ADOPTED REGULATION OF THE

STATE ENVIRONMENTAL COMMISSION

LCB File No. R025-25

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

AUTHORITY: § 1, NRS 445A.855, 445A.860 and 445A.863; § 2, NRS 445A.855 and 445A.860; § 3, NRS 445A.855, 445A.860 and 445A.940, as amended by section 28 of Senate Bill No. 43, chapter 438, Statutes of Nevada 2025, at page 2849.

A REGULATION relating to public water systems; revising certain provisions of federal law which are adopted by reference; revising the situations under which the owner or operator of a public water system is required to provide certain public notice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Environmental Commission to adopt regulations as may be necessary to govern the construction, operation and maintenance of public water systems if those activities affect the quality of water. (NRS 445A.860)

Existing regulations adopt by reference certain federal regulations relating to primary drinking water that are applicable to public water systems. (NAC 445A.4525) **Section 1** of this regulation updates the referenced federal regulations to adopt the version of those provisions as they existed on July 1, 2025. **Section 1** also provides updated information on how to obtain copies of the referenced federal regulations.

Existing federal regulations establish requirements for certain reports that a community water system must deliver to its customers. (40 C.F.R. §§ 141.151-141.156) Existing state regulations also require each community public water system to deliver an annual consumer confidence report that contains information on the quality of the water delivered by the system in accordance with federal requirements. (NAC 445A.4845) **Section 2** of this regulation updates the requirements for consumer confidence reports to comply with federal regulations.

Existing law requires a supplier of water to notify the Division of Environmental Protection of the State Department of Conservation and Natural Resources or, if designated, the district board of health if the supplier's public water system is not in compliance with the primary drinking water standards. (NRS 445A.940, as amended by section 28 of Senate Bill No. 43, chapter 438, Statutes of Nevada 2025, at page 2849) Existing regulations also require the owner or operator of a public water system to provide public notice to users of the public water system under certain circumstances with potential adverse health effects. (NAC 445A.485) **Section 3** of this regulation also requires the owner or operator of a public water system to provide such notice if the public water system exceeds the action level for lead set forth in federal regulations. (40 C.F.R. § 141.80)

Section 1. 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, §§]~~ 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, ~~[2014,]~~ ***2025,*** 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, ~~[2014,]~~ ***2025,*** 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]~~ ***Publishing*** Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800, for the price of ~~[$67.]~~ ***$51.*** Copies of those regulations are also available, free of charge, at the Internet address ~~[http://www.gpoaccess.gov/cfr/index.html.]~~ ***https://www.govinfo.gov/app/collection/cfr.***

Sec. 2. NAC 445A.4845 is hereby amended to read as follows:

445A.4845 Each community public water system shall deliver to its customers on an annual basis consumer confidence reports which contain information on the quality of the water delivered by the system in accordance with the requirements of 40 C.F.R. §§ 141.151 to ~~[141.155,]~~ ***141.156,*** inclusive, as adopted by reference in NAC 445A.4525.

Sec. 3. NAC 445A.485 is hereby amended to read as follows:

445A.485 1. The owner or operator of a public water system shall provide notice to the Division or the appropriate district board of health of the occurrence of any of the events listed in NAC 445A.538, in accordance with the provisions of that section.

2. Public notice of violations of primary drinking water regulations, and other ~~[circumstances]~~ ***situations*** with potential adverse health effects, is required pursuant to NRS

445A.940 ***, as amended by section 28 of Senate Bill No. 43, chapter 438, Statutes of Nevada 2025, at page 2849,*** and as follows:

(a) The owner or operator of a public water system shall provide notice to persons served by the system for all violations of the primary standards, treatment techniques, monitoring requirements, testing procedures and other circumstances set forth in NAC 445A.450 to 445A.5405, inclusive, pursuant to the requirements of this section and 40 C.F.R. §§ 141.201 to 141.211, inclusive, as adopted by reference in NAC 445A.4525, including, without limitation:

(1) Failing to comply with an applicable primary standard;

(2) Failing to comply with a prescribed treatment technique;

(3) Failing to perform water quality monitoring;

(4) Failing to comply with testing procedures as prescribed by a drinking water regulation;

(5) Operating under a variance or exemption;

(6) Failing to comply with the requirements of any schedule that has been set under a variance or exemption;

(7) The occurrence of a waterborne disease outbreak or other waterborne emergency;

(8) Exceeding the nitrate MCL by a noncommunity water system when granted permission by the primacy agency under 40 C.F.R. § 141.11(d);

(9) Exceeding the secondary maximum contaminant level for fluoride, set forth in subsection 2 of NAC 445A.455;

(10) Making available unregulated contaminant monitoring data; ~~[or]~~

(11) Other violations as determined by the Division or the appropriate district board of health to require a public notice, not already listed in Appendix A to 40 C.F.R. §§ 141.201 to 141.211, inclusive, as adopted by reference in NAC 445A.4525 ~~[.]~~ ***; or***

(12) Exceeding the action level for lead set forth in 40 C.F.R. § 141.80(c).

(b) Public notices are divided into three tiers to take into account the seriousness of the violation or situation and any potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in paragraph (a) are determined by the tier to which the violation or situation is assigned. The federal public notification regulations, 40 C.F.R. §§ 141.201 to 141.211, inclusive, including Appendices A, B and C, as adopted by reference in NAC 445A.4525, provide the criteria for the tier assignment for each specific violation or situation, and the requirements for the content, form, manner and frequency of the notice.

(c) Each public water system shall provide public notice to persons served by the water system in accordance with this section. Public water systems that sell or otherwise provide drinking water to other public water systems are required to give notice to the owners or operators of those systems, who are then responsible for providing public notice to the persons they serve. If a public water system has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the Division or the appropriate district board of health may allow the system to limit distribution of the public notice to only those persons served by that portion of the system which is out of compliance. Permission by the Division or the appropriate district board of health for limiting distribution of the notice must be granted in writing.

(d) A copy of the notice must also be sent to the Division or the appropriate district board of health in accordance with the requirements of 40 C.F.R. § 141.31(d), as adopted by reference in NAC 445A.4525.

3. Public notice of a violation of NAC 445A.455 is required pursuant to NRS 445A.940 and as follows:

(a) When a secondary maximum contaminant level exceeds the levels or units specified in subsection 1 of NAC 445A.455, the public water system shall, within 90 days, collect and analyze three additional samples from the same sample point, but not more than one sample per month. If the average contaminant level of the four samples exceeds the secondary maximum contaminant level, the public water system shall notify the Division or the appropriate district board of health and shall provide notice to the public. The notice must be:

(1) For community public water systems:

(I) Published in a newspaper of general circulation in the area served by a system not more than 30 days after the standard is exceeded, or delivered personally or by mail to each person served by the system not more than 30 days after the standard is exceeded; and

(II) Published and delivered annually thereafter as provided in the annual consumer confidence report prepared pursuant to NAC 445A.4845 if the standard continues to be exceeded.

(2) For noncommunity water systems:

(I) Delivered personally or by mail to each person served by the system not more than 30 days after the standard is exceeded, or posted, within 30 days after the standard is exceeded, in a prominent location for consumers of the water system to read; and

(II) Posted, or delivered annually thereafter if the standard continues to be exceeded.

(b) If the Commission grants a variance pursuant to NAC 445A.487 or 445A.4872 from the requirement concerning a secondary maximum contaminant level, the public water system shall

give notice to the public pursuant to subparagraph (1) or (2) of paragraph (a), as required by the type of system.

(c) In a fluoridated public water system, if the concentration for fluoride does not meet the concentrations specified in subsection 6 of NAC 445A.6682, the public water system shall report the incident to the Division of Public and Behavioral Health of the Department of Health and Human Services as required in paragraph (j) of subsection 12 of NAC 445A.6682.

(d) Notice to the public must be in such form and manner as prescribed by the Division or the appropriate district board of health and must ensure that the public using the system is adequately informed.

4. The Commission may not grant a variance from the provisions of public notification required by this section.