

**REVISED PROPOSED REGULATION OF
THE STATE BOARD OF HEALTH**

LCB File No. R194-03

December 10, 2003

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

AUTHORITY: §§1, 3, 5 and 6, NRS 439.150, 439.200 and 445A.860; §2, NRS 439.150 and 439.200; §4, NRS 445A.880.

Section 1. NAC 445A.547 is hereby amended to read as follows:

445A.547 1. No bottled water produced in a plant located outside of this state may be sold or distributed within this state unless the operator or distributor has obtained a permit issued by the appropriate health authority.

2. An applicant for such a permit must submit with his application:

(a) A copy of the document which records the approval of the source of water by the health authority which has jurisdiction;

(b) A copy of the permit issued to the applicant by the state or country in which his plant is located;

(c) A report by the applicant regarding his past compliance with the applicable regulations on the quality and sampling of the water he produced or distributed;

(d) A copy of each type of label which will be displayed with the bottled water distributed in this state;

(e) A copy of the most recent analysis conducted pursuant to:

- (1) Paragraph (b) of subsection 1 of NAC 445A.555; and
- (2) Paragraph (c) of subsection 1 of NAC 445A.555; ~~{and}~~
- (f) Copies of the three most recent analyses conducted pursuant to paragraph (a) of subsection 1 of NAC 445A.555 ~~{;}~~ *and*

(g) The fee required pursuant to NAC 445A.589.

Sec. 2. NAC 445A.589 is hereby amended to read as follows:

445A.589 The Health Division shall charge and collect the following fees:

For an annual permit to operate a plant.....	[\$100] <i>\$150</i>
<i>For an annual permit to sell or distribute bottled water produced in a plant located outside of this state.</i>	<i>175</i>
To review plans for constructing a plant.....	{100} <i>200</i>
To review plans for remodeling a permitted plant.	{50} <i>100</i>

Sec. 3. NAC 445A.609 is hereby amended to read as follows:

445A.609 The Health Division shall not issue a permit to operate a water system unless:

- 1. The fee for an annual permit to operate a public water system has been paid as set forth in paragraph (b) of subsection 1 of NAC 445A.6664; and
- 2. The fee for a review of an application for a permit to construct, ~~{remodel}~~ *modify* or expand a public water system has been paid as set forth in paragraph (a) of subsection 1 of NAC 445A.6664.

Sec. 4. NAC 445A.651 is hereby amended to read as follows:

445A.651 The Health Division shall charge and collect the following fees:

For the issuance of a full certificate.....	[\$40] \$84
For a certificate issued pursuant to subsection 1 of NAC 445A.634.....	[40] 57
For a certificate issued pursuant to subsection 2 of NAC 445A.634.....	[25] 57
For the issuance of a certificate as an operator-in-training.....	[40] 57
For conversion of a certificate as an operator-in-training to a full certificate.....	[25] 30
For the issuance of a provisional certificate.	[25] 30
For the renewal of a full certificate.....	[25] 30
For the renewal of a provisional certificate.	[25] 30
For the renewal of a certificate as an operator-in-training.....	[25] 30
For the reinstatement and renewal of a full certificate.	100

Sec. 5. NAC 445A.66635 is hereby amended to read as follows:

445A.66635 The Health Division shall not issue or renew any permit to operate a public water system or, except as otherwise provided in subsection 2 of NAC 445A.6669, review plans to construct, ~~remodel~~ *modify* or expand such a system until the fees prescribed in NAC 445A.6664 have been paid.

Sec. 6. NAC 445A.6664 is hereby amended to read as follows:

445A.6664 1. The Health Division shall charge and collect fees for its service, as follows:

(a) Except as otherwise provided in subsection 2 of NAC 445A.6669, for reviewing an application for a permit to construct, ~~remodel~~ *modify* or expand a public water system:

(1) If ~~it~~ *the public water system* is a community water system:

(I) For reviewing ~~the master plan of~~ *on-site or off-site improvement plans for the construction of a new community water system within an existing subdivision or for a new subdivision or for the modification or expansion of an existing community water system within an existing subdivision*.....\$250

~~[(i) The water system for a subdivision.....\$100]~~

plus ~~\$1~~ *\$3* for each connection for supply of water to customers.

~~[(ii) A treatment facility.....150]~~

(II) For reviewing plans to ~~remodel the~~ *construct, modify or expand a community water* system *which is not part of a subdivision*.....~~[150]~~ *300*

(III) For reviewing plans to *construct, modify or* expand ~~the~~ a
treatment facility of a community water system.~~[150]~~
0.1 percent
of the
capital cost
of the
treatment
facility, not
to exceed
\$3,250

~~.....[plus \$1 for each connection for supply of water to customers.]~~

~~.....(IV) For reviewing plans for water line improvements only].[75]~~

(2) If the *public water* system is not a community water system , *for*
reviewing any plans to construct, modify or expand the public water system~~[75]~~ 200

(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

~~11 - 25.....\$225~~

~~26 - 50.....300~~

51	-	100	.....	400
101	-	500	.....	800
501	-	1,000	.....	2,000
1,001	-	3,000	.....	3,000
25		<i>or less</i>	.....	\$225
26	-	3,000	.....	225
<i>plus 75 cents for each connection for service between 26 and 3,000 connections.</i>				
3,001	-	10,000	.....	[5,000] 2,500
<i>plus 60 cents for each connection for service between 3,001 and 10,000 connections.</i>				
10,001	-	50,000	.....	[8,000] 6,700
<i>plus 25 cents for each connection for service between 10,001 and 50,000 connections.</i>				
[over		50,000	.....	16,000]
50,001	-	100,000	.....	16,700
<i>plus 10 cents for each connection for service between 50,001 and 100,000 connections.</i>				
over		100,000	.....	21,700

~~[In determining the number of connections for service to customers, a community water system shall include the number of connections for service of any consecutive public water system~~

~~which receives water from the community water system. Except as otherwise provided in subsections 2 and 3, a consecutive public water system is not required to pay a fee pursuant to this subparagraph.]~~

(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 \$225

(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 100

(c) Except as otherwise provided in subsection 2, for issuing an annual permit to operate a treatment facility based on the capacity of the treatment facility as follows:

(1) Less than 500,000 gallons per day \$150
(2) At least 500,000 gallons per day but less than 1 million gallons per day 250
(3) At least 1 million gallons per day but less than 5 million gallons per day 1,500
(4) At least 5 million gallons per day but less than 10 million gallons per day 2,000
(5) At least 10 million gallons per day but less than 50 million gallons per day 3,000

(6) At least 50 million gallons per day but less than 100 million gallons per day 4,000

(7) At least 100 million gallons per day or more 7,500

2. ~~[A consecutive public water system that operates a facility for the treatment of surface water shall pay an annual fee based on the number of the connections for service to customers served by the facility for the treatment of surface water in the same amount as designated in subparagraph (1) of paragraph (b) of subsection 1.~~

~~—3. A community water system may require a consecutive public water system which receives water from the community water system to pay annually a portion of the fee imposed pursuant to subparagraph (1) of paragraph (b) of subsection 1 equal in proportion to the amount of services received by the consecutive public water system.~~

~~—4.] An applicant for a permit to operate a treatment facility that only provides treatment related to chlorination is not required to pay the fees set forth in paragraph (c) of subsection 1.~~

3. As used in this section:

(a) *“Capital cost of the treatment facility” means the cost estimated by an engineer to construct, 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.

~~[(b) “Consecutive public water system” means a public water system that:~~

~~—(1) Has at least 15,000 service connections; and~~

~~—(2) Receives treated water from a community water system.]~~