

Form #1

Petition to Adopt, Amend, or Repeal Commission Regulations

Approved 10-3-1995



NEVADA
**STATE ENVIRONMENTAL
COMMISSION**

1. Name, address, telephone number, and signature:

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Date of Petition: June 11, 2024

Representative capacity and signature of petitioner, authorized individual, officer or attorney:



2. Specific type of petitioner (individual, partnership, corporation, government agency, or other) and the exact occupation or business, including a description of the occupation or business if necessary:

Government Agency

Department of Conservation and Natural Resources (DCNR) Nevada Division of Environmental Protection (NDEP) Bureau of Safe Drinking Water (BSDW)

3. Exact and specific nature of changes sought, including delineation of the regulations, statutory provisions of Commission decisions involved. May include a statement of the written term or substance of the proposed regulatory action, or a description of the subjects and issues involved:

Strike the following: Redundancy in the primary standards regulation, the requirement that a transient public water system submit a Preliminary Engineering Report (PER) for review and approval prior to submitting a water project for the treatment of groundwater, and the requirement that BSDW review the design of a treatment plant to other federal and state agencies laws and regulations.

Add the following: Allow for the use of NSF 61 certified HDPE water storage tanks and a professional organization to certify backflow prevention assembly testers.

Revise the following: place a cap on water project plan review fee for water treatment facilities.

4. A statement of the need for and purpose of the proposed regulations:

NDEP identified the proposed regulatory amendments during a review of the regulations with staff and the regulated community, which meet the requirements of Executive Order 2023-003. The amendments will streamline, clarify, and improve the regulations to provide for the general welfare of the State without unnecessarily inhibiting economic growth.

5. A statement of the:

(a) Estimated economic effect of the regulation on the business which it is to regulate:

In general, these proposed amendments will not have an economic effect on small businesses.

(1) Both adverse and beneficial effects:

Adverse: One amendment removes the requirement that transient public water systems hire an engineer to produce and submit a Preliminary Engineering Report (PER) prior to submitting design plans for groundwater treatment facilities. The privately owned public water system may take on extra risk if they do not perform a cost benefit analysis of alternatives to comply with the regulations.

Beneficial: One amendment removes the requirement that transient public water systems hire an engineer to produce and submit a PER prior to submitting design plans for groundwater treatment facilities. This may reduce expenses for small businesses and decrease the time to comply with water quality standards. For all public water systems, the water treatment facility plan review fee will be capped.

(2) Both immediate and long-term effects:

Immediate: None

Long-term: One amendment removes the requirement that transient public water systems hire an engineer to produce and submit a PER prior to submitting design plans for groundwater treatment facilities. The privately owned public water system may take on extra risk if they do not perform a cost benefit analysis of alternatives to comply with the regulations. In the long-term, the maintenance and replacement costs for treating water may be greater than another alternative that was not evaluated.

(b) Estimated economic effect on the public:

None

(1) Both adverse and beneficial effects:

Adverse: None

Beneficial: None

(2) Both immediate and long-term effects:

Immediate: None

Long-Term: None

(c) Estimated cost by the agency for enforcement of the proposed regulation:

There are no additional costs to BSDW to enforce the proposed amendments.

6. A description of any regulations for 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:

NAC 445A.454 removes similar language to criteria found in the US Environmental Protection Agency's regulation in 40 C.F.R. § 141.23(j)(i), which is adopted by reference in NAC 445A.4525. As NDEP adopts the regulation for determining compliance with the drinking water standards by reference, removing similar yet non-identical language reduces confusion in determining compliance.

NAC 445A.6681 currently duplicates other federal (Occupational Safety and Health Administration) and state (Division of Industrial Relations of the Department of Business and Industry) agencies' law and regulations. Since NDEP does not have regulatory authority over these laws and regulations, NDEP is requesting to remove this regulation.

7. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions. The statement must include the specific citation of the federal statute or regulation requiring such adoption:

The proposed amendments are not more stringent than existing federal regulations.

8. 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:

Not applicable.

Supporting Documents



When submitting this form, attach a second document to your email with your proposed regulatory language. Include other supporting documents as needed.