

LCB File No. T051-01

ADOPTED TEMPORARY REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION

(Effective May 14, 2001)

Petition 2001-07

Explanation - Matter in *italics* is new; matter in brackets ~~{Omitted material}~~ is material to be omitted.

AUTHORITY: NRS 445A.425 and 445A.430

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

“Cesspool” defined. *“Cesspool” means a drywell that receives untreated sanitary waste containing human excreta, and which sometimes has an open bottom and/or perforated sides.*

Sec. 2. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

“Class V Rule (1999)” defined. *“Class V Rule (1999)” was promulgated by the United States Environmental Protection Agency (USEPA) and adds new federal requirements for two categories of Class V wells, specifically Cesspools and Motor Vehicle Waste Disposal Wells. This rule became effective on April 5, 2000.*

Sec. 3. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

“Delineation” defined. *“Delineation” is the first step in the assessment process in which the boundaries of Ground Water Protection Areas are identified as part of a state’s Source Water Assessment Program.*

Sec. 4. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

“Drywell” defined. *“Drywell” means a well, other than an improved sinkhole or subsurface fluid distribution system, completed above the water table so that its bottom and sides are typically dry except when receiving fluids.*

Sec. 5. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

“Ground Water Protection Area” defined. *“Ground Water Protection Area” means a geographic area near and/or surrounding public water wells, namely community and non-transient non-community water systems that use groundwater as a source of drinking water. Community water system defined in 40 C.F.R. § 144.86(d). Non-transient non-community water system defined in 40 C.F.R. § 144.86(e). Ground Water Protection Areas are delineated under the State’s Source Water Assessment Program defined in NAC 445A.8339.*

Sec. 6. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

“Improved sinkhole” defined. *“Improved sinkhole” means a naturally occurring karst depression or other natural crevice found in volcanic terrain and other geologic settings which have been modified by man for the purpose of directing and emplacing of fluids into the subsurface.*

Sec. 7. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

“Other Sensitive Groundwater Areas” defined. *“Other Sensitive Groundwater Areas” (OSGWA) mean those areas identified as critical to protecting underground sources of drinking water from contamination, in addition to Ground Water Protection Areas. The criteria and approach for identification of these areas are explained in the Nevada Division of Environmental Protection’s OSGWA Plan, as approved by the EPA.*

Sec. 8. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

“Motor Vehicle Waste Disposal Well” defined. *A Motor Vehicle Waste Disposal Well is a well that receives or has received fluids from vehicular repair or maintenance activities, such as an auto body repair shop, automotive repair shop, new and used car dealerships, specialty repair shop, or any facility that does any vehicular repair work.*

Sec. 9. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

“Point of injection” defined. *“Point of injection” means the last accessible sampling point prior to waste fluids being released into the subsurface environment through an injection well.*

Sec. 10. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

“Sanitary waste” defined. *“Sanitary waste” means liquid or solid wastes originating solely from humans and human activities, such as wastes collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage serving dishes, glasses, and utensils are cleaned. Sources of these wastes may include single or multiple residences, hotels and motels, restaurants, bunkhouses, schools, ranger stations, crew quarters, guard stations, campgrounds, picnic grounds, day-use recreation areas, other commercial facilities, and industrial facilities provided the waste is not mixed with industrial waste.*

Sec. 11. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

“Septic system” defined. *“Septic system” means a well that is used to emplace sanitary waste below the surface and is typically comprised of a septic tank and a subsurface fluid distribution system or disposal system.*

Sec. 12. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

“Source Water Assessment and Protection Program” defined. *“Source Water Assessment and Protection Program” (SWAP) means a program designed to protect drinking water sources, specified in the 1996 Amendments to the Safe Drinking Water Act in Section 1453. The Bureau of Health Protection Services’ SWAP program delineates Ground Water Protection Areas, defined in Section 7, by conducting local assessments for each public water system. The local assessment process includes: delineating the boundaries of areas providing source waters for public water systems; identifying significant potential sources of contaminants in such areas; determining the susceptibility of public water systems in the delineated areas to the inventoried sources of contamination; and, making this information available to the public. This program is directly linked to the Class V Rule (1999).*

Sec. 13. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

“Subsurface fluid distribution system” defined. *“Subsurface fluid distribution system” means an assemblage of perforated pipes, drain tiles, or other similar mechanisms intended to distribute fluids below the surface of the ground.*

Sec. 14. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

“Well injection” defined. *“Well injection” means the subsurface emplacement of fluids through a well.*

Sec. 15. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

Public access to information on OSGWAs and Ground Water Protection Areas. *Federal regulations located at 40 C.F.R. § 144.86(d) require that the public have access to information on locations of groundwater protection areas and identified OSGWAs. The Nevada Division of Environmental Protection will ensure the information is accessible pursuant to the Nevada Open Documents Laws located in Chapter 239 of the Nevada Revised Statutes.*

Sec. 16. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

Information required for Motor Vehicle Waste Disposal Wells and determination of Ground Water Protection Areas and OSGWA status.

An owner of any existing Motor Vehicle Waste Disposal Well that was operational or under construction prior to April 5, 2000 shall either close the injection well, obtain a permit, or in limited cases convert the well as described in Section 17, subsection 5. These procedures will be followed and implemented according to the time frames described in Section 17. The following steps apply to owners of existing Motor Vehicle Waste Disposal Wells:

- 1. Well owner shall submit appropriate location and well status information.*
- 2. The director, using the provided information, shall notify the owner if the well lies within a Ground Water Protection Area.*
 - a. If located in a Ground Water Protection Area and the well owner elects to pursue a permit, a Motor Vehicle Waste Disposal Well permit application shall be completed and*

submitted to the Director within ninety days following receipt of the application form from the Division.

b. If not located in a Ground Water Protection Area, the Director shall make a preliminary determination whether the applicant's well qualifies as an OSGWA, using in-house data and following prescribed procedures according to the State's approved OSGWA Plan. In cases where an affirmative preliminary determination is made, and the owner elects to pursue a permit, a Motor Vehicle Waste Disposal Well permit application shall be completed and submitted to the Director within ninety days following receipt of the application form from the Division.

c. If the Motor Vehicle Waste Disposal Well is located in neither an OSGWA nor a Ground Water Protection Area, then well closure or permitting conditions are required as described in NAC 445A.810 through NAC 445A.925, inclusive.

3. The director shall conduct a completeness review within 30 days of application submittal. When an application is deemed complete, the Nevada Division of Environmental Protection will determine the final OSGWA status of the applicant's site pursuant to the State's approved OSGWA plan. The director may request additional information from the applicant in order to make the final OSGWA determination. If the applicant's site is identified as an OSGWA, as a result of the final determination process, then permit requirements described in Section 17 shall be applied, with the exception of wells which receive an exemption, following the procedure described in NAC 445A.8695.

Sec. 17. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

Requirements and options for existing Motor Vehicle Waste Disposal Wells, operational or under construction prior to April 5, 2000.

1. Owners of existing Motor Vehicle Waste Disposal Wells in a delineated Ground Water Protection Area or an identified OSGWA must either close their well(s), obtain a permit under the well conversion option, or obtain a permit with the following requirements:

(a) The State of Nevada drinking water standards must be met at the point of injection beginning on the date that the permit application is submitted pursuant to Section 16, Subsection 2.

(b) The facility must submit and implement a best management practices plan, as described in the permit, and;

(c) The facility must monitor injectate and sludge quality.

2. Deadline for obtaining a permit within a Groundwater Protection Area is one year after completion of a local source water assessment or by January 1, 2005, whichever date is earlier. The deadline for obtaining a permit in an OSGWA is January 1, 2007. There is a potential one year extension for both deadlines if the State submits an extension application to EPA which is approved by EPA as described in 40 C.F.R. § 144.87(b) and (c).

3. If the State has not completed its local source water assessments by the deadlines specified in Section 17, Subsection 2 or has not implemented the EPA approved OSGWA plan in place by January 1, 2004, or January 1, 2005 if an extension has been approved, then all Motor Vehicle Waste Disposal Wells in the state must meet the permitting requirements described in Section 17, Subsection 1 or else be closed.

4. The director may extend the closure deadline, but not the permit deadline, as described in Section 17, Subsection 2, for up to one year if the most efficient compliance option is connection to a sanitary sewer or installation of new treatment technology.

5. In limited cases, the director may authorize the conversion (reclassification) of a Motor Vehicle Waste Disposal Well to another Class V well type, such as a stormwater well, according to conditions described in 40 C.F.R. § 144.89(b)

Sec. 18. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

Exemption from an OSGWA status. *A permit applicant for a Motor Vehicle Waste Disposal Well may request an exemption from OSGWA status, once the director has made such determination under the procedure described in Section 16. An exemption will be granted if the applicant can demonstrate that the injection activities, in correlation with the geological/hydrogeological conditions, are such that the facility is not located in an OSGWA. The director shall consider the following types of information to determine whether to grant the exemption:*

- 1. Site-specific characteristics, including but not limited to*
 - a. depth to groundwater,*
 - b. vadose zone characteristics,*
 - c. proximity to drinking water wells*
 - d. Existing water quality*

2. A demonstration that the proposed injection fluids will not degrade waters of the state based on provided site-specific information, the expected chemical composition of the injectate and expected volume and/or frequency of injection. Additional criteria are discussed in the Nevada Division of Environmental Protection's OSGWA Plan.

Sec. 19. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

Permit requirements for new Ground Water Protection Areas established after January 1, 2004 (or any applicable extension) and changes in previously established Ground Water Protection Areas. *Permit or closure requirements, as described in Section 17, for Motor Vehicle Waste Disposal Wells located within any new or re-delineated Ground Water Protection Areas will apply one year after the assessment and/or the boundary change has been completed, beginning with the date of public notification. The director may approve an additional one-year extension if the most efficient compliance option is connection to a sanitary sewer or installation of new treatment technology.*

Sec. 20. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

Responsibility for writing and enforcing permits for shallow injection wells associated with leachfields. *Shallow injection wells associated with leachfields are regulated, in some cases, by State regulatory programs other than the UIC program. Because other programs within the Nevada Division of Environmental Protection established regulatory oversight prior to the Class V Rule (1999), which modified the definition of an injection well to include leachfields, these well-types may be regulated under authority of Nevada's Water Pollution*

Control Regulations, NAC 445A.070 to 445A.348, inclusive; and, Nevada's Mining Facilities Regulations, NAC 445A.350 to NAC 445A.447, inclusive.

Sec. 21. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

Minor Modification of Permits. *With consent of the holder of the permit and without public notice, the director may make minor modification to a permit to:*

- 1. Correct typographical errors.*
- 2. Change monitoring reporting or sampling frequency, either increase or decrease. Decrease of monitoring or sampling frequency for certain parameters is permitted only in such cases where the director has determined that the injection process has not changed and the historic data demonstrates consistency such that continued monitoring will not provide additional, relevant information.*
- 3. Change an interim compliance date in a schedule of compliance, provided the new date is not more than 120 days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement.*
- 4. Allow for a change in ownership or operational control of a facility where the director determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the director.*
- 5. Change quantities or types of fluids injected which are within the capacity of the facility as permitted and, in the judgment of the director, would not interfere with the operation of the facility or its ability to meet conditions described in the permit and would not change its classification.*
- 6. Change construction requirements approved by the director pursuant to NAC 445A.906, provided that any such alterations shall comply with the requirements of this section and NAC 445A.905 through NAC 445A.925, inclusive.*
- 7. Amend a plugging and abandonment plan which has been updated under NAC 445A.923(2).*

Sec. 22. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

General permits: Notice of intent and additional permit requirements.

1. Request for coverage under a general permit requires submission of a notice of intent to engage in an activity for which a general permit has been issued ("notice of intent"). The notice of intent shall be submitted on a form provided by the director, along with the required fee pursuant to NAC 445A.872, and requires the applicant to provide information necessary for the director to make determination of eligibility. The form must include the following information:

- (a) The name and address of the applicant;*
- (b) The exact location of the Class V well;*
- (c) The nature and quality of the injection fluids;*
- (d) The volume and frequency of the proposed injection; and*
- (e) The Director may request additional information deemed necessary to evaluate the application and impacts to the environment.*

2. Acknowledgment by the director of coverage under an existing general permit will be provided through a letter of authorization. The letter of authorization may include additional permit requirements to address site-specific conditions.

Sec. 23. NAC Chapter 445A is hereby amended by adding thereto a new section to read as follows:

Establishing a permit limit in the absence of a maximum contaminant level. If a maximum contaminant level has not been established for a contaminant, a limit may be established utilizing either:

- 1. The naturally occurring background concentration of the contaminant; or*
- 2. An appropriate level of concentration that is based on the protection of public health and safety and the environment. The appropriate level of concentration must be determined by the Division utilizing the Integrated Risk Information System, adopted by reference in NAC 445A.2272, or an equivalent method approved by the Division.*

Sec. 24. NAC 445A.818 is hereby amended to read as follows:

445A.818 "Contaminant" defined. "Contaminant" has the meaning ascribed to it in NRS ~~[445.143]~~ *445A.325.*

Sec. 25. NAC 445A.826 is hereby amended to read as follows:

445A.826 "Hazardous waste" defined. "Hazardous waste" means a waste ~~[identified by the Environmental Protection Agency in 40 C.F.R. § 261.3]~~ *as defined under the Resource Conservation and Recovery Act.*

Sec. 26. NAC 445.827 is hereby amended to read as follows:

445A.827 "Injection well" defined. "Injection well" means a well used for the ~~[injection]~~ *subsurface emplacement* of fluids, except ~~[a]~~ *fluids* associated with active drilling.

Sec. 27. NAC 445.838 is hereby amended to read as follows:

445A.838 "Well" defined. "Well" means a bored, drilled or driven shaft *whose depth is greater than the largest surface dimension;* or, a hole which is dug, with a depth greater than the largest surface dimension; *or, an improved sinkhole; or, a subsurface fluid distribution system.*

Sec. 28. NAC 445.845 is hereby amended to read as follows:

445A.845 Class I wells. A Class I well is an injection well for the disposal of industrial *and* municipal *waste, and radioactive material* ~~[radiological or high level radioactive waste]~~ whereby fluids are injected below the lowest formation containing, within one-quarter mile of the well bore, water with a concentration of total dissolved solids of 10,000 milligrams or less per liter and includes:

1. A well used for the injection of hazardous waste by a person who generates hazardous waste or an owner or operator of a facility for the management of hazardous waste; and
2. A well for the disposal of industrial waste and municipal sewage effluent.

Sec. 29. NAC 445.849 is hereby amended to read as follows:

445A.849 Class V wells. A Class V well is any injection well not included in Classes I, II, III or IV, and includes:

1. Wells used to inject the water for heating or cooling by a heat pump;
2. Cesspools or other devices receiving wastes which have an open bottom and sometimes have perforated sides;
3. Wells used to inject water previously used for cooling;
4. Wells used to drain surface fluid, primarily the runoff from storms, into a subsurface formation;
5. Wells used for the injection of fluids accumulated from dewatering operations;
6. ~~dry wells~~ *Drywells and wells* used for the injection of *non-hazardous* wastes into a subsurface formation;
7. Wells used to replenish the water in an aquifer;
8. Wells used to inject water into an aquifer of fresh water to prevent the intrusion of water of a lower quality into the fresh water;
9. Wells used to inject a mixture of water and sand, mill tailings or other solids into subsurface mines;
10. Wells used to inject ~~the waste or effluent from a septic tank or cesspool~~ sanitary waste, *excluding single family residences and facilities having a volume capacity of less than 5000 gallons per day*;
11. Wells used to inject fluids into a zone, other than an oil or gas producing zone, to reduce or eliminate subsidence associated with the overdraft of fresh water;
12. Wells used for the storage of hydrocarbons in a gaseous state at standard temperature and pressure;
13. Geothermal *injection* wells used in *contact and non-contact heating and aquaculture, and in* the production of energy ~~and aquaculture~~;
14. Wells used for solution mining of ores or minerals in conventional mines, such as stope leaching;
15. Wells used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts; ~~and~~
16. Injection wells used in experimental technologies;
17. *Injection wells used to reinject pumped and treated contaminated groundwater back into the same formation, which are approved under a federal or state cleanup program, excluding hazardous waste*;
18. *Injection wells used to inject fluids for purposes of chemical or microbiological treatment of contaminated groundwater or soil; and*
19. *Motor Vehicle Waste Disposal Wells that receive or have received fluids from vehicular repair or maintenance activities, including but not limited to auto body repair shops, automotive repair shops, new and used car dealerships, specialty repair shops or any facility that does any vehicular repair work.*

Sec. 30. NAC 445A.856 is hereby amended to read as follows:

445A.856 Prohibited wells and injections.

1. Class I and Class IV injection wells are prohibited and no permit may be issued to construct or operate such wells, *except as provided in this section.*
2. Cesspools and ~~an injection well~~ *other types of vertical injection wells or drywells used for injection of sanitary waste are prohibited, with the exception of engineered leachfields,*

approved and permitted by the Nevada Division of Environmental Protection or local health authority.

~~[3. An injection well for municipal sewage or effluent from a waste treatment plant is prohibited, and no permit may be issued for such a well.~~

~~—4.]~~ 3. The injection of any hazardous waste through a well is prohibited, *except under conditions where injection wells are used to inject contaminated groundwater that has been treated and is being injected into the same formation from which it was drawn, if such subsurface emplacement of fluids is approved by the EPA, or the State, and only in cases pursuant to provisions for cleanup of releases under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9601-9675, or pursuant to requirements and provisions under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901-6992k, or pursuant to state of Nevada cleanup regulations, NAC 445A.226 to 445A.22755.*

4. *All new (not operational or under construction, as of April 5, 2000) Motor Vehicle Waste Disposal Wells are prohibited.*

Sec. 31. NAC 445A.860 is hereby amended to read as follows:

445A.860 Confidentiality of information submitted to director.

1. Any information submitted to the director pursuant to NAC 445A.810 to 445A.925, inclusive, may be claimed as confidential by the person submitting the information. If the person submitting the information wants the director to consider the information confidential pursuant to ~~[NRS 445.311]~~, *NRS 445A.665* the claim must be asserted at the time of submission by stamping or writing "confidential business information" on each page containing the information. If a claim is not made at the time of submission, the director may make the information available to the public without further notice.

2. In addition to the information described in NRS 445A.665, the director must deny a claim of confidentiality for the name and address of any applicant for a permit or any holder of a permit.

3. The confidential information must be disclosed, upon request, to the Administrator of the Environmental Protection Agency or his authorized representative, who shall maintain the disclosed information as confidential.

Sec. 32. NAC 445A.872 is hereby amended to read as follows:

445A.872 Fees.

1. A non-refundable ~~[application]~~ fee must accompany each *original injection well permit application, ~~[for a permit for an injection well], each application for a permit modification, other than a minor modification made pursuant to Section 21, and each application to renew a permit which is submitted to or required by the director. The director shall charge the following fees:~~[The applicable fee is:]*

Type of Injection Well	<i>Permit Application</i> Fee for the Permit	Fee for Renewal	Fee for Annual Review and Services, <i>Major Modification and Renewal Fee</i>
<u>Class II, oil and gas</u>	\$4,000 plus \$500 for each well	[\$3,000 plus \$300 for each well]	\$2,000 plus \$150 for each well

Class V, geothermal injection wells with the production of energy

Producing 25 megawatts or more	\$5,000 plus \$500 for each well	[\$4,000 plus \$300 for each well]	\$3,000 plus \$150 for each well
Producing 10 megawatts or more but less than 25 megawatts	\$4,000 plus \$500 for each well	[\$2,500 plus \$300 for each well]	\$1,500 plus \$150 for each well
Producing less than 10 megawatts	\$3,000 plus \$500 for each well	[\$1,500 plus \$300 for each well]	\$1,000 plus \$150 for each well

Class V, geothermal injection associated with space heating

Discharging less than 250,00 gallons daily	\$700	[\$500]	\$250
Discharging 250,000 gallons or more daily	\$1,500	[\$750]	\$500

Class V, injection wells associated with remediation, treatment of waste or experimental technology

	\$2,000 plus \$500 for each well	[\$1,000 plus \$300 for each well]	\$1,000 plus \$150 for each well
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Class V, injection wells associated with mining pit dewatering

	\$4,000 plus \$500 for each well	[\$3,000 plus \$300 for each well]	\$2,000 plus \$150 for each well
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Class V, all others

\$500 plus \$100 for each well	[\$250 plus \$50 for each well]	\$150 plus \$25 for each well
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General permit

No fee	[No Fee]
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2. A Class III well will be charged a fee for a permit for the actual cost of the review of the application calculated at a rate of \$50 per hour for the time spent for the review. The fee for renewal of a permit for a Class III well is \$750.

3. All fees charged pursuant to subsection 1 must be based upon the total number of permitted wells.

4. The application fee for renewal and major modification must be paid as stated under subsection 1 in addition to the fee for Annual Services.

5. The fee for the annual services must be:

(a) Submitted on or before July 1 of each year; and

(b) Paid in advance for each subsequent year of the permit's active existence.

Sec. 33. NAC 445A.878 is hereby amended to read as follows:

445A.878 Statement by director responding to comments concerning tentative action on application for permit. At the time a final permit and exemption for an aquifer, if required, is issued, the director shall also issue a statement responding to the comments received by him 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. 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;

2. 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; and

3. Include information that any person aggrieved by a decision of the director may appeal that decision as provided in ~~[NRS 445.274]~~ **NRS 445A.605**.

Sec. 34. NAC 445A.885 is hereby amended to read as follows:

445A.885 Modification, revocation, suspension, *cancellation* or denial of permit. In addition to the grounds specified in ~~[NRS 445.271]~~ **NRS 445A.600**, the director may modify, revoke, cancel or suspend a permit during its term or deny the renewal of a permit upon a determination by the director that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by modification, revocation, suspension or denial of the permit. *Additionally, in cases where the activity requiring the permit has ceased, a permittee may request to cancel a permit, provided the permittee is in compliance with all permit conditions and site closure conditions, including well plugging and abandonment. The permittee may request to keep injection well(s) open for monitoring or other purposes, but must provide legal and financial assurance (Bond Required, NAC 445A.871) that the well(s) will be plugged and abandoned according to all applicable State laws and regulations. A permittee may also request to suspend a permit where injection*

has ceased but may be needed in the future, such as remediation projects. Voluntary suspension means that the permit is canceled and annual fees are not collected. The permit may be reactivated without reapplying, however, if the permit expires during the suspension, the permittee must reapply for a new permit if injection activities are to re-occur.

Sec. 35. NAC 445A.888 is hereby amended to read as follows:

445A.888 Inclusion in permit of schedule for compliance.

1. The permit may, when appropriate, specify a schedule for compliance with NAC 445A.810 to 445A.925, inclusive, and chapter 445A of NRS.

2. The schedule for compliance must require compliance as soon as possible and in no case later than 1 year after the effective date of the permit.

Sec. 36. NAC 445A.890 is hereby amended to read as follows:

445A.890 Issuance of temporary permit.

1. The director may temporarily permit a specific underground injection of fluids if:

(a) An imminent and substantial danger to the ~~[health of natural persons]~~ *public health or the environment* will result unless the temporary permit is granted; or

(b) A substantial delay in the operation of an oil, gas or geothermal production facility which has a permit for an injection well will occur unless a temporary permit is granted, the timely application for a permit could not practicably have been made and the injection will not result in the movement of fluids out of the zone for injection previously permitted.

2. The director may issue a temporary permit for a well used to inject contaminated ~~[ground water]~~ *groundwater* that has been treated and is being reinjected into the same formation from which it was drawn as part of a clean-up plan approved by the director or the Environmental Protection Agency in cases where federal approval is required.

3. The director may issue a temporary permit for pilot projects or other limited duration tests, where either the pilot project is necessary to determine project feasibility or specific permit monitoring requirements for a prospective injection permit; or, where the limited duration of a test does not justify time or fiscal resources for a permit to inject fluids, provided there are no imminent environmental concerns.

~~[3.]~~ *4.* Any temporary permit issued pursuant to this section is valid only as long as necessary to prevent the hazard, and in no case longer than 90 days. If an application for permit has been filed with the director before the date of expiration of the temporary permit, the period the temporary permit is valid may be extended to the date the application is approved or disapproved.

~~[4.]~~ *5.* The director shall condition the temporary permit in any manner necessary, *and may ask the temporary permit applicant for any and all reasonable data and information at time of application*, to ensure that the injection will not degrade any underground source of drinking water. *Within 60 days of receipt of a complete application, the director must issue the temporary permit or inform the applicant why a permit cannot be issued.*

~~[5.]~~ *6.* Within 10 days after the issuance of a temporary permit, the director shall give public notice pursuant to NAC 445A.875, and provide the opportunity for a public hearing.

Sec. 37. NAC 445A.891 is hereby amended to read as follows:

445A.891 General permits: Eligible types of wells. The director may issue a general permit ~~[with no fee]~~ for the following types of Class V wells:

1. Geothermal wells using a closed loop that return fluid to the geothermal aquifer used for domestic heating and inject no more fluid than an annual average of 1,800 gallons per day.

2. A well with a closed loop used to inject the water used for heating or cooling by a heat pump.

3. Drainage wells for swimming pools having a capacity of 100,000 gallons or less.

4. ~~[Drainage wells to drain the runoff from a storm.]~~ *Storm water drainage wells used to drain runoff from a storm.*

5. Wells used to inject a mixture of water and sand, mill tailings or other solids into subsurface mines.

6. *Wells used to inject remediation enhancement products at remediation sites.*

7. *Wells used to inject fluid which has passed through various interceptors designed to collect oil, grease and sediment. Issuance of this general permit requires periodic injectate sampling to ensure that contaminants such as gasoline, solvents, and metals, do not enter the system, and must also submit and implement a best management practices plan.*

8. *Other shallow injection wells from various commercial or institutional operations which have a consistent, non-contaminated waste stream. Well types might include, but are not limited to, industrial process waste and drainage wells, laundromat wells, food processing wells and carwash wells.*

Sec. 38. NAC 445A.894 is hereby amended to read as follows:

445A.894 General permits: Requiring holder to obtain individual permit. The director may require any person authorized to inject by a general permit to apply for and obtain an individual permit. If an individual permit is issued to a person holding a general permit, the general permit is automatically terminated on the effective date of the individual permit. *If the holder of a general permit is required to obtain an individual permit, procedures listed in NAC 445A.269 must be followed. Provisions are also provided for any interested person or the general permit holder to apply for a petition for exclusion from the general permit, pursuant to NAC 445A.270.*

Sec. 39. NAC 445A.923 is hereby amended to read as follows:

445A.923 Plugging and abandonment: Plan; notice; procedure; certification.

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 ~~[the]~~ a permit, *or anyone planning to abandon or close any injection well, including shallow Class V wells such as Motor Vehicle Waste Disposal Wells,* shall notify the director of the ~~[abandonment of]~~ *intent to close or abandon* an injection well at least 30 days, or

in the case of a newly drilled injection well at least 5 working days, before the *closure or* abandonment of the well.

4. 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.

5. 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.

6. 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.

LCB File No. T051-01

INFORMATIONAL STATEMENT

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
TEMPORARY PETITION 2001-07
STATE ENVIRONMENTAL COMMISSION**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445A. This temporary regulation deals with amendments to the water pollution underground injection control program.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 2001-07, was noticed three (3) on April 10, April 19 and April 25, 2001, as a temporary regulation in the Las Vegas Review Journal and the Reno-Gazette-Journal newspapers. Regulatory workshops were conducted by the Nevada Division of Environmental Protection's Bureau of Water Pollution Control on September 21, 2000 in Carson City, October 3, 2000 in Elko and October 5, 2000 in Las Vegas. The regulation was adopted by the State Environmental Commission on May 10, 2001. No oral or written comments opposing or supporting the regulation were received by the Commission. The public was also mailed the notice of intent and agenda through the Environmental Commission's mailing list. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 extension 3117, or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

2. The number persons who:

- | | |
|--|----|
| (a) Attended each hearing; | 35 |
| (b) Testified at each hearing: | 0 |
| (c) Submitted to the agency written comments: | 0 |

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. See above statement for dates of the public notices and public workshops. No oral or written testimony was received that opposed or supported the regulation. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The temporary regulation was adopted by the State Environmental Commission on May 10, 2001 with one amendment.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

(a) Estimated economic effect of the regulation on the business which it is to regulate;

The proposed permanent regulation is not anticipated to have any significant adverse short or long-term economic impact on Nevada businesses. Businesses with motor vehicle waste disposal wells may see an increase in operation and maintenance costs associated with sampling and monitoring of wells.

(b) Estimated economic effect on the public;

The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public.

6. The estimated cost to the agency for enforcement of the adopted regulation.

The Division of Environmental Protection is developing a mechanism using \$ 820,000 of funding from the Drinking Water State Revolving Fund over a five-year period to implement the new regulations associated with the federal Class V well rule. There is no additional direct cost to the agency for enforcement. Implementation of this regulation is done in cooperation with the U.S. Geological Survey

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The regulations do not overlap or duplicate any regulations of another state or local governmental agency.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The proposed regulations are amended to reflect federal UIC regulations for Class V Rule, as published on December 7, 1999 to impose additional restrictions on injection wells. The regulations are no more stringent than federal regulations.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation reduces the renewal fee and incorporates major modifications into the annual and revised renewal fee structure.