

**ADOPTED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R195-03

Effective January 22, 2004

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

AUTHORITY: §§1, 2, 4 and 6-9, NRS 439.200; §3, NRS 439.150 and 439.200; §5, NRS 439.200 and 445A.855.

Section 1. NAC 461A.500 is hereby amended to read as follows:

461A.500 As used in NAC 461A.500 to 461A.620, inclusive, unless the context otherwise requires:

1. *“Camping space” means a plainly marked plot of ground designated for:*

(a) The occupation of a camping vehicle or other vehicle;

(b) The erection of a tent or shelter;

(c) The parking of a camping vehicle or other vehicle; or

(d) The arrangement of bedding.

2. “Camping vehicle” means a travel trailer, whose overall length does not exceed 32 feet and whose body width does not exceed 8 feet, a pickup camper or similar vehicular dwelling used for travel, vacation or recreational purposes, occupied in any one place for 30 days or less.

~~2. “Camping vehicle space” means a plainly marked plot of ground for the placing of a camping vehicle.]~~

3. “Health authority” means officers and agents of the Health Division or officers and agents of the local boards of health.

4. “Health Division” means the Health Division of the Department of Human Resources.

5. "Person" includes governmental agencies.

6. "Sanitary station" means a facility used for removing and disposing of wastes from camping vehicle retention tanks.

7. "Service building" means a building provided to house sanitary facilities.

Sec. 2. NAC 461A.540 is hereby amended to read as follows:

461A.540 1. All sanitation facilities for camping ~~{vehicles}~~ *spaces* in Nevada which are constructed, reconstructed or extensively altered after November 21, 1970, must conform to the requirements in NAC 461A.500 to 461A.620, inclusive.

2. Approval for construction of sanitation facilities for camping ~~{vehicles}~~ *spaces* must be obtained from all appropriate state and local agencies before commencing construction.

3. Any person providing camping ~~{vehicle}~~ spaces must notify the health authority at least 30 days ~~{prior to}~~ *before* their intended use and must furnish the following information:

- (a) Names and addresses of owners or operators;
- (b) Location of facilities;
- (c) Size of camp and facilities;
- (d) Number of *camping* spaces available;
- (e) Water availability;
- (f) Sewage system and sanitation facilities;
- (g) Garbage facilities; and
- (h) Availability of open pit fires or enclosed fire facilities.

4. The health authority may inspect camping facilities annually or as often as deemed necessary and prepare a written report on the camp. An official permit will be given only once, and again when the facilities change ownership. A person must possess an unrevoked permit for

camping ~~[vehiele]~~ *space* facilities issued by the health authority in the name of that person before operating sanitation facilities for camping ~~[vehieles.]~~ *spaces*.

Sec. 3. NAC 461A.545 is hereby amended to read as follows:

461A.545 1. The Health Division shall charge and collect fees for annual permits in accordance with the following schedule, except in areas where the laws and regulations governing facilities for sanitation for camping ~~[vehieles]~~ *spaces* are administered by local health authorities:

~~For a facility having 30 or less camping spaces [or units for camping~~
~~vehicles. \$30] \$145~~

~~For a facility having more than 30 camping spaces [or units for camping~~
~~vehicles. 30] 145~~

Plus ~~[\$1.25]~~ *\$1.50* for each *camping* space ~~[or unit]~~ over 30 to a maximum of \$1,000.

2. The Health Division shall charge and collect the following fees for reviewing plans of such facilities for sanitation:

For a plan for a new facility. ~~[\$30]~~ *\$100*

Plus an amount equal to the fee for an annual permit for the facility being reviewed.

For a plan for remodeling a facility which has a permit..... ~~[30]~~ *100*

Plus an amount equal to one-half of the fee for an annual permit to

operate the facility after the remodeling.

Sec. 4. NAC 461A.550 is hereby amended to read as follows:

461A.550 1. Camping spaces ~~[for vehicles]~~ must be located on a well-drained site and may not create a public health hazard or nuisance.

2. Camping spaces ~~[for vehicles]~~ must be arranged in a manner so that there will be a minimum of 15 feet between camping ~~[vehicles]~~ *spaces* or other structures, and so that each camping ~~[vehicle]~~ *space* will be at least 5 feet from any road, public walkway or the exterior boundary of the property.

Sec. 5. NAC 461A.560 is hereby amended to read as follows:

461A.560 1. Any person providing camping spaces ~~[for vehicles]~~ shall provide an adequate supply of drinking water from an approved source. It must be of a safe, sanitary quality, meeting the requirements of NAC 445A.450 to 445A.492, inclusive.

2. The development of an independent water supply to serve the camping ~~[vehicles]~~ *spaces* must not be made without prior approval by the health authority.

3. Water must be available within 100 feet of every camping space . ~~[for vehicles.]~~
Overflow from faucets must empty into a drain connected to a disposal system or sump approved by the health authority.

4. Persons providing camping spaces ~~[for vehicles]~~ must conspicuously post unapproved sources in the immediate vicinity as unfit for drinking if, in the opinion of the health authority, there is a likelihood of these sources being used for human consumption.

Sec. 6. NAC 461A.570 is hereby amended to read as follows:

- 461A.570 1. Any person providing camping spaces ~~[for vehicles]~~ shall provide toilet facilities, separate for the sexes, in conveniently located buildings.
2. Flush-type toilets and hand-washing facilities must be provided unless a supply of water under adequate pressure is not available, or other conditions preclude the use of such facilities.
3. Toilet ~~[]~~ *rooms*, shower rooms and other service buildings must have adequate illumination, where a power source is available. The average illumination level for general seeing tasks in these rooms are to be 5 foot-candles. In the work area of laundry rooms and at mirrors in toilet rooms, a minimum of 40 foot-candles must be provided.
4. These rooms must be well ventilated with all openings screened, to exclude flying insects, and constructed of material permitting satisfactory cleaning.
5. Floors in a service building must be constructed of water-impervious material, well pitched to a floor drain. The floor must be free from cracks or uneven surfaces that interfere with proper cleaning.
6. Partitions must be raised 12 inches from the floor and must be so constructed as to be easily cleaned. All service buildings and sanitary facilities must be kept in good repair.
7. There must be a minimum of one toilet for each sex for every 10 camping ~~[vehiele]~~ spaces or major fraction thereof. Urinals may be substituted for one-third of the toilets for males. ~~[Camping spaces for vehicles are]~~ *A camping space used by a camping vehicle with a toilet facility is* exempt from the toilet requirements if ~~[they have]~~ *the camping space has an* individual sewer ~~[connections and are]~~ *connection and is* used exclusively by *the* camping ~~[vehicles with toilet facilities.]~~ *vehicle*. However, in no case may there be less than one toilet provided for each sex.
8. Toilet paper must be provided at each toilet and hand towels provided in each restroom.

Sec. 7. NAC 461A.580 is hereby amended to read as follows:

461A.580 1. The storage, collection and disposal of refuse at facilities for camping ~~[vehicles]~~ *spaces* must be conducted to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

2. All refuse must be stored in flyproof, watertight, rodent-proof containers which are located not more than 150 feet from any camping space . ~~[for vehicles.]~~ Containers must be maintained on collection stands designed to prevent tipping and must be provided in sufficient number and capacity to properly store all refuse.

3. Where suitable collection service is not available from municipal or private agencies, the operator of the facilities for camping ~~[vehicles]~~ *spaces* must provide this service.

4. All refuse must be collected and transported in covered vehicles or covered containers to an approved disposal site or disposed of by other methods approved by the health authority or air pollution control authorities.

Sec. 8. NAC 461A.600 is hereby amended to read as follows:

461A.600 Persons providing camping spaces ~~[for vehicles]~~ and service buildings are responsible for maintaining the premises in a clean and sanitary condition.

Sec. 9. NAC 461A.620 is hereby amended to read as follows:

461A.620 1. Whenever the health authority finds unsanitary or other conditions or violations of NAC 461A.500 to 461A.620, inclusive, in the operation and maintenance of facilities for camping ~~[vehicles.]~~ *spaces*, the health authority shall:

(a) In the case where the health authority determines that a substantial and immediate hazard to public health or safety exists, take any of the following actions:

(1) Revoke the permit;

(2) Remove or abate such hazards;

(3) Take necessary steps to protect persons from such hazards; or

(4) Notify the permit holder or operator and any person who might be affected by such hazardous conditions, require specific corrective action and specify the time period within which such action must be taken.

(b) In all other cases, issue a notice of violation to the permit holder or operator citing such conditions, specifying the corrective action to be taken, and specifying the time period within which action must be taken.

2. If the permit holder or operator fails to comply with a notice of violation, the permit must be revoked.

3. A permit may be revoked without notice if the health authority determines that a substantial and immediate hazard to public health and safety exists.

4. A person who has reason to believe that an action taken by the Health Division pursuant to NAC 461A.500 to 461A.620, inclusive, is incorrect or based on inadequate knowledge may, within 10 business days after receiving notice of the action, request an informal discussion with the employee responsible for the action and the immediate supervisor of the employee.

5. If the informal discussion does not resolve the problem, the aggrieved person may, within 10 business days after the date scheduled for the informal discussion, submit a written request to the Bureau for an informal conference. The informal conference must be scheduled for a date, place and time mutually agreed upon by the aggrieved person and the Bureau, except that the informal conference must be held no later than 60 days after the date on which the Bureau received the written request.

6. Except as otherwise provided in subsection 7, the determination of the Bureau resulting from the informal conference cannot be appealed and is the final remedy available to the aggrieved person.

7. An applicant for or holder of a permit issued pursuant to NAC 461A.500 to 461A.620, inclusive, who is aggrieved by an action of the Health Division relating to the denial of an application for or the suspension or revocation of such a permit may appeal that action in accordance with NAC 439.300 to 439.395, inclusive, after exhausting the informal procedures set forth in this section, except that the Bureau may waive the informal procedures, or any portion thereof, by giving written notice to the aggrieved person.

8. Nothing in this section prevents the health authority from extending the time allowed for corrective action when the permit holder provides a written response within 10 days ~~of~~ *after* receiving a notice of violation setting forth the nature and time needed for corrective action. The health authority shall require periodic reports as may be necessary to demonstrate reasonable progress toward final compliance.

9. As used in this section, "Bureau" means the Bureau of Health Protection Services of the Health Division of the Department of Human Resources or its successor.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R195-03**

The State Board of Health adopted regulations assigned LCB File No. R195-03 which pertain to chapter 445A of the Nevada Administrative Code on December 12, 2003.

Notice date: 11/12/2003
Hearing date: 12/12/2003

Date of adoption by agency: 12/12/2003
Filing date: 1/22/2004

INFORMATIONAL STATEMENT

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

Letters were sent to all entities that the Bureau of Health Protection Services (BHPS) could identify as possibly being affected by these fee increases, and/or who normally do business with the BHPS and local health authorities advising them of the potential fee changes and providing notice of public workshops. A questionnaire soliciting comments was included. Copies of the proposed amendments were posted at the Health Division's web site. Notices were published in 8 newspapers throughout Nevada, and posted at public libraries and BHPS offices. Public workshops were held in September 2003 and on October 28, 2003. Copies of proposed amendments have been provided to those individuals and businesses, which have requested direct service.

Several faxed responses and numerous phone calls provided initial general responses to the generic questionnaire included in the mass mailing, which included fee amendments to nine Chapters of the NAC. Generally, many responders, whether or not they met the definition of a small business, complained that any increase in state fees was an increase in consumer fees, which was an adverse impact, and therefore not warranted.

Interested persons may obtain a list of the recipients and a summary of written responses to the solicited comments by contacting Kinley Goodman, Supervisor EHS, BHPS, 1179 Fairview Dr., Ste. 101, Carson City, NV 89701 or by calling (775) 687-6353, extension 261.

- 2. The number of persons who:**
- (a) Attended the hearing;**
 - (b) Testified at each hearing; and**
 - (c) Submitted to the agency written comments.**

On December 12, 2003, the State Board of Health meeting was held in Las Vegas and via videoconference to Carson City.

- a. No one from the public attended the hearing regarding this proposed amendment.
- b. No one from the public testified at the hearing.
- c. No one submitted to the agency any written comments.

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

Comments were solicited from businesses and the general public as indicated in the response to Question 1, so the response to this requirement is the same.

- 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.**

There were no other proposals for changes, so there are no reasons for changing the proposed fees.

- 5. The estimated economic effect of the regulation on the business, which it is to regulate, and on the public. These must be stated separately, and in each case must include:**
 - (a) Both adverse and beneficial effects; and**
 - (b) Both immediate and long-term effects.**

Adverse and Beneficial Effects

A possible adverse effect may be that some small businesses may experience increased costs for permits and for plan reviews of proposed or remodeled facilities. A beneficial effect is that establishments will be provided with better-equipped and better-trained environmental health specialists that conduct their plan reviews and inspections.

The estimated direct and indirect beneficial economic effects of the proposed fee changes on affected small businesses cannot be quantified. The overall indirect effect of the proposed fees will provide adequate funding for better protection of the health and safety of the public by providing better equipped and better trained inspectors, thereby decreasing the risk to public health and subsequently decreasing associated medical costs, pain and suffering, and a negative impact on local economies that could result.

Immediate and long-term effects

The immediate effect of the proposed fee increases on establishments is not expected to be large and will primarily occur in the plan review process and the annual permits for establishments. Indirect costs may be incurred by the customers of those establishments in that the costs might be passed through rates/fees for services. Costs would be determined on a case-by-case basis. The long-term effect should be improved service to affected businesses and improvement in providing oversight public health services to the public.

- 6. The estimated cost to the agency for the enforcement of the proposed regulation.**

The estimated cost to the agency for enforcement of the proposed regulation is minimal and will be handled through the existing administrative process. Fees are structured to recover the cost of BHPS performing these functions. This revenue will be used to purchase needed equipment, and to provide additional funds for salaries in order to improve the administration of the Environmental Health Services program.

- 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, name the regulating federal agency.**

The proposed fee changes do not overlap or duplicate any federal, state or local regulations.

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

This section does not apply. These fees are relevant only to statutory and budget requirements proscribed by the Nevada State Legislature.

- 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.**

The total amount of revenue expected to be collected from this new fee proposal is estimated at \$29,000. These funds will be used to purchase needed equipment, and to provide additional funds for salaries in order to improve the administration of the affected programs.