
ASSEMBLY BILL NO. 363—ASSEMBLYWOMAN LESLIE

MARCH 16, 2009

JOINT SPONSOR: SENATOR CARE

Referred to Committee on Health and Human Services

SUMMARY—Provides for the collection and application of graywater for a single-family residence. (BDR 40-1087)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to graywater; requiring the State Board of Health to adopt regulations concerning systems for the collection and application of graywater for a single-family residence; providing that state and local government agencies must not require a permit for or prohibit the collection and application of graywater for a single-family residence that meets certain requirements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law requires the State Board of Health to adopt regulations concerning
2 residential individual systems for the disposal of sewage, which are effective except
3 in health districts in which district boards of health have adopted such regulations.
4 (NRS 444.650) **Section 1** of this bill requires the State Board of Health to adopt
5 regulations concerning systems for the collection and application of graywater for a
6 single-family residence, which also are effective except in health districts in which
7 district boards of health have adopted regulations concerning such systems. **Section**
8 **1** also provides that the regulations adopted by the State Board of Health or a
9 district board of health must not require a person to obtain a permit for the
10 application of graywater for a single-family residence that meets certain
11 requirements and that local governments may not prohibit such application. **Section**
12 **2** of this bill provides that a system for the collection and application of graywater
13 for a single-family residence is not a residential individual system for disposal of
14 sewage. **Section 3** of this bill provides that the State Environmental Commission
15 may not require a person to obtain a permit for the application of graywater for a



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16 single-family residence that meets the requirements for exemption from a local
17 permit.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 444 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *The State Board of Health shall adopt regulations*
4 *concerning systems for the collection and application of graywater*
5 *for a single-family residence. Those regulations are effective*
6 *except in a health district in which a district board of health has*
7 *adopted regulations concerning systems for the collection and*
8 *application of graywater for a single-family residence in that*
9 *district.*

10 2. *Regulations concerning systems for the collection and*
11 *application of graywater for a single-family residence must not*
12 *require a person to obtain a permit for applying less than 250*
13 *gallons per day of graywater originating from a single-family*
14 *residence for household gardening, composting or landscape*
15 *irrigation if:*

16 (a) *The distribution system for the graywater provides for*
17 *overflow into the sewer system or an on-site wastewater treatment*
18 *and disposal system;*

19 (b) *The storage tank for the graywater is covered to restrict*
20 *access and to eliminate habitat for mosquitoes or other vectors;*

21 (c) *The graywater system is located outside the boundaries of a*
22 *floodplain;*

23 (d) *The graywater is vertically separated from and at least 5*
24 *feet above the groundwater table;*

25 (e) *All piping for the graywater is clearly identified as*
26 *containing nonpotable water;*

27 (f) *The graywater is used on the site where it is generated and*
28 *does not run off the property;*

29 (g) *The graywater is applied in a manner that minimizes the*
30 *potential for contact with people or domestic pets;*

31 (h) *The application of the graywater is managed to minimize*
32 *standing water on the surface, avoid ponding and ensure that the*
33 *hydraulic capacity of the soil is not exceeded;*

34 (i) *The graywater is not sprayed;*

35 (j) *The graywater is not discharged into a natural watercourse;*
36 *and*

37 (k) *The use of the graywater complies with the provisions of*
38 *NRS 445A.300 to 445A.730, inclusive, and section 3 of this act*
39 *and any regulations adopted pursuant to those provisions.*



1 3. A district board of health which adopts regulations
2 concerning systems for the collection and application of graywater
3 for a single-family residence shall consider and take into account
4 the geological, hydrological and topographical characteristics of
5 the area within its jurisdiction.

6 4. Regulations concerning systems for the collection and
7 application of graywater for a single-family residence must not
8 conflict with the provisions of NRS 445A.300 to 445A.730,
9 inclusive, and section 3 of this act and any regulations adopted
10 pursuant to those provisions.

11 5. A board of county commissioners of a county, the
12 governing body of a city or the town board or board of county
13 commissioners having jurisdiction over the affairs of a town shall
14 not prohibit the application of graywater that meets the
15 requirements of subsection 2.

16 6. As used in this section:

17 (a) "Graywater" means wastewater that:

18 (1) Is collected separately from sewage;

19 (2) Originates from a clothes washer or a bathroom tub,
20 shower or sink; and

21 (3) Does not contain industrial chemicals, hazardous
22 wastes or wastewater from toilets, kitchen sinks or dishwashers.

23 (b) "Single-family residence" means a parcel or other unit of
24 real property or unit of personal property which is intended or
25 designed to be occupied by one family with facilities for living,
26 sleeping, cooking and eating.

27 **Sec. 2.** NRS 444.650 is hereby amended to read as follows:

28 444.650 1. The State Board of Health shall adopt regulations
29 to control the use of a residential individual system for disposal of
30 sewage in this State. Those regulations are effective except in health
31 districts in which a district board of health has adopted regulations
32 to control the use of a residential individual system for disposal of
33 sewage in that district.

34 2. A board which adopts such regulations shall consider and
35 take into account the geological, hydrological and topographical
36 characteristics of the area within its jurisdiction.

37 3. The regulations adopted pursuant to this section must not
38 conflict with the provisions of NRS 445A.300 to 445A.730,
39 inclusive, *and section 3 of this act* and any regulations adopted
40 pursuant to those provisions.

41 4. As used in this section [~~,"residential"]~~:

42 (a) "Graywater" has the meaning ascribed to it in section 1 of
43 this act.

44 (b) "Residential individual system for disposal of sewage"
45 means an individual system for disposal of sewage from a parcel of



1 land, including all structures thereon, that is zoned for single-family
2 residential use. *The term does not include a system for the*
3 *collection and application of graywater for a single-family*
4 *residence.*

5 (c) *“Single-family residence” has the meaning ascribed to it in*
6 *section 1 of this act.*

7 **Sec. 3.** Chapter 445A of NRS is hereby amended by adding
8 thereto a new section to read as follows:

9 *1. The Commission shall not require a person to obtain a*
10 *permit for the application of graywater that meets the*
11 *requirements of subsection 2 of section 1 of this act.*

12 *2. As used in this section, “graywater” has the meaning*
13 *ascribed to it in section 1 of this act.*

14 **Sec. 4.** NRS 445A.310 is hereby amended to read as follows:

15 445A.310 As used in NRS 445A.300 to 445A.730, inclusive,
16 *and section 3 of this act*, unless the context otherwise requires, the
17 words and terms defined in NRS 445A.315 to 445A.420, inclusive,
18 have the meanings ascribed to them in those sections.

19 **Sec. 5.** NRS 445A.425 is hereby amended to read as follows:

20 445A.425 1. Except as specifically provided in NRS
21 445A.625 to 445A.645, inclusive, the Commission shall:

22 (a) Adopt regulations carrying out the provisions of NRS
23 445A.300 to 445A.730, inclusive, *and section 3 of this act*,
24 including standards of water quality and amounts of waste which
25 may be discharged into the waters of the State.

26 (b) Adopt regulations providing for the certification of
27 laboratories that perform analyses for the purposes of NRS
28 445A.300 to 445A.730, inclusive, *and section 3 of this act* to detect
29 the presence of hazardous waste or a regulated substance in soil or
30 water.

31 (c) Adopt regulations controlling the injection of fluids through
32 a well to prohibit those injections into underground water, if it
33 supplies or may reasonably be expected to supply any public water
34 system, as defined in NRS 445A.840, which may result in that
35 system’s noncompliance with any regulation regarding primary
36 drinking water or may otherwise have an adverse effect on human
37 health.

38 (d) Advise, consult and cooperate with other agencies of the
39 State, the Federal Government, other states, interstate agencies and
40 other persons in furthering the provisions of NRS 445A.300 to
41 445A.730, inclusive *⏏*, *and section 3 of this act.*

42 (e) Determine and prescribe the qualifications and duties of the
43 supervisors and technicians responsible for the operation and
44 maintenance of plants for sewage treatment.



- 1 2. The Commission may by regulation require that supervisors
2 and technicians responsible for the operation and maintenance of
3 plants for sewage treatment be certified by the Department. The
4 regulations may include a schedule of fees to pay the costs of
5 certification. The provisions of this subsection apply only to a
6 package plant for sewage treatment whose capacity is more than
7 5,000 gallons per day and to any other plant whose capacity is more
8 than 10,000 gallons per day.
- 9 3. In adopting regulations, standards of water quality and
10 effluent limitations pursuant to NRS 445A.300 to 445A.730,
11 inclusive, *and section 3 of this act*, the Commission shall recognize
12 the historical irrigation practices in the respective river basins of this
13 State, the economy thereof and their effects.
- 14 4. The Commission may hold hearings, issue notices of
15 hearings, issue subpoenas requiring the attendance of witnesses and
16 the production of evidence, administer oaths and take testimony as it
17 considers necessary to carry out the provisions of this section and
18 for the purpose of reviewing standards of water quality.
- 19 5. As used in this section, "plant for sewage treatment" means
20 any facility for the treatment, purification or disposal of sewage.

