must be submitted to the Division or the appropriate district board of health for review and approval. The monitoring program must demonstrate that the average quality of the water served to each customer in the distribution system is below the maximum contaminant level. The Division or the appropriate district board of health shall establish the number of samples the public water system must take for calculating the running annual average. The public water systems may not monitor more frequently than specified in the monitoring program by the Division or the appropriate district board of health to determine compliance unless approved in writing by the Division or the appropriate district board of health.

~~4.—As used in this section:~~

~~—(a) “Normal operating conditions” means the conditions that are achieved when the water system operates wells or treatment plants to supply water for seasonal demands.~~

~~—(b) “Running annual average” means the sum of the consecutive 12-month contaminant sample values divided by the total number of samples taken at one sample point. (Example: $(\sum x_1 + x_2 + \dots + x_n)/n =$ running annual average.)]~~

Section 2: NAC 445A.54026 is hereby amended to read as follows:

Submission and review of preliminary engineering report before construction or modification of facility.

1. Except *for a privately owned non community public water system* ~~as otherwise provided in NRS 445A.920~~, a public water system proposing to:

- (a) Construct a new facility for treatment or blending of groundwater; or
- (b) Make additions to or modify an existing facility to treat or blend groundwater,

↳ must submit a preliminary engineering report to the Division or to the appropriate district board of health. The report must be reviewed by the Division or the appropriate district board of health before the supplier begins design of a facility to treat or blend groundwater.

2. A preliminary engineering report must:

(a) Describe the needs of the public water system, identify the purpose of the water project, analyze alternatives and propose a preferred course of action, from an engineering and economic perspective;

(b) If the project includes treatment to comply with the requirements of 40 C.F.R. § 141.403, as adopted by reference in NAC 445A.4525, include documentation indicating the manner in which the public water system will achieve a minimum of 99.99 percent or 4-log treatment of viruses pursuant to those requirements;

(c) Identify design alternatives that were considered and associated design parameters; and

(d) Identify a recommendation by an engineer for the final design.

Section 3: NAC 445A.6569 is hereby amended to read as follows:

“Certified backflow prevention assembly tester” defined

“Certified backflow prevention assembly tester” means a person who is certified to test assemblies for the prevention of backflow by the California/Nevada section of the American Water Works Association, the American Backflow Prevention Association, *American Society of Sanitary Engineers* or an equivalent organization approved by the Division.

Section 4: NAC 445A.6669 is hereby amended to read as follows:

Prescribed fees.

1. Except as otherwise provided in subsections 3 and 4, the Division shall charge and collect fees for services, as follows:

(a) For reviewing an application for a permit to construct, renovate, modify or expand a public water system:

(1) If the public water system is a community water system or a nontransient water system, an application fee of \$200, and:

For reviewing an engineering report or preliminary engineering report\$900

For reviewing plans to construct, renovate, modify or expand a disinfection facility600

For reviewing plans to construct, renovate, modify or expand a distribution system that is less than 1,000 linear feet600

For reviewing plans to construct, renovate, modify or expand a

distribution system that is at least 1,000 but not more than 10,000 linear feet	800
For reviewing plans to construct, renovate, modify or expand a distribution system that is more than 10,000 linear feet	900
For reviewing plans to construct, renovate, modify or expand a pumping facility	1,000
For reviewing plans to construct, renovate, modify or expand a spring facility	800
For reviewing plans to construct, renovate, modify or expand a storage facility	900
For reviewing plans to construct, renovate, modify or expand a treatment facility	0.1 percent of the capital cost of the treatment facility, <i>not to exceed \$15,000</i> but not less than \$40
For reviewing plans to construct, renovate, modify or expand a well facility	1,000
For reviewing plans to operate a community or nontransient water system submitted pursuant to NAC 445A.5921	800

(2) If the public water system is a transient water system, an application fee of \$100,

and:

For reviewing an engineering report ~~[or preliminary engineering report]~~.....\$500

For reviewing plans to construct, renovate, modify or expand a
disinfection facility400

For reviewing plans to construct, renovate, modify or expand a
distribution system that is less than 1,000 linear feet400

For reviewing plans to construct, renovate, modify or expand a
distribution system that is at least 1,000 but not more than 5,000
linear feet500

For reviewing plans to construct, renovate, modify or expand a
distribution system that is more than 5,000 linear feet600

For reviewing plans to construct, renovate, modify or expand a pumping
facility600

For reviewing plans to construct, renovate, modify or expand a spring
facility500

For reviewing plans to construct, renovate, modify or expand a storage
facility500

For reviewing plans to construct, renovate, modify or expand a
treatment facility 0.1 percent of the

capital cost of the treatment facility *not to exceed \$9,000* but not less than \$40

For reviewing plans to construct, renovate, modify or expand a well

facility600

(b) For issuing an annual permit to operate a public water system:

(1) If the system is a community water system:

Number of connections for service to customers

25 or less \$369

26 - 3,000 369

Plus 75 cents for each connection for service

between 26 and 3,000 connections.

3,001 - 10,000 4,100

Plus 60 cents for each connection for service

between 3,001 and 10,000 connections.

10,001 - 50,000 10,988

Number of connections for service to customers

Plus 25 cents for each connection for service

between 10,001 and 50,000 connections.

50,001 - 100,000 27,388

Plus 10 cents for each connection for service

between 50,001 and 100,000 connections.

over 100,000 35,588

(2) If the system is not a community water system and regularly serves at least 25 of the same persons for more than 6 months per year:

For the calendar year beginning January 1, 2023\$270

For the calendar year beginning January 1, 2024320

For the calendar year beginning January 1, 2025369

(3) If the system is not a community water system or a public water system that serves at least 25 of the same persons for more than 6 months per year:

For the calendar year beginning January 1, 2023\$120

For the calendar year beginning January 1, 2024140

For the calendar year beginning January 1, 2025164

4. For the calendar year beginning on January 1, 2026, and for each calendar year

thereafter, the Director shall increase each fee set forth in subparagraphs (2) and (3) of

paragraph (b) of subsection 1 by an amount that is equal to 3 percent of the fee for the

immediately preceding calendar year. The Director may, during any calendar year, suspend

an increase in a fee specified in this subsection.

5. The Director shall post on the Internet website of the Division the fees required

pursuant to this section that are applicable for each calendar year.

6. As used in this section:

(a) "Capital cost of the treatment facility" means the cost estimated by an engineer to construct, renovate, modify or expand the treatment facility.

(b) "Community water system" means a public water system which:

(1) Has at least 15 service connections used by residents for an entire year; or

(2) Regularly serves at least 25 residents for an entire year.

Section 5: NAC 445A.66785 is hereby amended as follows:

Treatment facilities: Design and construction.

A treatment facility must:

1. Be designed in such a manner as to ensure:

(a) The reliable operation of the facility; and

(b) That the public water system can meet its current demands for water.

(c) Function safely and efficiently.

2. Except as otherwise specifically allowed by the Division or the appropriate district board of health:

(a) Ensure that at any time the facility is the sole source of water for the public water system, the total capacity of the system is sufficient to meet the maximum day demand, peak hour demand and fire flow for the area of service of the system.

(b) Include at least two devices each for pumping, mixing chemicals, flocculation, sedimentation, filtration and disinfection.

(c) Be constructed in such a manner as to allow individual devices required pursuant to paragraph (b) to be taken out of service without disrupting the operation of the facility.

(d) Have drains and pumps of such a size as to allow the removal of water within a reasonable time.

(e) Have a standby source of power available to allow the operation of essential functions when the regular source of power fails.

(f) When filtration is used, discharge filtered water after backwashing into a system for waste.

(g) If the facility does not have a person present on a 24-hour basis, include a device that automatically shuts off the facility when the facility is not operating properly.

(h) Include secondary containment for chemicals

(i) Include eye wash stations that comply with the federal Occupational Safety and Health Administration.

Section 6: NAC 445A.6681 is hereby amended to read as follows:

Treatment facilities: Safety and efficiency.

~~[A treatment facility must be designed and constructed in such a manner as to:~~

~~—1. Function safely and efficiently.~~

~~—2. Comply with any requirements imposed by:~~

~~—(a) The federal Occupational Safety and Health Administration.~~

~~—(b) The Division of Industrial Relations of the Department of Business and Industry.~~

~~—(c) The fire authority.]~~

Section 7: NAC 445A.67075 is hereby amended to read as follows:

Storage structures: Materials.

1. Except as otherwise provided in subsection 3, storage tanks must:

(a) Consist of welded steel and comply with *American Water Works Association Standard D100*;

(b) Consist of factory-coated, bolted steel and comply with *American Water Works Association Standard D103*;

(c) Consist of reinforced concrete of portland cement;

(d) Consist of prestressed concrete and comply with *American Water Works Association Standard D110*; or

(e) Consist of fiberglass-reinforced plastic and comply with *American Water Works Association Standard D120*.

(f) Consist of high density polyethylene and determined to be compatible with drinking water.

2. Reservoirs with floating covers may be used for the storage of water only if approved by the Division or the appropriate district board of health after evaluation on a case-by-case basis. If so approved, such a reservoir must have a lining and cover composed of a flexible membrane which conforms to the requirements of *American Water Works Association Standard D130*. Additional information for designing, installing, operating and maintaining reservoirs using flexible-membrane materials is outlined in *Manual M25 Flexible-Membrane Covers and Linings for Potable-Water Reservoirs*, third edition, of the American Water Works Association. This document is available at a cost of \$52 for members and \$83 for nonmembers from the American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235, by toll-free telephone at (800) 926-7337, or at the Internet address <http://www.awwa.org/store.aspx>.

3. The Division or the appropriate district board of health may authorize a public water system to use a storage tank composed of galvanized steel if:

(a) The plans and specifications for the tank are submitted to the Division or the appropriate district board of health.

(b) The tank is assembled and hot-dip galvanized, and any other coating is applied, at a factory. The tank must not be modified at another location unless the modification is inspected by an engineer and approved by the Division or the appropriate district board of health.

(c) Any material used to coat the tank is determined to be compatible with drinking water. Before being introduced into service, the tank must be sampled for the presence of volatile organic chemicals.

(d) An analysis of the quality of water in the tank demonstrates that the stored water will not corrode the tank and the only material used to coat the tank is a galvanized coating.

(e) The construction of the tank complies with *American Water Works Association Standard D103*.

4. This section does not:

(a) Prohibit the Division or the appropriate district board of health from:

(1) Disallowing the use of galvanized storage tanks in a public water system; or

(2) Imposing more stringent requirement for the construction of a galvanized storage tank.

(b) Apply to the use of galvanized tanks for any purpose other than the storage of water for a public water system.

5. All standards referenced in this section are adopted by reference in NAC 445A.6663.

