PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

LCB File No. R118-14

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P2014-07

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

AUTHORITY: NRS 445A.855, 445A.860, and 445A.863.

Section 1. NAC 445A.450 is hereby amended to read as follows:

445A.450 As used in NAC 445A.450 to 445A.5405, inclusive, unless the context otherwise requires:

1. "Commission" has the meaning ascribed to it in NRS 445A.8075.
2. "District board of health" has the meaning ascribed to it in NRS 445A.812.
3. "Division" has the meaning ascribed to it in NRS 445A.814.
4. "Federal Act" means the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., as amended on August 6, 1996***; and amended by the "Reduction of Lead in Drinking Water Act", January 4, 2011 and the "Community Fire Safety Act", December 20, 2013, in 42 U.S.C. 300g-6***.
5. "Monitoring program" means a program developed by a public water system and approved by the Division or the appropriate district board of health to sample water quality from a sampling point for compliance purposes.
6. "Primary standard" means a standard which specifies a maximum contaminant level for any constituent found in a public water supply which, if exceeded, may adversely affect the health of persons.
7. "Public water system" has the meaning ascribed to it in NRS 445A.840 and includes a water authority in a county whose population is 400,000 or more.

8. "Sampling point" means a location where water samples are taken for compliance purposes in accordance with the requirements for the specific contaminant or water quality parameters being monitored.

9. "Sanitary survey" means an on-site review of the water source, facilities, equipment, operation and maintenance of a public water system for the purposes of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

10. "Secondary maximum contaminant level" means a maximum contaminant level adopted by the Commission for a constituent found in a public water supply that, if exceeded, may cause aesthetic concerns to a consumer.

11. "Supplier of water" has the meaning ascribed to it in NRS 445A.845.

12. "Treatment technique" means an enforceable water treatment process or procedure, required to be operated at a specified effectiveness for removal of a measurable surrogate contaminant, that public water systems must employ to ensure effective removal of other contaminants for which there is not a reliable, economical, technically feasible method to measure at levels of concern.

13. "Water authority" has the meaning ascribed to it in NRS 377B.040.

14. The words and terms defined in 40 C.F.R. § 141.2 have the meanings ascribed to them in that section, as adopted by reference in NAC 445A.4525.

Sec. 2. NAC 445A.4525 is hereby amended to read as follows:

445A.4525 1. The provisions of 40 C.F.R. §§ 141.1, 141.2, 141.4 to 141.42, inclusive, subsections (a) and (d) of § 141.43***,*** ~~[and]~~ §§ 141.60 to 141.722, inclusive, ***and §§ 141.851 to 141.861, inclusive,*** of the "National Primary Drinking Water Regulations," and related federal

regulations applicable to public water systems, including all tables and appendices therein, as those provisions and regulations existed on July 1, ~~[2009]~~***2014***, are hereby adopted by reference.

2. The provisions of 40 C.F.R. §§ 142.61 to 142.65, inclusive, including all tables therein, as those provisions existed on July 1, ~~[2006]~~***2014***, are hereby adopted by reference.

3. A copy of a publication containing those provisions is available by mail from the Superintendent of Documents, United States Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800, for the price of $67. Copies of those regulations are also available, free of charge, at the Internet address **http://www.gpoaccess.gov/cfr/index.html**.

Sec. 3. NAC 445A.454 is hereby amended to read as follows:

445A.454 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, ~~[and]~~ 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 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: (Σx1+ x2+ xn)/n = running annual average)

Sec. 4. NAC 445A.66085 is hereby amended to read as follows:

445A.66085 "Lead-free" means, with regard to:

1. Solder and flux, that not more than 0.2 percent of the composition of the solder or flux is lead.

2. Pipes, ~~[and]~~ fittings and fixtures, that not more than ~~[8 percent of the composition of the pipe or fitting is lead]~~ ***a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures; as calculated in accordance with NSF Standard 372 and the Federal Act.***

3. Service saddles, fire hydrants, and water distribution main gate valves that are 2 inches in diameter or larger, qualifying for an exemption under subsection (a) paragraph (4) of the Federal Act amendments, that not more than 8 percent of the composition of the pipe, fixture, or fitting is lead; and shall be in compliance with NSF Standard 61.

Sec. 5. NAC 445A.6663 is hereby amended to read as follows:

445A.6663 The following provisions and publications are hereby adopted by reference:

1. The American Water Works Association Standards, as those standards existed on February 20, 1997. A copy of those standards is available by mail from the American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235, or by telephone at (800) 926-7337, at a price of $818.83 for members and $1230.85 for nonmembers.

2. Standards 14, 42, 44, 53, ~~[54,]~~55, 58, 60***,*** ~~[and]~~ 61***, and 372*** of the American National Standards Institute and the National Sanitation Foundation International, as those standards existed on ***July 1, 2014***~~[February 20, 1997]~~ ***and Standard 54 of the American National Standards Institute and the National Sanitation Foundation International, as that standard existed on February 20, 1997***. Those standards are available by mail from National Sanitation

Foundation International, ***789 N. Dixboro Road*** ~~[3475 Plymouth Road]~~, Ann Arbor, Michigan 48105, or by telephone at ***(800) 699-9277*** ~~[(313) 769-8010]~~, at a price of $***165.00*** ~~[40]~~ ***for a PDF or printed version or $223.00 for a printed and PDF version*** for Standard 14, 42, ~~[or]~~ ***44,*** ~~[$50 for Standard]~~53, ~~[54]~~***55***, or 58, $***325.00*** ~~[45]~~***for a PDF or printed version or $439.00 for a printed and PDF version*** ~~[for Standard 55 and $65]~~ for Standard 60 or 61***, and $55.00 for a PDF or printed version or $74.00 for a printed and PDF version for Standard 372***.

3. Standard D3212 of the American Society for Testing and Materials, as that standard existed on February 20, 1997. That standard is available by mail from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428, or by telephone at (610) 832-9500, at a price of $16.50.

4. The provisions of 21 C.F.R. § 177.2420, as those provisions existed on February 20, 1997. The publication that contains those provisions is available 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, at a price of $22.

5. The Manual of Cross-Connection Control, ninth edition, as developed by the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California. This publication is available by mail from the University of Southern California, KAP-200 University Park MC-2531, Los Angeles, California 90089-2531, or by telephone at (213) 740-2032, at a price of $48.

6. Recommended Practice for Backflow Prevention and Cross-Connection Control, 1990 edition, as published by the American Water Works Association. This publication is available by mail from the American Water Works Association, 6666 West Quincy Avenue, Denver,

Colorado 80235, or by telephone at (800) 926-7337, at a price of $33.65 for members and $48.65 for nonmembers.

7. Recommended Standards for Water Works, 1992 edition, as developed and approved by the Great Lakes Upper Mississippi River Board of State Public Health and Environmental Managers. This publication is available by mail from Health Education Services, P.O. Box 7126, Albany, New York 12224, or by telephone at (518) 439-7286, at a price of $12.

8. Standard Methods for the Examination of Water and Wastewater, 19th edition, as published by the American Water Works Association. This publication is available by mail from the American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235, or by telephone at (800) 926-7337, at a price of $146.50 for members and $218.40 for nonmembers.

9. Standard Specifications for Public Works Construction, 1996 edition, as sponsored and distributed by the Regional Transportation Commission of Washoe County, Washoe County, the City of Sparks, the City of Reno, Carson City and the City of Yerington. This publication may be obtained by mail from the Regional Transportation Commission of Washoe County, 2050 Villanova Drive, Reno, Nevada 89502, or by telephone at (775) 348-0171, at a price of $35.

10. Uniform Design and Construction Standards for Water Distribution Systems, 1995 edition, as developed and adopted by Boulder City, Henderson, North Las Vegas, the Big Bend Water District and the Las Vegas Valley Water District. This publication is available by mail from the Las Vegas Valley Water District, Engineering Services Division, 1001 South Valley View Boulevard, Las Vegas, Nevada 89153, or by telephone at (702) 258-3165, at a price of $15.

11. The Uniform Plumbing Code, ~~[1994]~~ ***2012*** edition, as adopted by the International Association of Plumbing and Mechanical Officials. This publication is available by mail from the International Association of Plumbing and Mechanical Officials, 20001 Walnut Drive South, Walnut, California 91789-2825, or by telephone at (909) 595-8449, at a price of $***88.00*** ~~[52.89]~~ ***for members and $111.00 for nonmembers*** for a softcover copy or $***107.20*** ~~[62.81]~~ ***for members and $134.00 for nonmembers*** for a looseleaf copy. ***A CD-ROM or eBook copy is available for $80.80 for members and $101.00 for nonmembers.***

Sec. 6. NAC 445A.67125 is hereby amended to read as follows:

445A.67125 1. Except as otherwise provided in subsections 2 and 3, the pipes, fittings and valves of a distribution system, and any fire hydrants connected to a public water system, must:

(a) For public water systems in Carson City, Fallon, Reno, Sparks, Yerington, Douglas County, Lander County, Lyon County, Nye County or Washoe County, comply with Standard Specifications for Public Works Construction and the American Water Works Association Standards.

(b) For public water systems in Boulder City, Henderson, North Las Vegas, the Big Bend Water District or the Las Vegas Valley Water District, comply with Uniform Design and Construction Standards for Water Distribution Systems and the American Water Works Association Standards.

(c) For public water systems in other areas of the State, comply with the American Water Works Association Standards.

2. The choice of materials for ~~[the pipes of]~~a distribution system must be based on the properties of the soil and water. In areas where:

(a) The water is corrosive, metal~~[lic pipe]~~ must not be used.

(b) The groundwater or soil is contaminated with volatile or synthetic organic chemicals, plastic ~~[pipe]~~and gasket***s***~~[ed pipe]~~ must not be used.

3. Any pipes, fittings, ***fixtures,*** solder or flux used in the installation or repair of a public water system must be lead-free and comply with ~~[section 316.1.3 of the Uniform Plumbing Code]~~***NSF Standard 372 and the Federal Act***.

➥ ***Service saddles, fire hydrants, and water distribution main gate valves that are 2 inches in diameter or larger, qualifying for an exemption under subsection (a) paragraph (4) of the Federal Act amendments, shall not have more than 8 percent of the composition of the pipe, fixture, or fitting be lead; and shall be in compliance with NSF Standard 61.***