PROPOSED REGULATION OF THE

STATE ENVIRONMENTAL COMMISSION

P2026-05

June 22, 2026

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

AUTHORITY: NRS 445A.425

Section 1. Chapter 445A of NAC is hereby amended by adding thereto the provisions set forth as Sections 2 through 7, inclusive, of this regulation.

Sec. 2. ***"Indoor direct evaporative cooling" means the process of maintaining a controlled temperature environment with air that is cooled through the direct evaporation of water and delivered to an occupied space.***

Sec. 3. ***"Indoor evaporative humidification" means any mechanical or passive process to increase the moisture content of air by evaporating water into an air stream that is delivered to an occupied space. Indoor evaporative humidification does not include systems utilizing technologies that produce airborne water droplets, including but not limited to spray injection, atomization, or ultrasonic dispersion.***

Sec. 4. ***"Industrial process" means a process carried out by any industry identified in the Standard Industrial Classification (SIC) Manual, published by the United States Department of Labor, under SIC 7374 and 7375.***

Sec. 5. Reuse category A: Water quality requirements for indoor direct evaporative cooling or indoor evaporative humidification. ***Reclaimed water that is intended for indoor direct evaporative cooling or indoor evaporative humidification water reuse shall be treated at a treatment works and must meet the following advanced requirements:***

1. *All requirements for bacteriological quality of reclaimed water reuse Category A specified in NAC 445A.276.*
2. *Filtration with a combined filter effluent turbidity prior to disinfection not exceeding the following:*
    a. *An average of 1.0 nephelometric turbidity units (NTU) within a 24-hour period; and*
    b. *2.0 NTU at any time.*
3. *Disinfection with 4-log virus inactivation or equivalent as approved by the Division; and*
4. *A free chlorine residual at or above 0.5 mg/L, prior to leaving the treatment works.*

Sec. 6. Reuse Category A: Requirements for application to supply reclaimed water for indoor direct evaporative cooling or indoor evaporative humidification. *In addition to the requirements specified in NAC 445A.283 to NAC 445A.294, a person who proposes to supply reclaimed water from a treatment works for indoor direct evaporative cooling or indoor evaporative humidification use shall submit an operations plan for review and approval by the Division with the application for a discharge permit. The operations plan shall include critical control points for water quality monitoring and corrective actions.*

Sec. 7. Reuse Category A: Requirements for application to use reclaimed water for indoor direct evaporative cooling or indoor evaporative humidification. *A person who proposes to use reclaimed water for indoor direct evaporative cooling or indoor evaporative humidification must comply with the following:*

1. *A drift eliminator or equivalent control shall be used whenever the cooling or humidification system is in operation.*

2. *Chlorine or other biocide as approved by the Division shall be used to treat the feed water.*
3. *Develop and implement a water management plan consistent with applicable sections of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers Standard 188 and applicable American Industrial Hygiene Association Recognition, Evaluation, and Control of Legionella in Building Water Systems guidelines.*
4. *Complete reporting to the Division in accordance with the following:*
   (a) *Reporting shall include all Legionella pneumophila monitoring results. For each quarter when reclaimed water is used, results shall be reported to the Division within the first 30 days of the subsequent month.*
   (b) *If any Legionella pneumophila monitoring results exceed 100 CFU/mL, notify the Division within 24 hours of receipt of such results and immediately shut down system and isolate the affected unit; restrict access to the affected area and post signage. Clean and disinfect the system. Re-test after disinfection and confirm Legionella pneumophila levels are below 100 CFU/mL before restoring service.*
   (c) *Retain all monitoring results for three calendar years.*

For the purposes of this section, the Commission adopts by reference American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Standard 188. The publication may be obtained by mail at 180 Technology Parkway NW, Peachtree Corners, Georgia 30092 or online at https://www.ashrae.org/technical-resources/bookstore/ansi-ashrae-standard-188-2021-legionellosis-risk-management-for-building-water-systems or by toll-free telephone at (800) 527-4723, at a cost of $105.

For the purposes of this section, the Commission adopts the applicable American Industrial Hygiene Association Recognition, Evaluation, and Control of Legionella in Building Water Systems guidelines, as they existed on June 17, 2026. The publication may be obtained by mail at 3120 Fairview Park Drive, Suite 360, Falls Church, VA 22042 or online at https://www.aiha.org/education/marketplace/legionella-guide or by toll-free telephone at (703) 849-8888, at a cost of $60.00 for the PDF and $74.75 for the book.

Sec. 8. NAC 445A.275 is hereby amended to read as follows:

NAC 445A.275 1. A person shall not use reclaimed water unless:

(a) The person has:

(1) Received the approval of the Division of a plan for the management of reclaimed water; and

(2) Obtained a permit pursuant to NAC 445A.228 to 445A.263, inclusive; and

(b) The reclaimed water has received at least secondary treatment.

2. A person shall not use reclaimed water for maintaining a controlled temperature and humidity environment if air that contacts the reclaimed water is delivered to an area that may be occupied***, unless such use is an approved reuse category A use pursuant to NAC 445A.2762.***

3. As used in this section:

(a) "Five-day inhibited biochemical oxygen demand" means the amount of dissolved oxygen required to stabilize the carbonaceous decomposable organic matter by aerobic bacterial action at 20 degrees centigrade for 5 days.

(b) "Plan for the management of reclaimed water" means:

(1) A reclaimed water management plan; or

(2) A site specific management plan.

(c)"Secondary treatment" means the treatment of sewage until the sewage has, calculated as a 30-day average:

(1) A 5-day inhibited biochemical oxygen demand concentration of 30 milligrams per liter or less;

(2) A total suspended solids concentration of 30 milligrams per liter or less; and

(3) A pH of 6.0 to 9.0 SU.

Sec. 9. NAC 445A.2762 is hereby amended to read as follows:

445A.2762 Reclaimed water that meets the requirements for bacteriological quality set forth in NAC 445A.276 for reuse category A may be used for:

1. Spray irrigation of land used as a cemetery, commercial lawn, golf course, greenbelt or park even if:

(a) Public access to the area of use is unrestricted; and

(b) Human contact with the reclaimed water can reasonably be expected to occur.

2. An impoundment in which swimming is prohibited even if:

(a) Public access to the impoundment is unrestricted; and

(b) Human contact with the reclaimed water can reasonably be expected to occur.

3. Snowmaking. The Division may require additional treatment before reclaimed water may be used for this purpose.

4. Irrigation of food crops. The Division may require additional treatment before reclaimed water may be used for this purpose.

5. Outdoor decorative water features.

6. Commercial toilet and urinal flushing.

7. Commercial window washing and pressure cleaning which occurs outdoors.

8. ***Indoor direct evaporative cooling in an industrial process where public access to the area of use is restricted, even if human contact with the reclaimed water can reasonably be expected to occur.***

9. Indoor evaporative humidification in an industrial process where public access to the area of use is restricted, even if human contact with the reclaimed water can reasonably be expected to occur.

~~[8.]~~***10.*** Any activity approved for reuse category B, C, D or E.

~~[9.]~~***11.*** Any other use that is approved by the Division.