

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R116-26

August 5, 2026

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

AUTHORITY: § 1, NRS 445A.425, 445A.465 and 445A.600; § 2, NRS 445A.860; §§ 3-8 and 19, NRS 445A.425 and 445A.465; §§ 9-13, NRS 445A.425, 445A.465 and 445A.590; §§ 14-16, NRS 445A.425, 445A.465 and 445A.660; § 17, NRS 445A.425, 445A.465 and 445A.500; § 18, NRS 445A.425.

A REGULATION relating to water pollution; requiring the Director of the State Department of Conservation and Natural Resources to provide public notice of an application for a major modification to a permit to operate an injection well; removing and repealing requirements for a manual of operations and maintenance of a public water system; revising certain expired requirements relating to motor vehicle waste disposal wells; revising application requirements relating to a permit to inject fluids through an injection well; revising certain requirements relating to a test to demonstrate the mechanical integrity of an injection well; revising certain recordkeeping requirements for the holder of a permit to inject fluids through an injection well; revising certain requirements relating to septic tanks; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Environmental Commission to adopt regulations relating to the injection of fluids through a well. (NRS 445A.425, 445A.465) Existing law also requires the State Department of Conservation and Natural Resources to notify certain persons and entities of each complete application for a permit. (NRS 445A.590) Existing regulations require the Director of the Department to provide public notice for each draft of a permit for an underground injection well, tentative exemption for an aquifer, if required, or intent to deny an application and: (1) requires the public notice to include certain information; (2) authorizes the applicant or interested persons to request a public hearing or submit written comments; (3) requires the Director to issue a statement responding to comments; and (4) requires the Director to issue the final permit or provide written notice as to why the final permit will not be issued within 30 days after the period of public comment. (NAC 445A.875 - 445A.879) **Section 1** of this regulation: (1) requires the Director to also provide public notice if a holder of a permit submits an application for a major modification to an existing permit to operate an injection well; and (2) authorizes the Director to reissue the permit with a term not to extend 5 years. **Sections 8-13** of this regulation require the Director to follow the same process relating to public comment for an application for a major modification to an existing permit.

Existing law requires the Commission to adopt regulations establishing procedures for a system of permits to operate certain water systems. (NRS 445A.860) Existing regulations require a supplier of water to prepare a manual of operations and maintenance regarding all the facilities of a public water system. (NAC 445A.6667) **Section 2** of this regulation revises the requirements for the contents of the manual of operations and maintenance. **Section 2** also requires a supplier of water to: (1) ensure the manual of operations and maintenance is accessible at all times to the Division of Environmental Protection of the Department at each facility of the public water system; and (2) update and submit the manual for approval to the Division not less than every 10 years, unless otherwise requested by the Division.

Existing regulations require the owner of an existing motor vehicle waste disposal well that is located within certain protected or sensitive groundwater areas to close the well, obtain a permit to operate the well or convert the well by certain past deadlines in 2005 and 2007. Existing regulations also authorize the Director to extend this deadline for not more than 1 year under certain circumstances. (NAC 445A.8493) **Section 3** of this regulation removes these provisions, as the deadlines and period for an extension of the deadline have passed.

Existing regulations provide that an application for a permit to inject fluids must meet certain requirements. (NAC 445A.867) **Section 5** of this regulation expands the applicability of the requirements of an application for a permit to include an application for a renewal of a permit and an application for a modification to a permit. **Section 5** also requires any such application to include: (1) a manual of operations and maintenance; and (2) a request to use chemicals at the facility.

Existing regulations require an applicant for a permit for a Class II well to include in his or her application certain information concerning the injection formation. (NAC 445A.868) **Section 6** of this regulation requires an applicant, regardless of any information the applicant previously submitted, to submit a complete and current application.

Existing regulations authorize the Director to modify the information required in an application for a permit for a Class V well for good cause and upon determining certain information. (NAC 445A.869) **Section 7** of this regulation requires an applicant, regardless of any information the applicant previously submitted, to submit a complete and current application.

Existing regulations require a test to demonstrate the mechanical integrity of an injection well to be conducted at least once every 5 years for the life of the injection well. (NAC 445A.916) **Section 14** of this regulation requires that if such a test is performed by injecting fluids into the injection well, the test must be performed in a manner that is representative of the normal operating conditions of the injection well.

Existing regulations require that if an injection well fails to demonstrate mechanical integrity during a test or a loss of mechanical integrity becomes evident during operation, the operation of the injection well must be stopped immediately and may not be resumed until approved by the Director. (NAC 445A.920) **Section 15** of this regulation provides that in order to demonstrate mechanical integrity during a test, an injection well must maintain constant pressure for the duration of the test.

Existing regulations require the holder of a permit for an injection well to retain certain records of all information resulting from the monitoring required by the permit. Existing regulations also require certain records to be retained for at least 3 years, whereas records relating to the nature and composition of all injected fluids must be retained for 5 years after the completion of any procedures for plugging and abandonment. (NAC 445A.922) **Section 16** of

this regulation instead requires that all records, except the plan for plugging and abandoning the injection well, must be retained for 5 years after the completion of any procedures for plugging and abandonment. **Section 17** of this regulation requires the holder of a permit to retain a copy of the plan for plugging and abandoning an injection well throughout the operational life of the injection well.

Existing law authorizes the Commission to adopt regulations for controlling the infiltration of contaminants into underground water through contaminated fluids. (NRS 445A.425) Existing regulations require the top of the tee or baffle for both the vented inlet and vented outlet of a septic tank that is included as part of an on-site sewage disposal system to extend at least 12 inches below the level of the liquid. (NAC 445A.9658) **Section 18** of this regulation instead requires the top of the tee or baffle for both the vented inlet and vented outlet of such a septic tank to extend at least 12 inches above the level of the liquid.

Existing regulations set forth certain requirements for the owner of an existing motor vehicle waste disposal well that was in operation or under construction on or before April 5, 2000. (NAC 445A.8491) **Section 19** of this regulation repeals this provision. **Section 4** of this regulation makes a conforming change to remove an internal reference to this provision.

Section 1. Chapter 445A of NAC is hereby amended by adding thereto a new section to read as follows:

1. If a holder of a permit submits an application for a major modification to an existing permit, the Director shall provide public notice on the application in accordance with the requirements of NAC 445A.874 to 445A.879, inclusive.

2. If the Director approves an application for a major modification to an existing permit, the Director may reissue the permit with a term of not more than 5 years.

3. For the purposes of this section, a “major modification” includes any:

(a) Proposed increase in the injection volume, pressure or expansion of the injection zone that exceeds the maximum allowable rate or limit specified in the existing permit;

(b) Change in the location, design or operation of an injection well or infrastructure which differs from what was authorized in the existing permit;

(c) Change to the injection fluids, methods of injection or operations that increases the risk to an underground source of drinking water or alters the potential environmental impact of the injection well; or

(d) Other modification not classified as a minor modification pursuant to NAC 445A.902.

Sec. 2. NAC 445A.6667 is hereby amended to read as follows:

445A.6667 **1.** A supplier of water shall prepare a manual of operations and maintenance regarding all of the facilities of the public water system and submit the manual to the Division or the appropriate district board of health for review and approval. The manual must:

~~111~~ *(a) Include a table of contents;*

(b) Contain an introduction and an explanation of the purpose of the manual, which must include, without limitation:

(1) Instructions for the proper use of the manual by facility personnel; and

(2) A technical description of the facilities of the public water system which summarizes the overall configuration of the system;

(c) Provide a general description of the operations of each facility of the public water system, which must include, without limitation:

(1) A description of the primary processes and functional components of the facility;

(2) A description of the construction specifications of all surface basins, including the type of liner, storage capacity and dimensions of freeboard; and

(3) Schematic diagrams which illustrate the operational layout and process flow of the power generation system;

(d) Describe the water flow and system operations, which description must, without limitation:

(1) Describe the operations for the conveyance of water, including the routing and function of production wells, injection wells and associated pipelines;

(2) Describe the design and specifications of production wells and injection wells, including major components such as pumps, valves and separators;

(3) Describe the metering and monitoring systems detailing the rate of flow of water, temperature, points of measurement for pressure, procedures for reading the outputs of the systems, protocols for calibrating the systems and procedures for recordkeeping data;

(4) Establish a schedule for the inspection of the systems for water control; and

(5) Establish a schedule for reporting any records or information required by the Commission or the Department pursuant to NRS 445A.660;

(e) Contain a section relating to the discharge of water at each facility of the public water system, which must include, without limitation:

(1) A description of the discharge of water from cooling towers, surface basins, septic systems, storm water and any other relevant sources at the facility; and

(2) A summary of the conditions for any discharge permits and any associated requirements for reporting contained in the permit;

(f) Contain a plan for monitoring quality assurance at each facility of the public water system, which must include, without limitation:

(1) A description of the protocols for sampling any discharge of water, including the personnel and materials involved in testing, the methods of collecting and preserving samples, the target analytes to be identified and measured, any shipping of samples and the requirements of laboratories for sampling;

(2) A description of the obligations of the facility for reporting quality assurance and a designation of the personnel responsible for fulfilling such obligations;

(3) An explanation of the procedures for recordkeeping;

(4) An explanation of the records that are necessary to show that any sampling performed that is required by the Commission or the Department pursuant to NRS 445A.660 was performed using the methods and locations required by the permit; and

(5) An explanation of the significance of the parameters for quality assurance monitored by the facility;

(g) Describe the usage of chemicals on-site at each facility of the public water system, which description must include, without limitation:

(1) An inventory of the chemicals present on-site at the facility, including a description of which chemicals are in contact with the water systems or cooling systems of the facility;

(2) A description of the quantities and concentration of each chemical stored at the facility and the contact details for the supplier of each chemical stored at the facility; and

(3) A description of the protocols for handling chemicals, the process for identifying hazards relating to the chemicals and the measures used for controlling safety;

(h) Describe the normal procedures for the operation and maintenance of each facility of the public water system ~~and~~ which description must include, without limitation:

(1) A schedule for routine inspections of the operational systems in the facility;

(2) A description of the protocols for the maintenance of pipelines, pumps, valves and the apparatus for control of a well;

(3) A description of the documentation and procedures for all activities involving maintenance of the facility;

(4) A description of the standard operating procedures for the startup of the facility and for instances involving a shutdown of the facility or a shut off of a well; and

(5) A description of the protocols for responding to common issues relating to the operation of the facility, including leaks and malfunctions of any equipment;

(i) Describe the procedures for use in emergencies ~~†~~

~~2.1~~, which description must include, without limitation:

(1) A summary of the procedures for emergency response which clearly define the roles and responsibilities of the operator during failures of the system or other events involving abnormal conditions;

(2) A description of the designated roles and responsibilities of personnel for the response to an emergency at each facility of the public water system;

(3) An explanation of the protocols for managing any leaks and blowouts of a well at each facility of the public water system and protocols for conducting the mandatory reporting of a spill of hazardous material;

(4) A list of contact information for relevant regulatory agencies and support services for emergencies;

(5) A list of telephone numbers of emergency contacts which are available on a 24-hour basis; and

(6) An instruction to personnel that the response to an emergency at the facility must include, without limitation, notification of the emergency to users, the Division or another administrative authority and, if necessary, the appropriate local health authority;

(j) Contain a plan for replacing worn or damaged equipment in a timely manner to ensure safe and effective operations at each facility of the public water system, which must:

(1) Include procedures for identifying worn or damaged equipment at the facility; and

(2) Require the maintenance of all records relating to equipment that has been replaced at the facility;

(k) Include any plans required pursuant to NAC 445A.535 or subsection 9 of NAC 445A.66795 ~~†~~

~~3. Be maintained~~ ; and

(l) Contain an appendix, which must include, without limitation:

(1) Copies of all permits issued by the Division to each facility of the public water system;

(2) Reports on samples collected for monitoring and maintenance;

(3) Safety data sheets for any chemicals used on-site at each facility of the public water system; and

(4) Any supporting documents that verify and authorize the material included in the manual for operation and maintenance, including any requests and approvals to conduct a test for the mechanical integrity of a well, any requests and approvals to conduct a survey using a radioactive tracer, any requests for the use of chemicals on-site at each facility of the public water system, any certifications of engineering and any other document relevant to the operation and maintenance of each facility of the public water system which requires a signature from an applicable official.

2. A supplier of water shall:

(a) Ensure that the manual of operations and maintenance required pursuant to subsection 1 is:

(1) Maintained at each facility of the public water system at all times for use by the operators and other personnel of the facility ~~H~~; and

(2) Accessible at all times to the Division at each facility of the public water system; and
(b) Update the manual of operations and maintenance required pursuant to subsection 1 not less than every 10 years, unless otherwise requested by the Division, and submit the updated manual to the Division or the appropriate district board of health for review and approval.

Sec. 3. NAC 445A.8493 is hereby amended to read as follows:

445A.8493 ~~{1. Except as otherwise provided in this section, the owner of an existing motor vehicle waste disposal well that is located within:~~

~~—(a) A groundwater protection area shall, not later than 1 year after the date on which the local source water assessment for the area is completed or January 1, 2005, whichever occurs first, close the well, obtain a permit to operate the well or convert the well.~~

~~—(b) Another sensitive groundwater area shall, not later than January 1, 2007, close the well, obtain a permit to operate the well or convert the well.~~

~~—2. The deadlines set forth in subsection 1 may be extended for not more than 1 year if the Environmental Protection Agency approves an extension for this State pursuant to 40 C.F.R. §§ 144.87(b) and 144.87(c).~~

~~—3. The Director may extend the deadline for the closure of a motor vehicle waste disposal well for not more than 1 year if he or she determines that the most efficient option for compliance with applicable state and federal requirements concerning such wells is connection to a sanitary sewer or installation of new treatment technology. The Director may not extend the deadline for obtaining a permit.~~

~~—4.1~~ The Director may authorize the conversion of a motor vehicle waste disposal well to another Class V type of well, including, without limitation, a storm water well, if the conversion is done in accordance with 40 C.F.R. § 144.89(b). The Director shall, in conjunction with the owner of the well to be converted, establish a specific schedule pursuant to which the well must be converted.

Sec. 4. NAC 445A.8497 is hereby amended to read as follows:

445A.8497 1. The owner of an existing motor vehicle waste disposal well determined to be located in another sensitive groundwater area may request an exemption from the provisions of NAC ~~445A.8491~~ **445A.8493** to 445A.8499, inclusive. The Director may grant an exemption if the applicant demonstrates that the motor vehicle waste disposal well is not located in another sensitive groundwater area based on the injection activities of the well, in correlation with the geological and hydrogeological conditions of the site of the well.

2. In determining whether to grant an exemption, the Director shall consider, without limitation:

- (a) The specific characteristics of the site of the well, including, without limitation, the:
 - (1) Depth to the level of groundwater;
 - (2) Characteristics of the vadose zone;
 - (3) Proximity of the well to drinking water wells; and
 - (4) Existing water quality for the site;
- (b) Whether the proposed injection fluids will degrade the waters of this State, based on site-specific information provided by the owner of the well, the expected chemical composition of the injectate and the expected volume and frequency of injection; and
- (c) Such other information as the Director determines necessary.

Sec. 5. NAC 445A.867 is hereby amended to read as follows:

445A.867 1. Except as otherwise provided in NAC ~~445A.8491~~ *445A.8493* to 445A.8499, inclusive, an applicant for a *new* permit , *a renewal of a permit or a modification to an existing permit* to inject fluids must satisfy the Director that the underground injection will not endanger any source of drinking water. Each application for a *new* permit , *a renewal of a permit or a modification to an existing permit* must be signed by the owner or, if the owner does not operate the well, the operator of the well and must contain the following information:

- (a) The name of the facility.
- (b) The name and address of the owner.
- (c) The name and address of the operator, if different than the owner.
- (d) A description of the location of each injection well by the quarter-quarter section, section, township and range, and latitude and longitude.
- (e) A map of the location of the facility, preferably ~~in a topographic map prepared by the United States Geological Survey,~~ *using the North American Vertical Datum of 1988, the North American Datum of 1983 or any other appropriate datum as approved by the Division to ensure consistency and accuracy*, extending at least 1 mile beyond the boundaries of the facility, locating each injection well for which a permit is sought and the area of review. The map must show, within the area of review, the number, location and type of all injection wells, producing wells, abandoned wells, surface bodies of water, surface and subsurface mines, quarries, public and private systems to supply water and other pertinent features on the surface.
- (f) A plan for corrective action, as required pursuant to NAC 445A.899, for each well within the area of review which penetrates the zone for injection, but is not correctly completed or plugged.

(g) A narrative report, geologic cross section and isopach map in sufficient scale to detail the local geology and hydrology. The information should be sufficient to show the geologic formations, structural features and concentration of total dissolved solids for each formation, zone for injection and confining zone.

(h) The plans and drawings for construction showing the details of the casing and cementing, including the size of the hole, type of casing and type and grade of cement.

(i) The drilling log for each production or injection well owned or operated by the applicant which is located within the area of review.

(j) The proposed operating data, including:

- (1) The average and maximum daily rates of injection and the volume of the fluid injected;
- (2) The average and maximum pressures of the injection; and
- (3) The source of the fluid injected and an analysis of its physical, chemical and biological characteristics.

(k) A chemical analysis, if available, of the fluid in the receiving formation to ensure compatibility with the injectate, and an analysis of the hydraulic conductivity of the receiving formation.

(l) The proposed procedures for injection, including additives to or storage and pretreatment, if any, of the fluid injected, the use of the well, the planned standard practices for stimulation of the well and the planned schedule for workover.

(m) A certificate that the applicant has ensured, through a performance bond or other appropriate means, the resources necessary to plug and abandon the well.

(n) A plan for plugging and abandoning the well as described in NAC 445A.923.

(o) Any other information required by the Director to ensure that the proposed operation will not degrade an underground source of drinking water. That information may include a plan for monitoring the elevation or quality of groundwater surrounding the zone for injection.

(p) The manual of operations and maintenance described in NAC 445A.6667.

(q) A request to use chemicals at the facility, which must:

(1) Include, without limitation, information on the facility, the permit, the chemicals to be used and the chemical feed system; and

(2) Be signed by either the owner or operator of the well, as applicable.

2. In addition to the requirements of subsection 1, an applicant for a permit for the injection of reclaimed water for indirect potable reuse must satisfy the requirements of NAC 445A.274 to 445A.280, inclusive, as applicable.

3. As used in this section:

(a) "Indirect potable reuse" has the meaning ascribed to it in NAC 445A.27441.

(b) "Reclaimed water" has the meaning ascribed to it in NAC 445A.27445.

Sec. 6. NAC 445A.868 is hereby amended to read as follows:

445A.868 ~~{Aa}~~

1. In addition to the requirements set forth in NAC 445A.867, an applicant for a permit for a Class II well must include in his or her application the following information concerning the injection formation:

~~{1-}~~ *(a)* The fluid pressure;

~~{2-}~~ *(b)* The estimated fracture pressure; and

~~{3-}~~ *(c)* The physical and chemical characteristics of the injection zone.

2. Regardless of any information an applicant previously submitted to the Division, an applicant must submit a complete and current application which includes all information required pursuant to this section and NAC 445A.867 using the most current version of the application form, or as otherwise directed by the Division. An incomplete application will not be processed by the Division.

Sec. 7. NAC 445A.869 is hereby amended to read as follows:

445A.869 *1.* The Director may modify the information required in an application for a permit for a Class V well for good cause and upon determining that additional or less information will ensure that a proposed injection well will not degrade an underground source of drinking water.

2. Regardless of any information an applicant previously submitted to the Division, an applicant must submit a complete and current application which includes all information required pursuant to this section and NAC 445A.867 using the most current version of the application form, or as otherwise directed by the Division. An incomplete application will not be processed by the Division.

Sec. 8. NAC 445A.874 is hereby amended to read as follows:

445A.874 Once an application for a :

1. New permit is complete, the Director shall prepare:

~~11.1~~ *(a)* A draft of the permit and a tentative exemption for the aquifer, if required, or a notice of intent to deny the application.

~~12.1~~ *(b)* A statement, or a fact sheet if the proposed injection well is determined to be a major facility, which briefly describes the derivation of the conditions in the draft of the permit and the

reasons for them or, in the case of a notice of intent to deny, the reasons supporting the tentative decision.

2. Major modification to an existing permit, as described in section 1 of this regulation, is complete, the Director shall prepare:

(a) A draft of the permit with the major modification or a notice of intent to deny the application.

(b) A statement, or a fact sheet if the proposed injection well is determined to be a major facility, which briefly describes the derivation of the conditions in the draft of the permit and the reasons for them or, in the case of a notice of intent to deny, the reasons supporting the tentative decision.

Sec. 9. NAC 445A.875 is hereby amended to read as follows:

445A.875 A public notice for each draft of a permit for an underground injection well, tentative exemption for an aquifer, if required, ~~for~~ intent to deny an application for a permit *or application for a major modification to an existing permit described in section 1 of this regulation* must be provided by the Director at least 30 days before the issuance of the permit, exemption or denial, in a manner designed to inform interested and potentially interested persons. The notice must be:

1. Published on an Internet website designed to give general public notice; and
2. Mailed to the applicant, any person or group requesting notice, the Division of Minerals, the Division of Public and Behavioral Health of the Department of Health and Human Services, the Division of Water Resources of the Department and the Administrator of the Office of Historic Preservation of the State Department of Conservation and Natural Resources.

Sec. 10. NAC 445A.876 is hereby amended to read as follows:

445A.876 The public notice *required pursuant to NAC 445A.875* must include at least the following ~~H~~, *as applicable*:

1. The name, address and telephone number of the Department;
2. The name and address of the applicant;
3. A brief description of the proposed *or existing* facility;
4. *For an application for a permit for an underground injection well or tentative*

exemption for an aquifer:

(a) A statement of the tentative determination to issue or deny a permit for the injection described in the application; *and*

~~H~~ (b) The boundaries and characteristics of the aquifer for which a tentative exemption, if required, is being considered;

5. For an application for a major modification to an existing permit described in section 1 of this regulation, a statement of the tentative determination to grant or deny the application for the major modification described in the application;

6. A brief description of the procedure for:

(a) The formulation of a final determination, including a 30-day period during which interested persons may submit to the Director written comments on the draft or the tentative exemption or comment on that determination; and

(b) Requesting a public hearing, if one has not been scheduled; and

7. The address and phone number at which interested persons may obtain further information or inspect and copy the draft of the permit, the statement and fact sheet described in NAC 445A.874, application for the permit *or application for the major modification, as applicable*, and other relevant forms or documents.

Sec. 11. NAC 445A.877 is hereby amended to read as follows:

445A.877 1. The applicant or any interested person may:

(a) Request a public hearing on any application for a *new* permit ~~or~~ *or major modification to an existing permit, as applicable*. If a hearing has not already been scheduled, an interested person may request a hearing during the 30-day period for comments. A request for a public hearing must be in writing and must state the nature of the issues to be raised in the hearing.

(b) Within 30 days after the *public* notice is circulated pursuant to NAC 445A.875, submit to the Director written comments on the draft of the permit ~~or~~, the tentative exemption of the aquifer ~~or~~ *or the major modification to the existing permit, as applicable*.

2. The Director shall hold a public hearing if he or she determines that, on the basis of any requests for a hearing, there is a significant degree of public interest in the matter or may hold a public hearing on his or her own motion.

3. The Director shall publish a notice of the hearing at least 30 days before the hearing in the manner prescribed in NAC 445A.875. In addition to the information prescribed in NAC 445A.876, the notice must contain the following:

- (a) The date of any previous notices relating to the permit;
- (b) The date, time and place of the hearing; and
- (c) A brief description of the nature and purpose of the hearing and the applicable rules and procedures.

4. Any person may submit at the hearing an oral or written statement and data concerning the draft of the permit ~~or~~, the tentative exemption of the aquifer ~~or~~, *if required, or the major modification to the existing permit, as applicable*. The Director may set reasonable limits upon the time allowed for oral statements, and the submission of statements in writing may be

required. The period for comment required in subsection 6 of NAC 445A.876 is automatically extended to the close of the hearing on that matter.

Sec. 12. NAC 445A.878 is hereby amended to read as follows:

445A.878 At the time a final permit and exemption for an aquifer, if required, is issued ~~or~~ *or an application for a major modification is granted, as applicable*, the Director shall also issue a statement responding to the comments received by him or her on the matter. A copy of the statement must be sent to the applicant and persons submitting comments, and must be made available for inspection by the public. This statement must:

1. *For a new permit and exemption, if required:*

(a) Specify which provisions, if any, of the draft of the permit and exemption for the aquifer have been changed in the final permit or exemption, and the reasons for the change;

~~and~~ *and*

(b) Briefly describe and respond to all significant comments on the draft of the permit and tentative exemption for the aquifer which were submitted during the period for public comment or at the public hearing;

2. *For a major modification to an existing permit:*

(a) *Specify which provisions, if any, of the draft of the permit with a major modification have been changed in the final permit and the reasons for the change; and*

(b) *Briefly describe and respond to all significant comments on the major modification which were submitted during the period for public comment or at the public hearing; and*

3. Include information that any person aggrieved by a decision of the Director may appeal that decision as provided in NRS 445A.605.

Sec. 13. NAC 445A.879 is hereby amended to read as follows:

445A.879 ~~{Within}~~ *The Director shall, within* 30 days after the end of any period for public comment regarding the ~~{issuance}~~ :

1. Issuance or renewal of a permit or the close of the public hearing, ~~{the Director shall}~~ either issue the final permit or provide written notice to the applicant why the final permit will not be issued at that time.

2. Application for a major modification to an existing permit, either grant the application and reissue the permit or provide written notice to the applicant as to why the application will not be granted at that time.

Sec. 14. NAC 445A.916 is hereby amended to read as follows:

445A.916 *1.* Tests to demonstrate *the* mechanical integrity *of an injection well* must be conducted at least once each 5 years for the life of an injection well. The Director may require such tests more frequently if conditions of the operation so warrant. The holder of a permit shall notify the Director at least 45 days before the date upon which a test for mechanical integrity is to be performed.

2. If the test to demonstrate the mechanical integrity of an injection well is performed by injecting fluids into the injection well, the test must be performed in a manner that is representative of the normal operating conditions of the injection well, such as the normal injection rate and pressure of injection.

Sec. 15. NAC 445A.920 is hereby amended to read as follows:

445A.920 *1. In order to demonstrate mechanical integrity during a test conducted pursuant to NAC 445A.916, an injection well must maintain constant pressure for the duration of the test.*

2. If the holder of a permit or the Director finds that an injection well fails to demonstrate mechanical integrity during a test *conducted pursuant to NAC 445A.916* or a loss of mechanical integrity becomes evident during operation, the operation of the injection well must be stopped immediately and may not be resumed until approved by the Director.

Sec. 16. NAC 445A.922 is hereby amended to read as follows:

445A.922 1. The holder of a permit shall retain records of all information resulting from the monitoring required by the permit including:

(a) The records of the calibration and maintenance of the injection well and all original, continuous charts from recording instruments;

(b) Copies of all reports required by the permit;

(c) Records of all data used to complete the application for the permit; and

(d) The reports of the nature and composition of all injected fluids.

2. ~~The records enumerated in paragraphs (a), (b) and (c) of subsection 1 must be retained for at least 3 years after the date the sample or measurement is taken or the report or application is made. This period may be extended by the Director. The~~ *Except as otherwise provided in NAC 445A.923, the* records ~~enumerated~~ *set forth* in ~~paragraph (d) of~~ subsection 1 must be retained for 5 years after the completion of any procedures for plugging and abandonment. The Director may require the owner or operator to deliver the records to his or her office at the conclusion of the period for retaining the records.

3. The records of information resulting from monitoring must include:

(a) The date, exact place and time of the sampling or measurement;

(b) The name of the person who performed the sampling or measurement;

(c) The date the analysis was performed;

- (d) The name of the person who performed the analysis; and
- (e) The results of each analysis.

Sec. 17. NAC 445A.923 is hereby amended to read as follows:

445A.923 1. If the plan for plugging and abandoning an injection well is determined by the Director to be adequate, it will be incorporated as a condition to the permit.

2. The plan for plugging and abandoning an injection well must contain an estimate, based on the current and prevailing economy, of the cost of plugging each well for which the application for the permit is made. The applicant shall certify in the plan that the estimate of the cost will be reviewed annually during the life of the permit, and that the bond required pursuant to NAC 445A.871 will be increased when the review indicates that the cost of plugging is more than 10 percent greater than the original or most recent estimate of the cost.

3. *The holder of a permit shall retain a copy of the plan for plugging and abandoning an injection well throughout the operational life of the injection well.*

4. The holder of a permit, or any person planning to abandon or close any injection well, including, without limitation, shallow Class V wells such as motor vehicle waste disposal wells, shall notify the Director of the intent of the holder or person to abandon or close the injection well at least 30 days, or in the case of a newly drilled injection well at least 5 working days, before the abandonment or closure of the well.

~~4.1~~ 5. Before abandonment, an injection well must be plugged with cement in a manner which will not allow the movement of fluids into or between underground sources of drinking water.

~~15.1~~ 6. All cavities in the well bore not plugged with cement must be filled with heavy drilling fluids in a state of static equilibrium with the weight of the fluid equalized from top to bottom.

~~16.1~~ 7. Upon completion of the procedure for the plugging and abandonment of an injection well, the holder of a permit shall certify to the Director that the condition of the permit relating to plugging and abandonment has been satisfied.

Sec. 18. NAC 445A.9658 is hereby amended to read as follows:

445A.9658 1. A septic tank included as part of an on-site sewage disposal system must:

(a) Be constructed of durable materials designed to withstand expected physical loads and corrosive forces.

(b) Be verified watertight by a test during installation.

(c) Be installed so that the tank is level.

(d) Be designed to provide for the settling of solids, the accumulation of sludge and scum, and access for cleaning.

(e) Meet the requirements of the *Uniform Plumbing Code*, ASTM International, or other recognized construction code or design manual for the construction of septic tanks, as referenced by the design engineer.

(f) Conform to guidelines established by the Division.

(g) Have a liquid depth of at least 36 inches. A liquid depth of more than 6 feet must not be considered in determining tank capacity.

(h) Have at least 12.5 percent of the tank volume for scum storage, with a minimum airspace of 9 inches.

(i) Except as otherwise provided in subsection 4, have two compartments. The capacity of the inlet compartment must not be less than two-thirds of the total capacity of the tank.

2. Septic tank inlets and outlets must allow free venting of tank gases back through the drainage system.

3. The top of the tee or baffle for both the vented inlet and vented outlet must extend at least 12 inches ~~below~~ *above* the level of the liquid. The bottom of the tee or baffle for both the inlet and the outlet must extend at least 12 inches below the level of the liquid. The invert of the inlet pipe must be at least 2 inches above the invert of the outlet pipe.

4. Septic tanks may be installed in a series of not more than two. Each tank in the series must be a single compartment tank, and the volume of the first tank must not be less than two-thirds of the total capacity of both tanks.

5. Each compartment of the septic tank must have at least one manhole to provide access into the compartment. Each manhole must have a minimum diameter of 20 inches. If the inlet compartment is longer than 12 feet, an additional manhole must be provided over the baffle or partition wall. If the tank is longer than 30 feet, an additional manhole must be added for each 10 feet of length. Manholes must be designed to minimize odors and to prevent unauthorized entry.

6. The top of the tank must be at least 6 inches below the finished grade. If the top of the tank is more than 18 inches below the finished grade, each manhole required pursuant to subsection 5 must be extended to within 18 inches of the finished grade.

Sec. 19. NAC 445A.8491 is hereby repealed.

TEXT OF REPEALED SECTION

445A.8491 Motor vehicle waste disposal wells: Requirements for well in operation or under construction on or before April 5, 2000.

1. The owner of an existing motor vehicle waste disposal well that was in operation or under construction on or before April 5, 2000, shall close the well, obtain a permit to operate the well or convert the well in accordance with NAC 445A.8493 to 445A.8499, inclusive.

2. Not later than 90 days after October 25, 2001, the owner of the well shall submit to the Director information concerning the location and operating status of the well, and such additional information concerning the well as requested by the Director.

3. Based on the information provided by the owner of the well, the Director shall determine whether the well is located within a groundwater protection area and notify the owner of that determination.

4. If the Director determines that the well is not located within a groundwater protection area, the Director shall make a preliminary determination, based on data provided by the Division, whether the well is located within another sensitive groundwater area and notify the owner of that determination. If the Director makes a preliminary determination that a well is located within another sensitive groundwater area, the owner of the well shall close the well, obtain a permit to operate the well or convert the well in accordance with NAC 445A.8493 to 445A.8499, inclusive.

5. If, by January 1, 2004, or, if an extension has been approved by the Environmental Protection Agency, by January 1, 2005, the local source water assessment has not been completed and the plan for the determination of other sensitive groundwater areas has not been carried out for the area in which the motor vehicle waste disposal well is located, the motor vehicle waste disposal well shall be deemed to be located within a groundwater protection area and must be permitted, closed or converted accordingly.

6. If the Director determines that the well is not located within a groundwater protection area or other sensitive groundwater area, and if the well is not deemed to be located within a groundwater protection area pursuant to subsection 5, the owner shall close the well, obtain a permit to operate the well or convert the well in accordance with its classification pursuant to NAC 445A.810 to 445A.925.