

**APPROVED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

**LCB File No. R130-22**

Filed on February 27, 2024

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

AUTHORITY: §§ 1, 5-16 and 19, NRS 445A.860 and 445A.863; § 2, NRS 445A.425 and 445A.428; § 3, NRS 445A.425, 445A.428 and 445A.430; § 4, NRS 445A.425 and 445A.465; §§ 17 and 18, NRS 459.485 and 459.500; § 20, NRS 445A.425, 445A.428, 445A.430, 445A.465, 445A.860, 445A.863, 459.485 and 459.500.

A REGULATION relating to water; revising the categories of analytes for which laboratories may be certified; revising certain fees relating to certification for laboratories that analyze certain substances; replacing certain obsolete references with the State Environmental Commission and the Bureau of Safe Drinking Water of the Division of Environmental Protection of the State Department of Conservation and Natural Resources; revising references to certain standards and publications adopted by reference; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Environmental Commission to adopt regulations providing for the certification of laboratories that analyze soil or water to detect the presence of a hazardous waste or a regulated substance. (NRS 445A.425, 445A.428) Existing regulations set forth the categories of analytes for which the Division of Environmental Protection of the State Department of Conservation and Natural Resources may certify a laboratory. (NAC 445A.0624) **Section 2** of this regulation revises the categories of analytes.

Existing law authorizes the Commission to establish fees for services provided by the Division. (NRS 445A.430) Existing regulations establish: (1) an annual fee for an application for certification; (2) fees for certification to analyze certain contaminants; and (3) a fee for each approved method of testing for which a laboratory applies for certification, if the laboratory applies for certification for more than two of the approved methods of testing. Existing regulations also require a laboratory to pay certain expenses relating to travel if the Division conducts an evaluation for certification at the laboratory. (NAC 445A.066) **Section 3** of this regulation: (1) revises the annual fee for an application for certification and the fee for each additional method of testing; (2) revises the categories of analytes for certification; (3) provides

annual increases for the certification fee for each category of analyte for the period beginning August 1, 2024, and ending on July 31, 2029; and (4) clarifies that a laboratory located outside of this State must pay the actual travel and per diem expenses of the employee of the Division who conducts an evaluation for certification. **Section 3** further: (1) requires the fees set forth in **section 3** to increase by 3 percent every annual period of certification, beginning August 1, 2029; and (2) authorizes the Director of the Department to suspend any such increase during any annual period of certification.

Existing law requires the Commission to adopt regulations for the standards of quality of the waters of this State. (NRS 445A.425) Existing regulations define the term “WAD cyanide” to include alternative methods that may be used to determine the cyanide concentration. (NAC 445A.383) **Section 4** of this regulation provides that additional guidance materials relating to mining are available from the Bureau of Mining Regulation and Reclamation of the Division.

Existing law requires the Commission to adopt regulations providing for the certification of laboratories for the analysis of water in public water systems. (NRS 445A.863) Existing law also authorizes the Commission to establish reasonable fees to carry out provisions relating to public water systems. (NRS 445A.860) **Section 1** of this regulation defines the term “Commission” to mean the State Environmental Commission. **Section 5** of this regulation indicates the proper placement of **section 1** in the Nevada Administrative Code. **Section 6** of this regulation revises the definition of “Bureau” to mean the Bureau of Safe Drinking Water of the Division. **Sections 7-12** of this regulation: (1) replace obsolete references to the State Board of Health with the Commission; and (2) revise references to certain publications adopted by reference. **Section 14** of this regulation replaces a reference to the Bureau of Licensure and Certification of the Division of Public and Behavioral Health of the Department of Health and Human Services with a reference to the Division of Environmental Protection of the State Department of Conservation and Natural Resources. **Section 15** of this regulation replaces obsolete references to the Division of Public and Behavioral Health of the Department of Health and Human Services and the State Board of Health with the Division of Environmental Protection of the State Department of Conservation and Natural Resources and the State Environmental Commission, respectively. **Section 19** of this regulation repeals the obsolete definition of “Board,” referring to the State Board of Health. **Section 12** of this regulation updates certain standards and federal regulations related to the certification of laboratories.

Existing regulations provide categories to classify each analyte for which a laboratory may be certified. (NAC 445A.54266) **Section 13** of this regulation revises the categories of analytes for which a laboratory may be certified.

Existing regulations establish: (1) fees for applications for certification in chemistry and microbiology; (2) fees for certification to analyze certain analytes; and (3) a fee for any contaminant not set forth in existing regulations. Existing regulations also require a laboratory to pay certain expenses for each person who conducts an inspection required for certification of the laboratory. (NAC 445A.54296) **Section 16** of this regulation: (1) establishes instead an annual application fee; (2) revises the categories of analytes for certification; (3) provides annual increases for the certification fee for each category of analytes for the period beginning August 1, 2024, and ending on July 31, 2029; and (4) clarifies that a laboratory located outside of this State

must pay the actual travel and per diem expenses of the employee of the Division who conducts an inspection required for certification. **Section 16** further: (1) requires the fees provided in **section 16** to increase by 3 percent every annual period of certification, beginning August 1, 2029; and (2) authorizes the Director of the Department to suspend any such increase during any annual period of certification.

Existing law authorizes the Commission to adopt regulations providing for the certification of laboratories that analyze hazardous waste and to establish fees for such certification. (NRS 459.500) Existing regulations set forth the categories of analytes for which the Division may certify a laboratory. (NAC 459.9696) **Section 17** of this regulation revises the categories of analytes to include any other individual analyte and any other individual multianalyte method.

Existing regulations establish: (1) an annual fee for an application for certification; (2) annual fees for certification to analyze certain contaminants; and (3) a fee for each approved method of testing for which a laboratory applies for certification, if a laboratory applies for certification for more than two of the approved methods of testing. Existing regulations also require a laboratory to pay certain expenses if the Division conducts an evaluation for certification at the laboratory. (NAC 459.96986) **Section 18** of this regulation: (1) revises the annual fee for an application for certification and the fee for each additional method of testing; (2) revises the categories of analytes for certification; (3) provides annual increases for the certification fee for each category of analytes for the period beginning August 1, 2024, and ending on July 31, 2029; and (4) clarifies that a laboratory located outside of this State must pay the actual travel and per diem expenses of the employee of the Division who conducts an evaluation for certification. **Section 18** further: (1) requires the fees set forth in **section 18** to increase by 3 percent every annual period of certification, beginning August 1, 2029; and (2) authorizes the Director of the Department to suspend any such increase during any annual period of certification.

**Section 1.** Chapter 445A of NAC is hereby amended by adding thereto a new section to read as follows:

*“Commission” means the State Environmental Commission.*

**Sec. 2.** NAC 445A.0624 is hereby amended to read as follows:

445A.0624 For the purposes of charging and collecting fees and conducting performance evaluations pursuant to the provisions of NAC 445A.0552 to 445A.067, inclusive, the Division shall classify each analyte for which a laboratory may be certified into the following categories:

1. Asbestos.

2. Cyanide.
3. Demands.
4. Dioxin.
5. *Disinfectant residuals.*
6. *Extractable organics.*
7. Herbicides.
- ~~{6.}~~ 8. Microbiology.
9. *Microcystins, nodularins, cylindrospermopsin and anatoxin-a.*
- ~~{7.}~~ 10. Minerals.
- ~~{8.}~~ 11. Nutrients.
- ~~{9.}~~ 12. Oil and grease.
- ~~{10.}~~ 13. Perchlorate.
- ~~{11.}~~ 14. Pesticides.
- ~~{12.}~~ 15. Phenolics.
- ~~{13.} Polyaromatic hydrocarbons.~~
- ~~—14.— Polychlorinated biphenyls in oil.~~
- ~~—15.} 16. Polychlorinated biphenyls . {in wastewater.~~
- ~~+6.}~~ 17. Radiochemistry.
- ~~{17.— Residual chlorine.}~~
18. Residue.
19. ~~{Semivolatile organic chemistry.~~

~~—20.— Synthetic Organic Compounds Group 1 (includes semivolatile organic chemistry, pesticides, herbicides and polyaromatic hydrocarbons).~~

~~—21.] Toxicity. [bioassay.~~

~~22.] 21. Trace metals.~~

~~[23.] 22. Volatile organic chemistry.~~

~~[24.] 23. Any other individual [contaminant.~~

~~—25.] analyte.~~

24. Any other individual ~~[multicontaminant]~~ *multianalyte* method.

Sec. 3. NAC 445A.066 is hereby amended to read as follows:

445A.066 1. Except as otherwise provided in ~~[subsection]~~ *subsections 2 [.] and 4*, a laboratory must submit an annual fee of ~~[\$500]~~ *\$700* with each application for certification.

2. ~~[A laboratory which only performs analysis for microbiology is not required to pay the fee provided pursuant to subsection 1.~~

~~—3.— In]~~ *Except as otherwise provided in subsection 4, in* addition to the fee required pursuant to the provisions of subsections 1 and ~~[4,]~~ *3*, a laboratory must submit an annual certification fee for each category of ~~[contaminant]~~ *analyte* for which certification is requested. The categories of ~~[contaminants]~~ *analytes* and annual *certification* fees are:

<del>[CATEGORY OF CONTAMINANT]</del>	ANNUAL FEE
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CATEGORY OF CONTAMINANT	ANNUAL FEE
Asbestos	\$400
Cyanide	250
Demands	350
Dioxin	545
Herbicides	545
Microbiology	400
Minerals	400
Nutrients	250
Oil and grease	250
Perchlorate	250
Pesticides	545
Phenolics	250
Polyaromatic hydrocarbons	545
Polychlorinated biphenyls in oil	545
Polychlorinated biphenyls in wastewater	545
Radiochemistry	545
Residual chlorine	125
Residue	350

<del>{CATEGORY OF CONTAMINANT</del>	<del>ANNUAL FEE</del>
<del>Semivolatile organic chemistry .....</del>	<del>545</del>
<del>Synthetic Organic Compounds Group 1 (includes semivolatile organic chemistry, pesticides, herbicides and polyaromatic hydrocarbons) .....</del>	<del>1,500</del>
<del>Toxicity bioassay.....</del>	<del>400</del>
<del>Trace metals .....</del>	<del>545</del>
<del>Volatile organic chemistry .....</del>	<del>545</del>
<del>Any other individual contaminant.....</del>	<del>200</del>
<del>Any other individual multicontaminant method .....</del>	<del>400}</del>

**NONPOTABLE WATER**

<i>CATEGORY OF ANALYTE</i>	<i>Aug. 1, 2024</i>	<i>Aug. 1, 2025</i>	<i>Aug. 1, 2026</i>	<i>Aug. 1, 2027</i>	<i>Aug. 1, 2028</i>
<i>Asbestos</i>	<i>\$560</i>	<i>\$644</i>	<i>\$708</i>	<i>\$779</i>	<i>\$818</i>
<i>Cyanide</i>	<i>350</i>	<i>403</i>	<i>443</i>	<i>487</i>	<i>511</i>
<i>Demands</i>	<i>490</i>	<i>564</i>	<i>620</i>	<i>682</i>	<i>716</i>
<i>Dioxin</i>	<i>763</i>	<i>877</i>	<i>965</i>	<i>1,062</i>	<i>1,115</i>
<i>Disinfectant residuals</i>	<i>175</i>	<i>201</i>	<i>221</i>	<i>243</i>	<i>255</i>

**NONPOTABLE WATER**

<b>CATEGORY OF ANALYTE</b>	<b>Aug. 1, 2024</b>	<b>Aug. 1, 2025</b>	<b>Aug. 1, 2026</b>	<b>Aug. 1, 2027</b>	<b>Aug. 1, 2028</b>
<i>Extractable organics</i>	763	877	965	1,062	1,115
<i>Herbicides</i>	763	877	965	1,062	1,115
<i>Microbiology</i>	560	644	708	779	818
<i>Microcystins, nodularins, cylindrospermopsin and anatoxin-a</i>	1,580	1,817	1,999	2,199	2,309
<i>Minerals</i>	560	644	708	779	818
<i>Nutrients</i>	350	403	443	487	511
<i>Oil and grease</i>	350	403	443	487	511
<i>Perchlorate</i>	350	403	443	487	511
<i>Pesticides</i>	763	877	965	1,062	1,115
<i>Phenolics</i>	350	403	443	487	511
<i>Polychlorinated biphenyls</i>	763	877	965	1,062	1,115
<i>Radiochemistry</i>	763	877	965	1,062	1,115
<i>Residue</i>	490	564	620	682	716
<i>Toxicity</i>	560	644	708	779	818
<i>Trace metals</i>	763	877	965	1,062	1,115
<i>Volatile organic chemistry</i>	763	877	965	1,062	1,115



**NONPOTABLE WATER**

<i>CATEGORY OF ANALYTE</i>	<i>Aug. 1,</i>	<i>Aug. 1,</i>	<i>Aug. 1,</i>	<i>Aug. 1,</i>	<i>Aug. 1,</i>
	<i>2024</i>	<i>2025</i>	<i>2026</i>	<i>2027</i>	<i>2028</i>
<i>Any other individual analyte</i>	<i>280</i>	<i>322</i>	<i>354</i>	<i>390</i>	<i>409</i>
<i>Any other multianalyte method</i>	<i>560</i>	<i>644</i>	<i>708</i>	<i>779</i>	<i>818</i>

**MINING**

<i>CATEGORY OF ANALYTE OR METHOD</i>	<i>Aug. 1,</i>	<i>Aug. 1,</i>	<i>Aug. 1,</i>	<i>Aug. 1,</i>	<i>Aug. 1,</i>
	<i>2024</i>	<i>2025</i>	<i>2026</i>	<i>2027</i>	<i>2028</i>
<i>ASTM C1308-21</i>	<i>\$560</i>	<i>\$644</i>	<i>\$708</i>	<i>\$779</i>	<i>\$818</i>
<i>ASTM D5744-18</i>	<i>763</i>	<i>877</i>	<i>965</i>	<i>1,062</i>	<i>1,115</i>
<i>Cyanide extraction</i>	<i>280</i>	<i>322</i>	<i>354</i>	<i>390</i>	<i>409</i>
<i>Meteoric water mobility</i>	<i>560</i>	<i>644</i>	<i>708</i>	<i>779</i>	<i>818</i>
<i>Oxidation-reduction potential</i>	<i>280</i>	<i>322</i>	<i>354</i>	<i>390</i>	<i>409</i>
<i>Trace metals</i>	<i>763</i>	<i>877</i>	<i>965</i>	<i>1,062</i>	<i>1,115</i>
<i>Any EPA 600 method</i>	<i>560</i>	<i>644</i>	<i>708</i>	<i>779</i>	<i>818</i>
<i>Any other individual analyte</i>	<i>280</i>	<i>322</i>	<i>354</i>	<i>390</i>	<i>409</i>
<i>Any other multianalyte method</i>	<i>560</i>	<i>664</i>	<i>708</i>	<i>779</i>	<i>818</i>

~~{4. In}~~

3. *Except as otherwise provided in subsection 4, in addition to the fees required pursuant to the provisions of subsections 1 and ~~{3-}~~ 2, if a laboratory applies for certification for ~~{a~~ ~~{contaminant}~~ *an analyte* in more than two of the approved methods of testing for that ~~{contaminant,}~~ *analyte*, the laboratory must submit a fee of ~~[\$200]~~ \$280 for each additional approved method of testing.*

~~{5-}~~ 4. *For the annual period of certification beginning on August 1, 2029, and for each annual period of certification thereafter, the Director of the State Department of Conservation and Natural Resources shall increase each fee set forth in this section by an amount that is equal to 3 percent of the fee for the immediately preceding annual period of certification. The Director may, during any individual annual period of certification, suspend an increase in a fee specified in this subsection.*

5. *The Director of the State Department of Conservation and Natural Resources shall post on the Internet website of the Division the fees required pursuant to this section that are applicable for each annual certification period.*

6. If a laboratory applies for certification for additional ~~{contaminants}~~ *analytes* after the laboratory has been issued a certification for an annual period of certification, the fee for certification for each additional ~~{contaminant}~~ *category of analyte* is the fee provided for that ~~{contaminant}~~ *category of analyte* pursuant to the provisions of subsection ~~{3-}~~ 2. The fee must be prorated pursuant to subsection ~~{6}~~ 7 if the provisions of that subsection otherwise apply. If the Division conducts an evaluation for certification at the laboratory, the laboratory must pay, at the rate provided for state officers and employees generally, the actual travel and per diem

expenses of the Division. If the laboratory is located outside of this State, the ~~expenses must be paid pursuant to the provisions of subsection 7.~~

~~—6.] laboratory must pay the actual travel and per diem expenses of the employee of the Division who conducts the evaluation.~~

7. The fees are effective for 12 months beginning on August 1 of each year. If an application for certification to test for an analyte is submitted during that period, the fees for that certification must be prorated using the following formula:

Fee X .083 X the number of months remaining in the *annual* period of certification.

For the purpose of prorating fees, an application for certification to test for an analyte shall be deemed to have been submitted at the beginning of a month regardless of the date of the application. The prorated fee must be rounded to the next highest dollar. The fee provided pursuant to the provisions of subsection 1 must not be prorated.

~~[7.— If an evaluation for certification of a laboratory that is located outside of this State is conducted, the laboratory must pay the actual travel and per diem expenses of the employee of the Division who conducts the evaluation.]~~

8. The fee for certification to test for a specific analyte must be paid before a certificate for that analyte may be issued.

9. Any fee paid pursuant to the provisions of this section is nonrefundable.

**Sec. 4.** NAC 445A.383 is hereby amended to read as follows:

445A.383 *1.* “WAD cyanide” means the weak acid dissociable cyanide concentration determined by one of the following methods:

~~1.~~ (a) ASTM D2036-082, “Standard Test Methods for Cyanides in Water,” Method C, Part 31. A copy of ASTM D2036-082 is available for purchase at the IHS Standards Store ~~[, 15 Inverness Way East, Englewood, Colorado 80112, or]~~ at the Internet address <https://global.ihs.com>, for the price of ~~[\$72.~~

~~2.] \$125.~~

(b) ASTM D2036-06, “Standard Test Methods for Cyanides in Water,” Method C, followed by Part 16.2 (titrimetric), Part 16.3 (colorimetric) or Part 16.4 (ion-specific electrode). A copy of ASTM D2036-06 is available ~~[from ASTM International, P.O. Box C700, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, by telephone at (877) 909-2786 or]~~ at the *IHS Store at the* Internet address ~~[<https://www.astm.org>,]~~ <https://global.ihs.com>, for the price of ~~[\$62.40.~~

~~3.] \$96.~~

(c) ASTM D2036-09, “Standard Test Methods for Cyanides in Water,” Method C, followed by Part 16.2 (titrimetric), Part 16.3 (colorimetric) or Part 16.4 (ion-specific electrode). A copy of ASTM D2036-09 is available from ASTM International, P.O. Box C700, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, by telephone at (877) 909-2786 or at the Internet address <https://www.astm.org>, for the price of ~~[\$52.~~

~~4.] \$69.~~

(d) “Standard Methods for the Examination of Water and Wastewater,” SM 4500-CN-I, followed by SM 4500-CN-D (titrimetric), SM 4500-CN-E (colorimetric) or SM 4500-CN-F

(cyanide-ion selective electrode). A copy of these standards is available from Standard Methods at the Internet address <https://standardmethods.org>, for the price of \$75.

~~[5.]~~ (e) Another version or method approved by the Department and scientifically demonstrated to achieve performance in determining weak acid dissociable cyanide which is equivalent to one of the methods described in ~~[subsections 1 to 4.]~~ paragraphs (a) to (d), inclusive.

2. *Additional guidance for mining methods and procedures are available from the Bureau of Mining Regulation and Reclamation of the Division at the Internet address*

*<https://ndep.nv.gov/land/mining/regulation/guidance-policies-references-and-requirements>.*

Sec. 5. NAC 445A.542 is hereby amended to read as follows:

445A.542 As used in NAC 445A.542 to 445A.54296, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 445A.5421 to 445A.5425, inclusive, *and section 1 of this regulation* have the meanings ascribed to them in those sections.

Sec. 6. NAC 445A.5422 is hereby amended to read as follows:

445A.5422 “Bureau” means the Bureau of ~~[Licensure and Certification]~~ *Safe Drinking Water* of the Division of ~~[Public and Behavioral Health]~~ *Environmental Protection* of the State Department of ~~[Health]~~ *Conservation* and ~~[Human Services.]~~ *Natural Resources*.

Sec. 7. NAC 445A.54252 is hereby amended to read as follows:

445A.54252 The ~~[Board]~~ *Commission* hereby adopts by reference the *National Environmental Laboratory Accreditation* ~~[Conference Constitution, Bylaws and Standards, EPA 600/R-98/151.]~~ *Conference, 2003 NELAC Standard, EPA/600/R-04/003*, in the form most

recently published by the Environmental Protection Agency, unless the ~~{Board}~~ *Commission* gives notice pursuant to the provisions of NAC 445A.5426 that the most recent publication is not suitable for this State. The publication is available, free of charge, from the ~~{United States Environmental Protection Agency, Office of Research and Development, 401 M Street, S.W., Washington, D.C. 20460, or from the Environmental Protection Agency}~~ *NELAC Institute*, at the Internet address ~~{<http://www.epa.gov/ttn/nelac>}~~ <https://www.nelac-institute.org>.

**Sec. 8.** NAC 445A.54254 is hereby amended to read as follows:

445A.54254 The ~~{Board}~~ *Commission* hereby adopts by reference the following publications in the forms most recently published, unless the ~~{Board}~~ *Commission* gives notice pursuant to the provisions of NAC 445A.5426 that the most recent publication is not suitable for this State. The publications are available, unless otherwise specified in this section, ~~{by mail from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, or by telephone at (800) 553-6847. The publications may also be obtained from the National Technical Information Service}~~ *free of charge, from the United States Environmental Protection Agency, National Service Center for Environmental Publications*, at the Internet address ~~{<http://www.ntis.gov/support/ordering.htm>}~~ <https://www.epa.gov/nscep>. The publications are:

1. *Consensus Method for Determining Groundwaters under the Direct Influence of Surface Water Using Microscopic Particulate Analysis (MPA)*, EPA 910/9-92-029 . ~~{, Order Number PB93-180818, for the price of \$31.50.}~~
2. *DBP/ICR Analytical Methods Manual*, EPA 814-B-96-002 . ~~{, Order Number PB96-157516, for the price of \$45.}~~

3. *ICR Microbial Laboratory Manual*, April 1996, EPA 600/R-95/178 . [~~Order Number PB96-157557, for the price of \$63.~~]
4. *ICR Sampling Manual*, April 1996, EPA 814-B-96-001 . [~~Order Number PB96-157508, for the price of \$45.~~]
5. [~~Interim~~] *Radiochemical Methodology for Drinking Water*, EPA/600/4-75-008 . [~~Order Number PB253258, for the price of \$31.50.~~]
6. *Manual for the Certification of Laboratories Analyzing Drinking Water: Criteria and Procedures, Quality Assurance*, [~~3rd~~] *5th* edition, EPA [~~815-B-97-001, Order Number PB90-220500, for the price of \$36.50.~~] *815-R-05-004*. *The publication is available free of charge, from the Environmental Protection Agency at the Internet address <https://www.epa.gov/dwlabcert/laboratory-certification-manual-drinking-water>.*
7. *Method 100.1 - Analytical Method for Determination of Asbestos Fibers in Water*, September 1983, EPA 600/4-83-043 . [~~Order Number PB83-260471, for the price of \$67.50.~~]
8. *Method 100.2 - Determination of Asbestos Structures over 10 Micrometers in Length in Drinking Water*, June 1994, EPA/600/R-94/134 . [~~Order Number PB94-201902, for the price of \$28.50.~~]
9. *Method 1613: Tetra-Through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS, Revision B*, October 1994, EPA 821-B-94-005 . [~~Order Number PB95-104774, for the price of \$34.~~]
10. *Methods for Chemical Analysis of Water and Wastes*, EPA 600/4-79-020 . [~~Order Number PB84-128677, for the price of \$101.~~]

11. *Methods for the Determination of Inorganic Substances in Environmental Samples*, August 1993, EPA/600/R-93-100 . [~~Order Number PB94-120821, for the price of \$45.~~]
12. *Methods for the Determination of Metals in Environmental Samples*, EPA/600-4-91/010 . [~~Order Number PB91-231498, for the price of \$70.~~]
13. *Methods for the Determination of Metals in Environmental Samples, Supplement I*, EPA/600/R-94/111 . [~~Order Number PB95-125472, for the price of \$63.~~]
14. *Methods for the Determination of Nonconventional Pesticides in Municipal and Industrial Wastewater, Volume I, Revision 1*, August 1993, EPA-821-R-93-010-A . [~~Order Number PB94-121654, for the price of \$133.~~]
15. *Methods for the Determination of Organic Compounds in Drinking Water*, Revised July 1991, EPA/600/4-88/039 . [~~Order Number PB91-231480, for the price of \$77.50.~~]
16. *Methods for the Determination of Organic Compounds in Drinking Water, Supplement 1*, EPA/600/4-90/020 . [~~Order Number PB91-146027, for the price of \$58.50.~~]
17. *Methods for the Determination of Organic Compounds in Drinking Water, Supplement 2*, EPA/600/R-92/129 . [~~Order Number PB92-207703, for the price of \$63.~~]
18. *Methods for the Determination of Organic Compounds in Drinking Water, Supplement 3*, EPA/600/R-95/131 . [~~Order Number PB95-261616, for the price of \$101.~~]
19. *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, 4th edition, EPA/600/4-90/027F . [~~Order Number PB94-114733, for the price of \$70.~~]
20. *Prescribed Procedures for Measurement of Radioactivity in Drinking Water*, EPA 600/4-80-032 . [~~Order Number PB80-224744, for the price of \$41.~~]



21. ~~[Short-Term]~~ Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving ~~[Water]~~ Waters to Freshwater Organisms, ~~[3rd]~~ 4th edition, ~~[EPA/600/4-91/002, Order Number PB96-141452, for the price of \$60.]~~ EPA-821-R-02-013.

22. Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving ~~[Water]~~ Waters to Marine and Estuarine Organisms, ~~[2nd]~~ 3rd edition, ~~[EPA/600/4-91-003, Order Number PB96-141445, for the price of \$77.]~~ EPA-821-R-02-014.

23. Supplement 1 to the Fifth Edition of the Manual for the Certification of Laboratories Analyzing Drinking Water, EPA 815-F-08-066. The publication is available free of charge, from the Environmental Protection Agency at the Internet address <https://www.epa.gov/dwlabcert/laboratory-certification-manual-drinking-water>.

24. Supplement 2 to the Fifth Edition of the Manual for the Certification of Laboratories Analyzing Drinking Water, EPA 815-F-12-006. The publication is available free of charge, from the Environmental Protection Agency at the Internet address <https://www.epa.gov/dwlabcert/laboratory-certification-manual-drinking-water>.

25. Technical Notes on Drinking Water Methods, EPA 600/R-94-173. ~~[Order Number PB95-104766, for the price of \$31.50.~~

~~—24.]~~ 26. Test Methods for “Escherichia Coli” in Drinking Water: EC Medium with Mug Tube Procedure, Nutrient Agar with Mug Membrane Filter Procedure, EPA/600/4-91/016. ~~[Order Number PB91-234591, for the price of \$15.~~

~~—25.]~~ 27. US EPA Contract Laboratory Program - Statement of Work for Organics Analysis - Multi-Media, Multi-Concentration, ~~[OLM01.0]~~ OLM01.0 (Includes Revisions ~~[OLM01.1]~~ OLM01.1 through ~~[OLM01.8)~~, Order Number PB95-963508, for the price of \$86.50. The

publication is also available, free of charge, from the Environmental Protection Agency at the Internet address <http://www.epa.gov/superfund/programs/elp/organic.htm>.

—26.] OLM01.8).

28. US EPA Contract Laboratory Program - Statement of Work for Inorganics Analysis - Multi-Media, Multi-Concentration, ~~ILM02.1, Order Number PB95-963514, for the price of \$70.~~ The publication is also available, free of charge, from the Environmental Protection Agency at the Internet address <http://www.epa.gov/superfund/programs/elp/inorg.htm>.] ILM02.1.

Sec. 9. NAC 445A.54256 is hereby amended to read as follows:

445A.54256 The ~~[Board]~~ *Commission* hereby adopts by reference the following publications in the forms most recently published, unless the ~~[Board]~~ *Commission* gives notice pursuant to the provisions of NAC 445A.5426 that the most recent publication is not suitable for this State : ~~[. The publications are available, unless otherwise specified in this section, by mail from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll free telephone at (866) 512-1800. The publications are:]~~

1. *Method 1600* : ~~[.]~~ *Membrane Filter Test Method for Enterococci in Water*, May 1997, EPA-821-R-97-004, which is available, free of charge, from the United States Environmental Protection Agency, National *Service* Center for Environmental Publications ~~[and Information, 11029 Kenwood Road, Building 5, Cincinnati, Ohio 45242.]~~, at the Internet address <https://www.epa.gov/nscep>.

2. *Method 1664, Revision A: N-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated N-Hexane Extractable Material (SGT-HEM; Non-Polar Material) by Extraction and Gravimetry*, February 1999, EPA-821-R-98-002. The publication is available,

free of charge, from the Environmental Protection Agency at the Internet address

~~<http://www.epa.gov/water/science/methods/1664f051.html>~~ <https://www.epa.gov/nscep>.

3. *Method 1664, Revision B: n-Hexane Extractable Material (HEM; Oil and Grease) and Silica Gel Treated n-Hexane Extractable Material (SGT-HEM; Non-polar Material) by Extraction and Gravimetry, February 2010, EPA-821-R-10-001. The publication is available free of charge, from the Environmental Protection Agency at the Internet address*

<https://www.epa.gov/nscep>.

4. *Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, 3rd edition, and Updates I, II, IIA, IIB, III, ~~and~~ IIIA, ~~Publication Number 955-001-00000-1, for the price of \$367.~~ IIIB, IV and V. The publication is ~~also~~ available, free of charge, from the ~~United States Government Printing Office~~ Environmental Protection Agency at the Internet address ~~<http://www.epa.gov/epaoswer/hazwaste/test/main.htm>~~ <https://www.epa.gov/hw-sw846/sw-846-compendium>.*

**Sec. 10.** NAC 445A.54258 is hereby amended to read as follows:

445A.54258 The ~~Board~~ *Commission* hereby adopts by reference the following publications in the forms most recently published, unless the Environmental Protection Agency fails to publish notice of its approval of the publication in the Federal Register or the ~~Board~~ *Commission* gives notice pursuant to the provisions of NAC 445A.5426 that the most recent publication is not suitable for this State:

1. *Annual Book of ASTM Standards, Section 5, "Petroleum Products, Lubricants, and Fossil Fuels,"* which is available from ASTM International, 100 Barr Harbor Drive, *P.O. Box C700,*

West Conshohocken, Pennsylvania 19428-2959, *or at the Internet address <http://www.astm.org>*, for the price of ~~[\$657.]~~ \$2,019.

2. *Annual Book of ASTM Standards*, Section 11, “Water and Environmental Technology,” which is available from ASTM International, 100 Barr Harbor Drive, *P.O. Box C700*, West Conshohocken, Pennsylvania 19428-2959, *or at the Internet address <http://www.astm.org>*, for the price of ~~[\$686.]~~ \$2,056.

3. *ASTM C1308-21*, “Standard Test Method for Accelerated Leach Test for Measuring Contaminant Releases From Solidified Waste,” which is available from ASTM International, 100 Barr Harbor Drive, *P.O. Box C700*, West Conshohocken, Pennsylvania, 19428-2959, *or at the Internet address <http://www.astm.org>*, for the price of \$69.

4. *ASTM D5744-18* “Standard Test Method for Laboratory Weathering of Solid Materials Using a Humidity Cell,” which is available from ASTM International, 100 Barr Harbor Drive, *P.O. Box C700*, West Conshohocken, Pennsylvania, 19428-2959, *or at the Internet address <http://www.astm.org>*, for the price of \$90.

5. *ISO/IEC ~~[Guide 25.]~~ 17025:2017 General Requirements for the Competence of ~~[Calibration and]~~ Testing and Calibration Laboratories, ~~[1990.]~~ 2017*, which is available from ~~[Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado 80112,]~~ *the American National Standards Institute, at the Internet address <https://webstore.ansi.org>*, for the price of ~~[\$76.]~~

~~—4.]~~ \$146.40 for members and \$183 for nonmembers.

6. *Standard Methods for the Examination of Water and Wastewater, ~~[Order Number 10679.]~~ 24th edition*, which is available from the American Water Works Association,

~~[Customer Service,]~~ 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>*, for the price of ~~[\$155]~~ \$275 for members and ~~[\$200]~~ \$395 for nonmembers.

**Sec. 11.** NAC 445A.5426 is hereby amended to read as follows:

445A.5426 If any publication adopted by reference pursuant to the provisions of NAC 445A.542 to 445A.54296, inclusive, *and section 1 of this regulation* is revised, the ~~[Board]~~ *Commission* may review the revision to determine its suitability for this State. If the ~~[Board]~~ *Commission* determines that the revision is not suitable for this State, it will hold a public hearing to review its determination and give notice of that hearing within 6 months after the date of the publication of the revision. If, after the hearing, the ~~[Board]~~ *Commission* does not revise its determination, the ~~[Board]~~ *Commission* will give notice that the revision is not suitable for this State within 30 days after the hearing. If the ~~[Board]~~ *Commission* does not give the notice, the revision becomes part of the publication adopted by reference pursuant to the provisions of NAC 445A.542 to 445A.54296, inclusive ~~[,]~~, *and section 1 of this regulation*.

**Sec. 12.** NAC 445A.54264 is hereby amended to read as follows:

445A.54264 1. Laboratory testing is the category of testing specified in ~~[Figure 1-3]~~ *section 1.6.1* of the standards for which a laboratory may obtain certification pursuant to the provisions of NAC 445A.542 to 445A.54296, inclusive ~~[,]~~, *and section 1 of this regulation*.

2. The scientific disciplines within the category of testing specified in subsection 1 for which a laboratory may obtain certification are:

- (a) Chemistry;
- (b) Microbiology; and

(c) Radiochemistry.

3. A laboratory may obtain certification pursuant to the provisions of NAC 445A.542 to 445A.54296, inclusive, *and section 1 of this regulation* for any program relating to the analysis of drinking water approved by the Environmental Protection Agency pursuant to the Federal Act.

4. Except as otherwise provided in subsection 5, the approved methods of testing for which a laboratory may obtain certification are set forth in:

(a) 40 C.F.R. §§ 141.21(f), 141.23(k)(1), 141.24(e), 141.25(a) and (b), ~~141.40(n)(11)~~, 141.74(a), ~~141.142(b), 141.143(b)~~ 141.40(a)(3), 141.131(b), 141.402(c), 141.704, 141.852(a) and 143.4(b); and

(b) The publications adopted by reference pursuant to the provisions of subsections 1 to 13, inclusive, 15 to 18, inclusive, 20, ~~23~~ 25 and ~~24~~ 26 of NAC 445A.54254 and subsections 1, 2 and ~~4~~ 6 of NAC 445A.54258.

5. A laboratory may obtain certification to use a performance-based measurement system or any other alternative method of testing if the Environmental Protection Agency indicates in the Federal Register that the method of testing is equivalent to an approved method of testing and the laboratory:

(a) Complies with the provisions of subsection 5 of NAC 445A.54268; and

(b) Provides proof and evaluates the performance-based measurement system or any other alternative method of testing in accordance with the provisions of:

(1) ~~Appendix E~~ Section 5.5.4.5.2 of chapter 5 of the Standards; and

(2) 40 C.F.R. § 141.27.

6. To be certified to conduct an analysis of an analyte using an approved method of testing specified in subsection 4, the analyte must be listed by the Bureau in the approved method of testing pursuant to that subsection.

**Sec. 13.** NAC 445A.54266 is hereby amended to read as follows:

445A.54266 For the purposes of charging and collecting fees and conducting performance evaluations pursuant to the provisions of NAC 445A.542 to 445A.54296, inclusive, *and section 1 of this regulation*, the Bureau shall classify each analyte for which a laboratory may be certified into the following categories:

1. *Microbiology.*
2. Primary inorganic ~~[contaminants;~~  
~~—2.] analytes.~~
3. *Radionuclides.*
4. Secondary inorganic ~~[contaminants;~~  
~~—3.— Regulated and unregulated volatile organic contaminants, including, without limitation, vinyl chloride and trihalomethanes;~~  
~~—4.— Regulated and unregulated synthetic] analytes.~~
5. *Synthetic organic [contaminants;*  
~~—5.— Radiochemical contaminants;] analytes.~~
6. ~~[Individual primary or secondary inorganic contaminants; or] Volatile organic analytes.~~
7. ~~[Microbiological contaminants.] Any other individual analyte method.~~
8. *Any other multianalyte method.*

**Sec. 14.** NAC 445A.54282 is hereby amended to read as follows:

445A.54282 1. The Bureau may deny an application for certification of a laboratory or revoke, suspend or limit the certification of a certified laboratory if the laboratory:

(a) Makes a false statement in:

(1) An application for certification;

(2) A report concerning the analysis of an environmental sample; or

(3) Any other document relating to certification in violation of the provisions of NAC 445A.542 to 445A.54296, inclusive ~~[;]~~ *and section 1 of this regulation;*

(b) Falsifies the results of any laboratory testing or misrepresents any information obtained from laboratory testing in violation of the provisions of NAC 445A.54268 or 445A.54292;

(c) Fails to maintain the facilities or equipment of the laboratory in accordance with the quality manual or quality system of the laboratory;

(d) Fails to participate satisfactorily in a proficiency testing program, if the program is available, in violation of the provisions of NAC 445A.54276;

(e) Falsely claims certification for a method of testing or an analyte for which the laboratory is not certified in violation of the provisions of NAC 445A.54292;

(f) Fails to prepare a plan of correction or to correct any deficiency specified by the Bureau within the period specified in the plan in violation of the provisions of NAC 445A.5428;

(g) Fails to pay any fees or expenses of the ~~[Bureau]~~ *Division of Environmental Protection of the State Department of Conservation and Natural Resources* in violation of the provisions of NAC 445A.54296;

(h) Fails to notify the Bureau of any changes specified in NAC 445A.5429;



(i) Authorizes a person who is not qualified to perform an analysis in violation of the provisions of NAC 445A.54268;

(j) Communicates with or receives a communication concerning the results of a proficiency test sample from a laboratory on or before the date established for submitting the results of that sample to the provider of the sample pursuant to the provisions of NAC 445A.54276;

(k) Knowingly receives a proficiency test sample from a laboratory or provides a proficiency test sample to a laboratory on or before the date specified in paragraph (j);

(l) Prohibits an employee of the Bureau from conducting an inspection of the laboratory in violation of the provisions of NAC 445A.5428;

(m) Fails to provide to the Bureau any information required by the Bureau to determine whether the laboratory is operated in compliance with the provisions of NAC 445A.542 to 445A.54296, inclusive ~~§~~, *and section 1 of this regulation*;

(n) Misrepresents any material fact to obtain or maintain certification pursuant to the provisions of NAC 445A.542 to 445A.54296, inclusive ~~§~~, *and section 1 of this regulation*; or

(o) Engages in any activity that is a ground for the denial of an application for certification or for the suspension or revocation of the certification of a laboratory set forth in section 4.4 of the Standards.

2. In determining whether to deny an application for certification or to revoke, suspend or limit the certification of a laboratory pursuant to this section, the Bureau shall consider:

(a) The gravity of the violation;

(b) The harm to the health and safety of the members of the general public;

(c) The intent of the person who committed the violation;

- (d) The extent of the violation; and
- (e) Any proposed correction of the violation.

3. As used in this section ~~f~~:

- ~~—(a) “Protocol” has the meaning ascribed to it in Appendix B of chapter 5 of the Standards.~~
- ~~—(b) “Quality”, “quality system” has the meaning ascribed to it in [Appendix B of chapter 5 of] section 5.0 of the Standards.~~

**Sec. 15.** NAC 445A.54294 is hereby amended to read as follows:

445A.54294 1. If the Bureau determines that any facility, equipment, operation or other condition of a certified laboratory requires immediate action to protect the health and safety of the members of the general public and the Bureau receives the approval of the Administrator of the Division of ~~[Public and Behavioral Health]~~ *Environmental Protection* of the *State* Department of ~~[Health]~~ *Conservation* and ~~[Human Services.]~~ *Natural Resources*, the Bureau may, without notice or hearing, issue an emergency order:

- (a) Suspending the certification of the laboratory; and
- (b) Requiring the person to whom the Bureau issues the order to correct the condition for which the emergency order is issued.

2. An emergency order is effective upon issuance and is not subject to review unless, within 30 days after the date the order is served, the person to whom the Bureau issues the order petitions for a hearing before the ~~[Board.]~~ *Commission*.

3. The ~~[Board]~~ *Commission* shall continue, modify or revoke the emergency order within 30 days after it conducts the hearing required by the provisions of subsection 2.

**Sec. 16.** NAC 445A.54296 is hereby amended to read as follows:

445A.54296 1. ~~[Each]~~ *Except as otherwise provided in subsection 4, a laboratory must submit an annual fee of \$700 with each application for ~~[-~~*

~~— (a) Chemistry certification must include a fee of \$500.~~

~~— (b) Microbiology certification must include a fee of \$600.] certification.~~

2. ~~[In]~~ *Except as otherwise provided in subsection 4, in addition to the ~~[fees]~~ fee specified in subsection 1, ~~[the Bureau shall charge and collect the following fees:] a laboratory must submit an annual certification fee for each category of analyte for which certification is requested. The categories of analytes and annual certification fees are:~~*

<del>[For an application to renew certification .....</del>	<del>\$500</del>
<del>— Initial fee or annual renewal fee for certification to analyze primary inorganic contaminants .....</del>	<del>545</del>
<del>— Initial fee or annual renewal fee for certification to analyze secondary inorganic contaminants .....</del>	<del>545</del>
<del>— Initial fee or annual renewal fee for certification to analyze regulated and unregulated volatile organic contaminants, including trihalomethanes and vinyl chloride .....</del>	<del>545</del>
<del>— Initial fee or annual renewal fee for certification to analyze regulated and unregulated synthetic organic contaminants .....</del>	<del>1,090</del>
<del>— Initial fee or annual renewal fee for certification to analyze radiochemical contaminants .....</del>	<del>545</del>

<del>Annual renewal fee for certification to analyze specific primary or secondary inorganic contaminants, or both .....</del>	<del>200</del>
<del>Annual renewal fee for microbiology certification .....</del>	<del>600</del>

<i>CATEGORY OF ANALYTE OR METHOD</i>	<i>Aug. 1, 2024</i>	<i>Aug. 1, 2025</i>	<i>Aug. 1, 2026</i>	<i>Aug. 1, 2027</i>	<i>Aug. 1, 2028</i>
<i>Microbiology</i>	<i>\$560</i>	<i>\$644</i>	<i>\$708</i>	<i>\$779</i>	<i>\$818</i>
<i>Primary inorganic analytes</i>	<i>763</i>	<i>877</i>	<i>965</i>	<i>1,062</i>	<i>1,115</i>
<i>Radionuclides</i>	<i>763</i>	<i>877</i>	<i>965</i>	<i>1,062</i>	<i>1,115</i>
<i>Secondary inorganic analytes</i>	<i>763</i>	<i>877</i>	<i>965</i>	<i>1,062</i>	<i>1,115</i>
<i>Synthetic organic analytes</i>	<i>1,526</i>	<i>1,755</i>	<i>1,930</i>	<i>2,123</i>	<i>2,230</i>
<i>Volatile organic analytes</i>	<i>763</i>	<i>877</i>	<i>965</i>	<i>1,062</i>	<i>1,115</i>
<i>Any other individual analyte</i>	<i>280</i>	<i>322</i>	<i>354</i>	<i>390</i>	<i>409</i>
<i>Any other multianalyte method</i>	<i>560</i>	<i>644</i>	<i>708</i>	<i>779</i>	<i>818</i>

3. The initial or annual renewal fee for certification to analyze any chemical ~~contaminant~~ ~~not~~ analyte is equal to the respective fee set forth in subsection 2 , ~~is \$400,~~ plus the per diem allowance and travel expenses provided for state officers and employees generally for each person who conducts an inspection that is required for certification of the laboratory. *If the laboratory is located outside of this State, the laboratory must pay the actual travel and per diem expenses of the employee of the Division who conducts the inspection.*

4. *For the annual period of certification beginning on August 1, 2029, and for each annual period of certification thereafter, the Director of the State Department of Conservation and Natural Resources shall increase each fee set forth in this section by an amount that is equal to 3 percent of the fee for the immediately preceding period of certification. The Director may, for any individual annual period of certification, suspend an increase in a fee specified in this subsection.*

5. *The Director of the State Department of Conservation and Natural Resources shall post on the Internet website of the Division the fees required pursuant to this section that are applicable for each annual certification period.*

6. If an application for certification to test for an analyte is received during the ~~{fiscal year.}~~ *annual period of certification*, the fees for that certification must be prorated by using the following formula:

Fee x .083 x the number of months remaining in the ~~{fiscal year.}~~ *annual period of certification.*

The month in which the application is submitted must not be counted as a month remaining in the ~~{fiscal year.}~~ *annual period of certification*. The prorated fee must be rounded to the next highest dollar. The fee for submitting an application for certification to test for an analyte must not be prorated.

~~{5. In addition to any fees paid by a laboratory located outside this State, each such laboratory shall pay to the Bureau the costs incurred by the Bureau to conduct an inspection of the laboratory.}~~

~~6.]~~ 7. A fee for certification to analyze a specific ~~[contaminant]~~ *analyte* must be paid before a certificate may be issued.

~~7.]~~ 8. Any fee paid pursuant to the provisions of this section is nonrefundable.

**Sec. 17.** NAC 459.9696 is hereby amended to read as follows:

459.9696 For the purposes of charging and collecting fees and conducting performance evaluations pursuant to the provisions of NAC 459.96902 to 459.9699, inclusive, the Division shall classify each analyte for which a laboratory may be certified into the following categories:

1. Bulk asbestos analysis of hazardous waste.
2. Characteristics of hazardous waste.
3. Dioxin in hazardous waste.
4. Herbicides.
5. Immunoassay methods for hazardous waste.
6. Infrared analysis of hazardous waste.
7. Inorganic chemistry of hazardous waste.
8. Liquid chromatography for hazardous waste.
9. Microbiology.
10. Miscellaneous screening methods for hazardous waste.
11. Pesticides.
12. Physical properties of hazardous waste.
13. Polyaromatic hydrocarbons in hazardous waste.
14. Polychlorinated biphenyls in hazardous waste.
15. Radiochemistry of hazardous waste.

16. Semivolatile organic chemistry of hazardous waste.
17. Toxicity bioassay of hazardous waste.
18. Trace metals in hazardous waste.
19. Volatile organic chemistry of hazardous waste.
20. Any other individual ~~{contaminant.}~~ *analyte*.
21. Any other individual ~~{multicontaminant}~~ *multianalyte* method.

**Sec. 18.** NAC 459.96986 is hereby amended to read as follows:

459.96986 1. Except as otherwise provided in subsection ~~{2.}~~ **4**, a laboratory must submit an annual fee of ~~[\$500]~~ **\$700** with each application for certification.

2. ~~{A laboratory which only performs analysis for microbiology is not required to pay the fee provided pursuant to subsection 1.}~~

~~—3.—~~ ~~{In}~~ **Except as otherwise provided in subsection 4, in** addition to the fee required pursuant to the provisions of subsections 1 and ~~{4.}~~ **3**, a laboratory must submit an annual certification fee for each category of ~~{contaminant}~~ *analyte* for which certification is requested. The categories of ~~{contaminants}~~ *analytes* and annual *certification* fees are:

<del>{CATEGORY OF CONTAMINANT}</del>	<del>ANNUAL FEE</del>
Bulk asbestos analysis of hazardous waste .....	\$400
Characteristics of hazardous waste .....	350

	ANNUAL
[CATEGORY OF CONTAMINANT	FEE
Dioxin in hazardous waste .....	400
Herbicides.....	545
Immunoassay methods for hazardous waste .....	545
Infrared analysis of hazardous waste .....	545
Inorganic chemistry of hazardous waste .....	545
Liquid chromatography for hazardous waste.....	545
Microbiology.....	400
x	
Miscellaneous screening methods for hazardous waste.....	400
	per
	method
Pesticides.....	545
Physical properties of hazardous waste.....	350
Polyaromatic hydrocarbons in hazardous waste .....	545
Polychlorinated biphenyls in hazardous waste.....	545
Radiochemistry of hazardous waste.....	545
Semivolatile organic chemistry of hazardous waste .....	545
Toxicity bioassay of hazardous waste.....	400



<del>[CATEGORY OF CONTAMINANT</del>	<del>ANNUAL FEE</del>
<del>Trace metals in hazardous waste .....</del>	<del>545</del>
<del>Volatile organic chemistry of hazardous waste.....</del>	<del>545</del>
<del>Any other individual contaminant.....</del>	<del>200</del>
<del>Any other individual multicontaminant method .....</del>	<del>400]</del>

<i>CATEGORY OF ANALYTE</i>	<i>Aug. 1,</i>	<i>Aug. 1,</i>	<i>Aug. 1,</i>	<i>Aug. 1,</i>	<i>Aug. 1,</i>
	<i>2024</i>	<i>2025</i>	<i>2026</i>	<i>2027</i>	<i>2028</i>
<i>Bulk asbestos analysis of hazardous waste</i>					
<i>waste</i>	<i>\$560</i>	<i>\$644</i>	<i>\$708</i>	<i>\$779</i>	<i>\$818</i>
<i>Characteristics of hazardous waste</i>	<i>490</i>	<i>564</i>	<i>620</i>	<i>682</i>	<i>716</i>
<i>Dioxin in hazardous waste</i>	<i>560</i>	<i>644</i>	<i>708</i>	<i>779</i>	<i>818</i>
<i>Herbicides</i>	<i>763</i>	<i>877</i>	<i>965</i>	<i>1,062</i>	<i>1,115</i>
<i>Immunoassay methods for hazardous waste</i>					
<i>waste</i>	<i>763</i>	<i>877</i>	<i>965</i>	<i>1,062</i>	<i>1,115</i>
<i>Infrared analysis of hazardous waste</i>	<i>763</i>	<i>877</i>	<i>965</i>	<i>1,062</i>	<i>1,115</i>

<i>CATEGORY OF ANALYTE</i>	<i>Aug. 1, 2024</i>	<i>Aug. 1, 2025</i>	<i>Aug. 1, 2026</i>	<i>Aug. 1, 2027</i>	<i>Aug. 1, 2028</i>
<i>Inorganic chemistry of hazardous waste</i>	763	877	965	1,062	1,115
<i>Liquid chromatography for hazardous waste</i>	763	877	965	1,062	1,115
<i>Microbiology</i>	560	644	708	779	818
<i>Miscellaneous screening methods for hazardous waste</i>	560	644	708	779	818
<i>Pesticides</i>	763	877	965	1,062	1,115
<i>Physical properties of hazardous waste</i>	490	564	620	682	716
<i>Polyaromatic hydrocarbons in hazardous waste</i>	763	877	965	1,062	1,115
<i>Polychlorinated biphenyls in hazardous waste</i>	763	877	965	1,062	1,115
<i>Radiochemistry of hazardous waste</i>	763	877	965	1,062	1,115
<i>Semivolatile organic chemistry of hazardous waste</i>	763	877	965	1,062	1,115
<i>Toxicity bioassay of hazardous waste</i>	560	644	708	779	818
<i>Trace metals in hazardous waste</i>	763	877	965	1,062	1,115

<i>CATEGORY OF ANALYTE</i>	<i>Aug. 1, 2024</i>	<i>Aug. 1, 2025</i>	<i>Aug. 1, 2026</i>	<i>Aug. 1, 2027</i>	<i>Aug. 1, 2028</i>
<i>Volatile organic chemistry of hazardous waste</i>	763	877	965	1,062	1,115
<i>Any other individual analyte</i>	280	322	354	390	409
<i>Any other individual multianalyte method</i>	560	644	708	779	818

~~{4. In}~~

3. *Except as otherwise provided in subsection 4, in addition to the fees required pursuant to the provisions of subsections 1 and ~~{3.} 2~~, if a laboratory applies for certification for ~~ta~~ ~~contaminant}~~ *an analyte* in more than two of the approved methods of testing for that ~~{contaminant,}~~ *analyte*, the laboratory must submit a fee of ~~[\$200]~~ \$280 for each additional approved method of testing.*

4. *For the annual period of certification beginning on August 1, 2029, and for each annual period of certification thereafter, the Director of the State Department of Conservation and Natural Resources shall increase each fee set forth in this section by an amount that is equal to 3 percent of the fee for the immediately preceding period of certification. The Director may, for any individual annual period of certification, suspend an increase in a fee specified in this subsection.*

5. *The Director of the State Department of Conservation and Natural Resources shall post on the Internet website of the Division the fees required pursuant to this section that are applicable for each annual certification period.*

6. If a laboratory applies for certification for additional ~~contaminants~~ *analytes* after the laboratory has been issued a certification for an annual period of certification, the fee for certification for each additional ~~contaminant~~ *analyte* is *equal to the respective* fee provided for that ~~contaminant~~ *analyte* pursuant to the provisions of subsection ~~3.~~ 2. The fee must be prorated pursuant to subsection ~~6.~~ 7, if the provisions of that subsection otherwise apply. If the Division conducts an evaluation for certification at the laboratory, the laboratory must pay, at the rate provided for state officers and employees generally, the actual travel and per diem expenses of the Division. If the laboratory is located outside of this State, the ~~expenses~~ *laboratory* must ~~be paid pursuant to the provisions of subsection 7.~~  
~~—6.~~ *pay the actual travel and per diem expenses of the employee of the Division who conducts the evaluation.*

7. The fees are effective for 12 months beginning on August 1 of each year. If an application for certification to test for an analyte is submitted during that period, the fees for that certification must be prorated using the following formula:

Fee X .083 X the number of months remaining in the *annual* period of certification.

For the purpose of prorating fees, an application for certification to test for an analyte shall be deemed to have been submitted at the beginning of a month regardless of the date of the

application. The prorated fee must be rounded to the next highest dollar. The fee provided pursuant to the provisions of subsection 1 must not be prorated.

~~{7. If an evaluation for certification of a laboratory that is located outside of this State is conducted, the laboratory must pay the actual travel and per diem expenses of the employee of the Division who conducts the evaluation.}~~

8. The fee for certification to test for a specific analyte must be paid before a certificate for that analyte may be issued.

9. Any fee paid pursuant to the provisions of this section is nonrefundable.

**Sec. 19.** NAC 445A.54218 is hereby repealed.

**Sec. 20.** 1. This section and sections 1, 4 to 12, inclusive, 14, 15 and 19, of this regulation become effective on the date on which the Legislative Counsel files this regulation with the Secretary of State pursuant to NRS 233B.070.

2. Sections 2, 3, 13, 16, 17 and 18 of this regulation become effective on August 1, 2024.

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### TEXT OF REPEALED SECTION

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**445A.54218** “Board” defined. (NRS 445A.860, 445A.863) “Board” means the State Board of Health.



# **Permanent Regulation - Informational Statement**

A Permanent Regulation Related to Environmental Programs

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

## **State Environmental Commission Permanent No: R130-22P**

The Nevada State Environmental Commission (SEC) offers the following informational statement in compliance with Nevada Revised Statute (NRS) 233B.066.

### **1. Need for Regulation**

R130-22 proposes to increase the fees for the Division to ensure the environmental Laboratory Certification Program (LCP) can continue to perform its statutory requirements including certifying and inspecting laboratories while maintaining appropriate records, staffing, and staff development. The laboratory certification program includes one supervisor, four staff environmental scientists, and one administrative assistant.

The LCP regulates laboratories that produce data used in regulatory decision-making by division programs in Safe Drinking Water, Water Pollution Control, Mining Regulation and Reclamation, Waste Management, and Corrective Actions. Pursuant to NRS 445A.428, 445A.863, and NRS 459.501, laboratories that perform analyses to meet requirements of the Clean Water Act, Safe Drinking Water Act, and the Resource, Conservation and Recovery Act must be certified by the State of Nevada. This program is funded by fees. Statutory Authority: NRS 445A.800 through 445A.955, 445A.300 through 445A.730, and 459.400 through 459.600.

The need for and purpose of the proposed regulatory amendment is to account for inflation and ensure the agency's continued ability to serve the regulated community and the public effectively. Agency costs have increased due to inflation and legislatively mandated personnel costs, in particular a Cost-of-Living Adjustment (COLA) of 12 percent in FY24 and 11 percent in FY 25 while fees have remained unchanged since 2004.

Additionally, the LCP is operating at a deficit and depleting its reserves. The agency needs the current number of staff to keep up with demand of the regulated community. At this time, without this regulatory amendment, the agency projects fee income verses budgeted expenditures to result in a shortfall of approximately \$150,000 for each fiscal year. The reserves are expected to cover the program through FY2024

and be nearly depleted. Therefore, the fee increase will be used to reestablish and maintain reserves.

**2. 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 Division held one hybrid (in-person and virtual) public workshop for R130-22P on December 16, 2022. The public was invited to participate in person in the Bryan Building at 901 South Stewart Street in Carson City, Nevada. The workshop was held to present the substance of, and receive public comment on, the proposed regulation. Six members of the public and regulated industry attended the workshop either in-person or virtually.

The Legislative Counsel Bureau published its draft, R130-22P, in the Nevada Register on October 12, 2022. The Division accepted written comments on R130-22I and R130-22P up to December 23, 2022. The Division did not receive any written comments and/or questions concerning R130-22I and/or R130-22P.

This regulatory petition was scheduled to be heard by the SEC on January 19, 2023. This meeting was canceled in response to the Governor's Executive Order 2023-003.

Since that time, the Division has revised R103-22. These revisions are included as a green line version. The Division held another hybrid public workshop for the green line version of R130-22P on November 30, 2023. The public was again invited to participate in person in the Bryan Building at 901 South Stewart Street in Carson City, Nevada. The workshop was held to present the substance of, and receive public comment on, the revised proposed regulation. Eleven members of the public and regulated industry attended the workshop either in-person or virtually. The Division accepted written comments on the green line version of R130-22P up to November 30, 2023. The Division did not receive any written comments concerning the green line version of R130-22P and received one question during the second public workshop regarding availability of the workshop presentation slides.

The SEC held a hybrid regulatory hearing on December 5, 2023, to consider possible action on the green line version of R130-22P. The SEC posted its public notice, which included a link<sup>1</sup> and instructions to access R130-22P as well as the revision and pertinent documents and information supporting the regulation, for the regulatory meeting at the State Library in Carson City, at Division offices located in both Carson City and Las Vegas, at all county libraries throughout the state, and to the SEC email distribution list. The SEC also posted the public notice at the Division of Minerals in Carson City, at the Department of Agriculture, on the LCB website, on the Division of Administration website, and on the SEC website.

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<sup>1</sup> <https://sec.nv.gov/meetings/sec-regulatory-meeting-december-5-2023>



The SEC also published the public notice in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the SEC regulatory meeting.

**3. The number of persons who attended the SEC Regulatory Hearing:**

(a) Attended December 5, 2023, hearing: 58 (approximately)

(b) Testified on this Petition at the hearing: 3

1. Andrea Seifert, on behalf of the Nevada Division of Environmental Protection  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701  
(775) 687-9526  
aseifert@ndep.nv.gov
2. Jasmine Curiel, on behalf of the Nevada Division of Environmental Protection  
901 South Stewart Street, Suite 4001  
Carson City, Nevada 89701  
(775) 687-9506  
jcuriel@ndep.nv.gov
3. Michael Perry, Southern Nevada Water Authority (in support of R130-22)  
(contact information not provided)

(c) Submitted to the agency written comments: 0

**4. 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 two public workshops and at the December 5, 2023, SEC hearing as noted in number 2 above.

In addition to the public workshops, potentially affected businesses (laboratories currently certified by the program) were surveyed regarding their preference for the fee adoption:

1. Option one: an immediate 48% increase in fees;
2. Option two: an 8% annual fee increase amortized over 5 years. This approach would have a lesser economic impact on small business;
3. Option three: an annual fee adjustment equal to the annual rate of inflation (3.7% in August 2023); and
4. Option four: an annual fee increase of 1/2 the annual inflation rate.

The majority of respondents selected option 2 for the fee adoption.

**5. 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 Commissioners unanimously adopted R130-22P with the green line changes because the public and the SEC were satisfied with the proposed regulation.

**6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.**

Regulated Business/Industry. The estimated economic effect on small business will be an initial 40 percent increase in fees, 15 percent increase in year two, 10 percent annual increases for the next two years, and a 5 percent increase in year five. An annual 3 percent increase for inflation will be determined annually from that point forward. The laboratories may pass on those fees to their clients.

Public. The regulatory amendments in R130-22P are expected to have no economic impact on the public.

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

Enforcing Agency. The regulatory amendments proposed in R130-22P are not expected to result in any additional costs to the Division.

**8. 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.**

The proposed amendments in R130-22P do not overlap or duplicate other state or government agencies.

**9. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.**

The regulatory amendments in R130-22P are no more stringent than what is established by federal law.

**10. 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.**

Anticipated Total revenue increase year one (40 percent increase over FY24 fees) = \$200,936;

Total program revenue = \$703,275

Anticipated Total revenue increase year five (105 percent increase over FY24 fees) = \$525,198;

Total program revenue = \$1,027,538.

The proposed fee increase will provide funding to pay staff salaries, technical assistance to the regulated community, travel for training and inspections, databases, records retention, routine employee hardware and equipment and any other needs to ensure a viable Laboratory Certification Program. Additionally, a one-to two-year reserve will be established to ensure the program remains solvent.

