PROPOSED REGULATION OF THE

STATE ENVIRONMENTAL COMMISSION

LCB FILE NO. R130-22I

The following document is the initial draft regulation proposed

by the agency submitted on 06/28/2022

PROPOSED REGULATION OF

THE STATE ENVIRONMENTAL COMMISSION

File No. P2022-11

June 27, 2022

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

AUTHORITY: §1, NRS 445A.425 and 445A.428; §2, NRS445A.860 and 445A.863; § 3, NRS 459.485 and 459.500.

Sec. 1: NAC 445A.066 is hereby amended to read as follows:

NAC 445A.066 Fees for certification

1. [~~Except as otherwise provided in subsection 2, a~~] ***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.~~]

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

[CATEGORY OF CONTAMINANT]	[ANNUL 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]
[Semivolatile organic chemistry	545]

~~[Synthetic Organic Compounds Group 1 (includes semi volatile organic chemistry, pesticides, herbicides and polyaromatic hydrocarbons ..... 1,500]~~

~~[Toxicity bioassay..... 400]~~

~~[Trace metals..... 545]~~

~~[Volatile organic chemistry..... 545]~~

~~[Any other individual contaminant..... 200]~~

~~[Any other individual multi-contaminant method..... 400~~]

CATEGORY OF CONTAMINANT

Non-potable Water Fees:	***Year 1 2023***	***Year 2 2024***	***Year 3 2025***	***Year 4 2026***	***Year 5 2027***
Minerals	***$560***	***588***	***617***	***648***	***680***
Nutrients	***$350***	***368***	***386***	***405***	***425***
Oil and grease	***$350***	***368***	***386***	***405***	***425***
Perchlorate	***$350***	***368***	***386***	***405***	***425***
Pesticides	***$763***	***801***	***841***	***883***	***927***
Phenolics	***$350***	***368***	***386***	***405***	***425***
Polychlorinated biphenyls wastewater	***$763***	***801***	***841***	***883***	***927***
Radiochemistry	***$763***	***801***	***841***	***883***	***927***
Residual chlorine	***$175***	***184***	***193***	***203***	***213***
Residue	***$370***	***400***	***432***	***467***	***504***
Semi-volatile organic chemistry	***$763***	***801***	***841***	***883***	***927***

Toxicity bioassay	*$560*	*588*	*617*	*648*	*680*
Trace Metals	*$763*	*801*	*841*	*883*	*927*
Volatile organic chemistry	*$763*	*801*	*841*	*883*	*927*
Any other multi-contaminant method	*$560*	*588*	*617*	*648*	*680*
Any other single contaminant method	*$350*	*368*	*386*	*405*	*425*
Saxitoxins Phycological Services	*$763*	*801*	*841*	*883*	*927*
Molecular Genetic Analyses	*$560*	*588*	*617*	*648*	*680*
Microcystins/Nodularins	*$763*	*801*	*841*	*883*	*927*
Microcystins/Nodularins,					
Cylindrospermopsin, Anatoxin-a	*$1580*	*1588*	*1667*	*1750*	*1838*

Mining Fees:	*Year 1* *2023*	*Year 2* *2024*	*Year 3* *2025*	*Year 4* *2026*	*Year 5* *2027*
Any other individual contaminant – Cyanide	*$350*	*368*	*386*	*405*	*425*
Any other individual contaminant-D7572- 11	*$350*	*368*	*386*	*405*	*425*
Any other individual contaminant-Metal	*$350*	*368*	*386*	*405*	*425*
Any other individual contaminant-ORP	*$350*	*368*	*386*	*405*	*425*
Any other multi-contaminant method-C1308-08	*$560*	*588*	*617*	*648*	*680*
Any other multi-contaminant method-D5744-12.	*$763*	*801*	*841*	*883*	*927*
Any other multi-contaminant method-E1915	*$560*	*588*	*617*	*648*	*680*
Any other multi-contaminant method-EPA 600	*$560*	*588*	*617*	*648*	*680*
Any other multi-contaminant method-MWM	*$560*	*588*	*617*	*648*	*680*

➥ ***For the calendar year beginning on January 1, 2027, and for each calendar year thereafter, the Director shall increase each fee required by this subsection by an amount that is equal to 4 percent of the fee for the immediately preceding fiscal year. The Director of the Department of Conservation and Natural Resources or the Director's designee may, for any individual fiscal year, suspend an increase in a rate or fee specified in this subsection.***

~~[4]~~***3***. 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 in more than two of the approved methods of testing for that contaminant, the laboratory must submit a fee of $ ***280*** for each additional approved method of testing.

~~[5]~~ ***4***. If a laboratory applies for certification for additional contaminants after the laboratory has been issued a certification for an annual period of certification, the fee for certification for each additional contaminant is the fee provided for that contaminant pursuant to the provisions of subsection ~~[3.]~~ ***2***. The fee must be prorated pursuant to subsection ~~[6]~~ ***5*** 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~~] ***the laboratory must pay the actual travel and per diem expenses of the employee of the Division who conducts the evaluation.***

~~[6]~~ ***5***. 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 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]~~***6***. The fee for certification to test for a specific analyte must be paid before a certificate for that analyte may be issued.

~~[9]~~ ***7***. Any fee paid pursuant to the provisions of this section is nonrefundable.

Sec. 2: NAC 445A.54296 is hereby amended to read as follows:

NAC 445A.54296 Fees.

1. ***A laboratory must submit an annual fee of $700 with*** ~~[E]~~ ***e***ach application ***for certification.***~~[.]~~

~~[(a) Chemistry certification must include a fee of $500.]~~

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

2. In addition to the fees specified in subsection 1, the Bureau shall charge and collect the following fees:

~~[For an application to renew certification]~~	~~[$500]~~
~~[Initial fee or annual renewal fee for certification to analyze primary inorganic contaminants]~~	~~[545]~~
~~[Initial fee or annual renewal fee for certification to analyze secondary inorganic contaminants]~~	~~[545]~~
~~[Initial fee or annual renewal fee for certification to analyze regulated and unregulated volatile organic contaminants, including trihalomethanes and vinyl chloride]~~	~~[545]~~
~~[Initial fee or annual renewal fee for certification to analyze regulated and unregulated synthetic organic contaminants]~~	~~[1,090]~~
~~[Initial fee or annual renewal fee for certification to analyze radiochemical contaminants]~~	~~[545]~~
~~[Annual renewal fee for certification to analyze specific primary or secondary inorganic contaminants, or both]~~	~~[200]~~
~~[Annual renewal fee for microbiology certification]~~	~~[600]~~

	Year 1	Year 2	Year 3	Year 4	Year 5
	2023	2024	2025	2026	2027
Asbestos	$560	588	617	648	681
Cyanide	$350	368	386	405	425
Dioxin	$763	801	841	883	927
Herbicides	$763	801	841	883	927
Microbiology	$560	588	617	648	681
Minerals	$560	588	617	648	681
Nutrients	$350	368	386	405	425
Perchlorate	$350	368	386	405	425
Pesticides	$763	801	841	883	927
Phenolics	$350	368	386	405	425
Polyaromatic hydrocarbons	$763	801	841	883	927
PCP Screening	$763	801	841	883	927
Synthetic organic compounds	$763	801	841	883	927
Toxicity bioassay	$560	588	617	648	681
Trace metals	$763	801	841	883	927
Volatile organic compounds	$763	801	841	883	927
Single analyte method	$350	368	386	405	425
Multi-analyte method	$560	588	617	648	681
Hardness	$350	368	386	405	425

pH	***$350***	***368***	***386***	***405***	***425***
Total Residual Chlorine	***$350***	***368***	***386***	***405***	***425***
Chlorine dioxide	***$350***	***368***	***386***	***405***	***425***
Alkalinity	***$350***	***368***	***386***	***405***	***425***
Dissolved Oxygen	***$350***	***368***	***386***	***405***	***425***
Temperature	***$350***	***368***	***386***	***405***	***425***
Conductivity	***$350***	***368***	***386***	***405***	***425***

➥ ***For the calendar year beginning on January 1, 2027, and for each calendar year thereafter, the Director shall increase each fee required by this subsection by an amount that is equal to 4 percent of the fee for the immediately preceding fiscal year. The Director of the Department of Conservation and Natural Resources or the Director's designee may, for any individual fiscal year, suspend an increase in a rate or fee specified in this subsection.***

3. The initial or annual renewal fee for certification to analyze any chemical contaminant not set forth in subsection 2 is $~~[400]~~***560***, 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 evaluation.***

4. If an application for certification to test for an analyte is received during the fiscal year, 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.

The month in which the application is submitted must not be counted as a month remaining in the fiscal year. 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]~~***5***. A fee for certification to analyze a specific contaminant must be paid before a certificate may be issued.

~~[7]~~***6***. Any fee paid pursuant to the provisions of this section is nonrefundable.

Sec. 3: NAC 459.96986 is hereby amended to read as follows:

NAC 459.96986 Fees for certification.

1. Except as otherwise provided in subsection 2, 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.]~~ ***2***. 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 for which certification is requested. The categories of contaminants and annual fees are:

~~[CATEGORY OF CONTAMINANT~~	~~ANNUAL FEE]~~
~~[Bulk asbestos analysis of hazardous waste~~	~~$400]~~

~~[Characteristics of hazardous waste 350]~~

~~[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]~~

~~[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]~~

~~[Trace metals in hazardous waste 545]~~

~~[Volatile organic chemistry of hazardous waste 545]~~

~~[Any other individual contaminant 200]~~

~~[Any other individual multi-contaminant method 400]~~

Resource Conservation Recovery Act (RCRA) Fees

CATEGORY OF CONTAMINANT	***Year 1 2023***	***Year 2 2024***	***Year 3 2025***	***Year 4 2026***	***Year 4 2027***
Bulk asbestos analysis of hazardous waste	***$560***	***588***	***617***	***648***	***681***
Characteristics of hazardous waste	***$490***	***515***	***540***	***567***	***596***
Dioxin in hazardous waste	***$763***	***801***	***841***	***883***	***927***
Herbicides	***$763***	***801***	***841***	***883***	***927***
Immunoassay methods for hazardous waste	***$763***	***801***	***841***	***883***	***927***
Infrared analysis of hazardous waste	***$763***	***801***	***841***	***883***	***927***
Inorganic chemistry of hazardous waste	***$763***	***801***	***841***	***883***	***927***
Liquid chromatography for hazardous waste	***$763***	***801***	***841***	***883***	***927***
Microbiology	***$560***	***588***	***617***	***648***	***681***
Miscellaneous screening methods for hazardous waste	***$560***	***588***	***617***	***648***	***681***
Pesticides	***$763***	***801***	***841***	***883***	***927***
Physical properties Characterization of hazardous waste	***$763***	***801***	***841***	***883***	***927***
Polyaromatic hydrocarbons in hazardous waste	***$763***	***801***	***841***	***883***	***927***
Polychlorinated biphenyls in hazardous waste	***$763***	***801***	***841***	***883***	***927***
Radiochemistry of hazardous waste	***$763***	***801***	***841***	***883***	***927***
Semi-volatile organic chemistry of hazardous waste	***$763***	***801***	***841***	***883***	***927***
Toxicity bioassay of hazardous waste	***$560***	***588***	***617***	***648***	***681***
Trace metals in hazardous waste	***$763***	***801***	***841***	***883***	***927***
Volatile organic chemistry of hazardous waste	***$763***	***801***	***841***	***883***	***927***
Any other individual contaminant	***$763***	***801***	***841***	***883***	***927***

Any other individual multi-contaminant method	***$763***	***801***	***841***	***883***	***927***

➥ ***For the calendar year beginning on January 1, 2027, and for each calendar year thereafter, the Director shall increase each fee required by this subsection by an amount that is equal to 4 percent of the fee for the immediately preceding fiscal year. The Director of the Department of Conservation and Natural Resources or the Director's designee may, for any individual fiscal year, suspend an increase in a rate or fee specified in this subsection.***

~~[4]~~***3***. 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 in more than two of the approved methods of testing for that contaminant, the laboratory must submit a fee of $~~[200]~~***280*** for each additional approved method of testing.

~~[5]~~***4***. If a laboratory applies for certification for additional contaminants after the laboratory has been issued a certification for an annual period of certification, the fee for certification for each additional contaminant is the fee provided for that contaminant pursuant to the provisions of subsection ~~[3]~~***2***. The fee must be prorated pursuant to subsection ~~[6]~~***5*** 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, ~~[expenses must be paid pursuant to the provisions of subsection 7]~~ ***the laboratory must pay the actual travel and per diem expenses of the employees of the Division who conducts the evaluation***.

~~[6]~~***5***. 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 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]~~***6***. The fee for certification to test for a specific analyte must be paid before a certificate for that analyte may be issued.

~~[9]~~***7***. Any fee paid pursuant to the provisions of this section is nonrefundable.