

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

LCB File No. R100-07

Effective October 31, 2007

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

AUTHORITY: §§1-7 and 16-43, NRS 439.200 and 444.650; §8, NRS 439.200 and 444.020; §§9 and 10, NRS 439.150, 439.200 and 444.070; §§11-13, NRS 439.150 and 439.200; §§14 and 15, NRS 439.200 and 444.335.

A REGULATION relating to health; increasing certain fees; revising certain provisions regarding sterilization of used bedding, lighting in schools, and sewage disposal; and providing other matters properly relating thereto.

Section 1. Chapter 444 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this regulation.

Sec. 2. *“Accessory structure” means a building or structure, including, without limitation, a workshop, a home office, guest quarters, a pool house and a garage, that:*

- 1. Is separate from a single-family dwelling; and*
- 2. Does not include both a bathroom unit and a kitchen unit.*

Sec. 3. *“Approved service provider” means a person approved by the administrative authority to provide maintenance on an alternative treatment system.*

Sec. 4. *“Bathroom unit” means an area of a single-family dwelling or accessory structure which includes a toilet, a sink, and a bathtub or a shower.*

Sec. 5. *“Drainage channel” means a natural or man-made ditch that experiences intermittent water flow from storms or runoff from melting snow.*

Sec. 6. *“Kitchen unit” means an area of a structure which includes a cooking stove, a refrigerator and a sink.*

Sec. 7. 1. *An accessory structure may be allowed to plumb into an individual sewage disposal system that serves a single-family dwelling if:*

(a) The accessory structure is used in conjunction with the single-family dwelling; and

(b) The septic tank has sufficient capacity to accommodate the total number of fixtures in the accessory structure and the single-family dwelling, as determined by the following table:

| <i>TYPE OF FIXTURE</i> | <i>FIXTURE UNITS</i> |
|---|----------------------|
| <i>Bathtub</i> | <i>2</i> |
| <i>Bidet</i> | <i>2</i> |
| <i>Drinking fountain</i> | <i>1</i> |
| <i>Floor drain</i> | <i>2</i> |
| <i>Interceptor:</i> | |
| <i>For items such as grease, oil or solids</i> | <i>3</i> |
| <i>Laundry tub</i> | <i>2</i> |
| <i>Machine for washing clothes</i> | <i>2</i> |
| <i>Sewer connection for a recreational vehicle</i> | <i>6</i> |
| <i>Shower, single stall</i> | <i>2</i> |
| <i>Sink:</i> | |
| <i>Bar, private (1 1/2-inch or 38.1-millimeter minimum waste)</i> | <i>1</i> |

| <i>TYPE OF FIXTURE</i> | <i>FIXTURE UNITS</i> |
|--|----------------------|
| <i>Bathroom (single)</i> | <i>1</i> |
| <i>Bathroom (double)</i> | <i>2</i> |
| <i>Kitchen, with or without dishwasher (2-inch or 50.8-millimeter minimum waste)</i> | <i>2</i> |
| <i>Service</i> | <i>3</i> |
| <i>Toilet</i> | <i>6</i> |
| <i>Urinal</i> | <i>2</i> |

2. For the purposes of this section, each fixture unit must be rated at 25 gallons.

Sec. 8. NAC 444.002 is hereby amended to read as follows:

444.002 Sterilization or disinfection of used or secondhand articles listed in NAC 444.001 must be by one of the following methods, under the conditions outlined:

1. By thorough washing and sterilization by prolonged boiling for at least 1 hour.
2. By steam under 15 pounds pressure for at least 30 minutes. A gauge for registering steam pressure, visible from the outside of the room, must be provided where steam under pressure is used.
3. Two applications of streaming steam maintained for a period of 1 hour each to be applied at intervals of not less than 6 hours ~~nor~~ *or* more than 24 hours will be accepted as an alternate for steam under pressure for disinfection of mattress materials or made-up mattresses. When streaming steam is employed, valved outlets must be provided near the bottom and top of *the* room used for this purpose.

4. ~~[By treating with formaldehyde and sulphur concurrently in a moist atmosphere for a period of at least 12 hours in the following manner:~~

~~—(a) Formaldehyde gas must be generated from the use of 1 pint of formaldehyde solution (37 percent) to each thousand cubic feet of air space, or through the use of any of the high class commercial fumigators which generate an equivalent quantity of gas.~~

~~—(b) Formaldehyde gas can be made by mixing 8 ounces potassium permanganate with 1 pint of formaldehyde.~~

~~—(c) The directions for use are:~~

~~——(1) Place potassium permanganate in a large galvanized pail and place pail in room to be fumigated.~~

~~——(2) When everything is in readiness, add the formaldehyde and quickly close the door.~~

~~—(d) Sulphur must be from the burning of 4 pounds of sulphur for each thousand cubic feet of air space.~~

~~—(e) The moist atmosphere is provided by thoroughly sprinkling the floor of the room with warm water just prior to undertaking disinfection.~~

~~—5.—The lethal gas method embraces the use of hydrocyanic acid gas generated by the action of sulphuric acid on sodium cyanide. The gas generated is very effective and extremely poisonous. If this method is chosen, the room for sterilization must be separate from any living or working quarters and installed under strict approval of the State Health Officer or his~~

~~authorized agents.] ***By application of a chemical pesticide registered with or exempted by the United States Environmental Protection Agency and registered with the State Department of Agriculture. The chemical pesticide must:***~~

(a) Have clearly stated on the label, or on printed matter included in each container or package, detailed instructions for its use in disinfecting used or secondhand articles;

(b) Have clearly stated on the label a statement that the pesticide is safe to use on bedding;
and

(c) Be applied in a manner that ensures that the used or secondhand articles are disinfected.

5. By a method approved by a local health authority in areas where the laws and regulations governing sterilization of used bedding are administered by local health authorities.

Sec. 9. NAC 444.259 is hereby amended to read as follows:

444.259 1. The Health Division shall charge and collect ~~[\$125]~~ **\$402** for each annual permit to operate a public bathing or swimming facility or natural bathing place, except in areas where the laws and regulations governing such facilities and bathing places are administered by local health authorities.

2. The Health Division shall charge and collect ~~[fees]~~ **\$325** for reviewing plans for ~~[such facilities and bathing places as follows.]~~ **a new public bathing or swimming facility or natural bathing place**, except in areas where the laws and regulations governing ~~[the]~~ **such** facilities and bathing places are administered by local health authorities . ~~[-~~

~~----- A plan for a new facility ----- \$200~~

~~----- Plus an amount equal to the fee for an annual permit to operate a facility of
the size under review. -----~~

~~----- A plan for remodeling a facility which has a permit ----- 200~~

~~Plus an amount equal to one half of the fee for an annual permit to operate the facility after the remodeling.]~~

3. *The Health Division shall charge and collect \$262.50 for reviewing plans for a remodeled public bathing or swimming facility or natural bathing place which has a permit, except in areas where the laws and regulations governing such facilities and bathing places are administered by local health authorities.*

Sec. 10. NAC 444.521 is hereby amended to read as follows:

444.521 1. The Health Division shall charge and collect ~~[\$170 for the issuance of]~~ **\$332** for each annual permit ~~[for the operation of]~~ **to operate** a public spa, except in areas where the laws and regulations governing public spas are administered by local health authorities.

2. The Health Division shall charge and collect ~~[fees]~~ **\$370** for reviewing plans ~~[of]~~ **for a new** public ~~[spas as follows:~~

~~For a plan of a new facility..... \$200~~

~~Plus an amount equal to the fee for an annual permit to operate a spa having the area of the spa being reviewed.~~

~~For a plan to remodel a facility which has a permit..... 200~~

~~Plus an amount equal to one half of the fee for an annual permit to operate a spa having the area which the facility under review will have after the remodeling.]~~

spa, except in areas where the laws and regulations governing public spas are administered by local health authorities.

3. *The Health Division shall charge and collect \$285 for reviewing plans for a remodeled public spa which has a permit, except in areas where the laws and regulations governing public spas are administered by local health authorities.*

Sec. 11. NAC 444.54635 is hereby amended to read as follows:

444.54635 1. The Health Division shall charge and collect fees for *an annual permit to operate a facility for sanitation for camping spaces* in accordance with the following schedule, except in areas where the laws and regulations governing *such facilities* are administered by local health authorities:

For a *permit to operate a* facility having 30 or less camping spaces ~~[\$145]~~ *\$166*

For a *permit to operate a* facility having more than 30 camping spaces..... ~~[145]~~ *166*

Plus \$1.50 for each camping space 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 camping spaces, except in areas where the laws and regulations governing such facilities are administered by local health authorities:*

For a plan for a new facility ~~[\$100]~~ *\$166*

Plus ~~[an amount equal to the fee for an annual permit for the facility being reviewed.]~~ *\$1.50 for each camping space over 30.*

For a plan for remodeling a facility which has a permit..... 100

Plus ~~[an amount equal to one-half of the fee for an annual permit to operate the facility after the remodeling.]~~ *\$1.50 for each camping space over 30.*

Sec. 12. NAC 444.5482 is hereby amended to read as follows:

444.5482 The Health Division shall charge and collect fees for a permit to operate a temporary mass gathering in accordance with the following schedule, except in areas where the laws and regulations governing temporary mass gatherings are administered by local health authorities:

| For a permit to operate a temporary mass gathering with an anticipated attendance of: | Fee per day |
|---|------------------------|
| 500 to 1,000 persons..... | \$500 |
| 1,001 to 5,000 persons..... | 750 |
| 5,001 to 10,000 persons..... | 1,000 |
| 10,001 or more persons | 1,500 2,644 |

Sec. 13. NAC 444.566 is hereby amended to read as follows:

444.566 1. For an annual permit to operate a labor camp, the Health Division shall charge and collect ~~[\$30,]~~ \$166, plus \$1.25 for each five workers above 30 workers in the camp, except in areas where the laws and regulations governing the sanitation of labor camps are administered by local health authorities.

2. The Health Division shall charge and collect the following fees for reviewing plans for labor camps as follows, except in areas where the laws and regulations governing the sanitation of labor camps are administered by local health authorities:

For a plan ~~for~~ for a new camp..... ~~[\$30]~~ \$124

Plus ~~[an amount equal to the fee for an annual permit to operate the camp.]~~ \$1.25 for each five workers above 30 workers in the camp.

For a plan to remodel a camp which has a permit..... ~~[30]~~ 83

Plus ~~[an amount equal to one half of the fee for an annual permit to operate the camp after the remodeling.]~~ \$1.25 for each five workers above 30 workers in the camp.

Sec. 14. NAC 444.56816 is hereby amended to read as follows:

444.56816 **1.** The State Board of Health hereby adopts by reference:

~~1.]~~ (a) The guidelines for playground safety set forth in the *Handbook for Public Playground Safety*, as those guidelines existed on ~~[the effective date of this regulation.]~~ July 24, 2002. A copy of the publication may be obtained, free of charge, from the United States Consumer Product Safety Commission, Office of Information and Public Affairs, Washington DC 20207, or ~~[from the United States Consumer Product Safety Commission,]~~ at the Internet address <http://www.cpsc.gov/cpscpub/pubs/playpubs.html>.

2. ~~[The standards for the construction, installation, maintenance, inspection and testing of a device to prevent backflow or back-siphonage that is installed on a water supply system set forth in the Uniform Plumbing Code, 1997 edition. A copy of the standards may be obtained from the International Association of Plumbing and Mechanical Officials, 20001 East Walnut Drive South, Walnut, California 91789-2825, for the price of \$51.60 for members of the International Association of Plumbing and Mechanical Officials, or \$56.80 for nonmembers.~~

~~—3.]~~ (b) *The Recommended Practice on Lighting for Educational Facilities*, in the form most recently published by the Illuminating Engineering Society of North America. A copy of

this publication may be obtained from the Illuminating Engineering Society of North America at the Internet address <https://www.iesna.org/shop/> for the price of \$50.

(c) The ~~[standards for minimum plumbing facilities set forth in the]~~ *Uniform Plumbing Code, [1997 edition.] in the form most recently published by the International Association of Plumbing and Mechanical Officials.* A copy of ~~[the standards]~~ *this publication* may be obtained from the International Association of Plumbing and Mechanical Officials ~~[, 20001 East Walnut Drive South, Walnut, California 91789-2825, for the price of \$51.60 for members of the International Association of Plumbing and Mechanical Officials, or \$56.80 for nonmembers. —4.]~~ *by telephone at (800) 854-2766 or at the Internet address <http://iapmostore.org>, for the price of \$93.*

(d) The standards of the American National Standards Institute set forth in ~~[the American National Standard for]~~ *ANSI Z358.1, Emergency Eyewash and Shower Equipment, [ANSI Z358.1, 1998 edition.] in the form most recently published by the American National Standards Institute.* A copy of the standards may be obtained from *IHS Global Engineering Documents* ~~[, Customer Service Department, 15 Inverness Way East, Englewood, Colorado 80112,]~~ *by telephone at (877) 413-5184 or at the Internet address <http://store.ihs.com>, for the price of [~~\$48.~~] \$85.*

2. The State Board of Health will review each revision of the publications adopted by reference pursuant to paragraphs (b) and (c) of subsection 1 to ensure its suitability for this State. If the Board determines that a revision is not suitable for this State, the Board will hold a public hearing to review its determination within 6 months after the date of publication of the revision and give notice of that hearing. If, after the hearing, the Board does not revise its determination, the Board will give notice within 30 days after the hearing that the revision is

not suitable for this State. If the Board does not give such notice, the revision becomes part of the publication adopted by reference.

Sec. 15. NAC 444.5683 is hereby amended to read as follows:

444.5683 Artificial sources of light that are permanently fixed in a school must be installed to provide ~~at a distance of 30 inches from the floor:~~

~~—1.— At least 50 foot-candles of light in an area used to provide general instruction to pupils, including, without limitation, a laboratory, a classroom used for teaching home economics and an area used for teaching vocational education;~~

~~—2.— At least 30 foot-candles of light in a gymnasium, locker room or lavatory; and~~

~~—3.— At least 20 foot-candles of light in any other area of the school.]~~ *lighting at luminance*

levels equal to or greater than those prescribed in tables 1 and 2 of the Recommended Practice on Lighting for Educational Facilities, adopted by reference pursuant to NAC 444.56816.

Sec. 16. NAC 444.750 is hereby amended to read as follows:

444.750 As used in NAC 444.750 to 444.8396, inclusive, *and sections 2 to 7, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 444.7502 to 444.7772, inclusive, *and sections 2 to 6, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 17. NAC 444.7652 is hereby amended to read as follows:

444.7652 ~~["Nitrate"]~~ *“Nitrogen”* removal wastewater treatment unit” means a system that receives sewage and, through biological denitrification, chemical reduction or ion exchange, reduces the ~~[nitrate]~~ *nitrogen* level of the effluent . ~~[to less than 10 milligrams per liter, measured as total nitrogen.]~~

Sec. 18. NAC 444.7668 is hereby amended to read as follows:

444.7668 1. “Primary treatment unit” means a system or receptacle that is designed and constructed to:

- (a) Receive the discharge of sewage from a building sewer;
- (b) Partially or completely treat the sewage; and
- (c) Discharge effluent for final disposal.

2. The term includes, without limitation, a septic tank, an aerobic wastewater treatment unit, a ~~[nitrate]~~ *nitrogen* removal wastewater treatment unit and any other alternative treatment system.

Sec. 19. NAC 444.775 is hereby amended to read as follows:

444.775 *1.* “Single-family dwelling” means one or more buildings ~~[, including detached accessory structures, that are]~~ *that:*

- (a) Are* designed and used as a home by the occupants of the buildings ~~[and which are]~~ ;
- (b) Include a bathroom unit and a kitchen unit; and*
- (c) Are* served by an individual sewage disposal system.

2. The term does not include an accessory structure or a multiple-dwelling structure.

Sec. 20. NAC 444.777 is hereby amended to read as follows:

444.777 “Watercourse” means the bed or channel of a waterway. The term includes, without limitation, a river, creek, *stream*, pond or lake, but does not include an irrigation ditch or drainage channel . ~~[which experiences intermittent flow from storms or runoff from melting snow.]~~

Sec. 21. NAC 444.7825 is hereby amended to read as follows:

444.7825 *1.* The following provisions and publications are hereby adopted by reference:

~~[1.]~~ (a) Standards 40, 41 and 46 of ~~[the National Sanitation Foundation]~~ *NSF International*, in the form most recently published by NSF International. These standards are available ~~[by mail]~~ from ~~[the National Sanitation Foundation]~~ NSF International ~~[, 3475 Plymouth Road, Ann Arbor, Michigan 48105, or]~~ by telephone at (800) ~~[673-6275. The prices are \$70 for Standard 40, \$70 for Standard 41 and \$60 for Standard 46.~~

~~—2.]~~ 699-9277, for the price of \$95 each.

(b) *Standard Specifications for Public Works Construction*, ~~[1996 edition, as sponsored and distributed]~~ in the form most recently published by the Regional Transportation Commission of Washoe County, Washoe County, the City of Sparks, the City of Reno, Carson City and the City of Yerington. This publication is available ~~[by mail from the Regional Transportation Commission of Washoe County, 2050 Villanova Drive, Reno, Nevada 89502, or by telephone at (775) 348-0400, at a price of \$35.~~

~~—3.]~~ free of charge at the Internet address <http://www.rtcwashoe.com/streets/orangebook/>.

(c) The *Uniform Plumbing Code*, ~~[1997 edition, as adopted]~~ in the form most recently published by the International Association of Plumbing and Mechanical Officials. This publication is available ~~[by mail]~~ from the International Association of Plumbing and Mechanical Officials ~~[, 20001 Walnut Drive South, Walnut, California 91789-2825, or]~~ by telephone at ~~[(909) 595-8449,]~~ (800) 854-2766, at a price of ~~[\$45.45, plus \$2.05 for shipping and handling.~~

~~—4.]~~ \$93.

(d) The *Design Manual for On-site Wastewater Treatment and Disposal Systems*, which is published by the Environmental Protection Agency (reference document number PB83-219907). This document is available by mail from the National Technical Information Service, 5285 Port

Royal Road, Springfield, Virginia 22161, or by telephone at (800) 553-6847, at a price of ~~[\$81.50,]~~ \$97.50, plus \$5 for shipping and handling.

2. The State Board of Health will review each revision of the publications adopted by reference pursuant to paragraphs (a), (b) and (c) of subsection 1 to ensure its suitability for this State. If the Board determines that a revision is not suitable for this State, the Board will hold a public hearing to review its determination within 6 months after the date of the publication of the revision and give notice of that hearing. If, after the hearing, the Board does not revise its determination, the Board will give notice within 30 days after the hearing that the revision is not suitable for this State. If the Board does not give such notice, the revision becomes part of the publication adopted by reference.

Sec. 22. NAC 444.783 is hereby amended to read as follows:

444.783 ~~[Except as otherwise provided in this section, the]~~ *The* health authority may grant ~~[a special exemption from any provision of NAC 444.750 to 444.8396, inclusive, to]~~ an owner of an individual sewage disposal system ~~[if the special exemption:]~~ *approval for an alternate method of compliance with any provision of this chapter if the alternate method of compliance:*

1. *Will not be detrimental to the public health;*
2. Is justified by an engineer ~~;~~
~~—2.]~~ *if, because of site conditions or proposed alternative treatments, the health authority requires the alternate method of compliance to be justified by an engineer;*

3. Involves an advance in technology, improvement in materials, or alternative method of construction or operation ; ~~[that, in the opinion of the health authority, will not be detrimental to the public health;]~~ and

~~3.1~~ 4. Does not conflict with the provisions of subsection 1 of NAC 444.778 and paragraphs (a) to (d), inclusive, of subsection 2 of NAC 444.778.

Sec. 23. NAC 444.784 is hereby amended to read as follows:

444.784 1. Approval must be obtained from the administrative authority to construct, alter or extend an individual sewage disposal system. This approval for new construction is required before any building permit may be issued for any structure which requires an individual sewage disposal system.

2. The request for approval must include:

(a) The name, address and current phone number of the applicant.

(b) The legal description of the property, including the lot and block number, township, range, section and assessor's parcel number, on which construction, alteration or extension is proposed.

(c) A plot plan.

3. The plot plan must include:

(a) The title and date of the plan and the signature of the owner or his representative.

(b) A map of the area in which the individual sewage disposal system will be located that shows the location of the roads and streets.

(c) The location and distance to well and sewage systems on surrounding lots. If the lots are vacant, the plot plan must so indicate.

(d) The direction of north clearly indicated.

(e) The distance within 500 feet to any watercourse indicated, including, without limitation, any pond, lagoon or stream. If there are no watercourses, the plot plan must so indicate.

(f) The location of each percolation test hole and boring test hole.

(g) The location and depth of each proposed or actual well, including the depth of casing or surface grout seal.

(h) Each component of the individual sewage disposal system, which must be properly marked and located at specified distances.

(i) The distance to city sewers. If there are none, the plot plan must so indicate.

(j) The distance of each well and soil absorption system to the property line.

(k) The scale to which the plan is drawn, such as 1 inch = 30 feet, 40 feet, 50 feet, 60 feet, etc.

(l) The number of bedrooms in the single-family dwelling . ~~For, if the request for approval is for a commercial system, the calculations used by the engineer to determine the minimum capacity of the commercial system.~~

(m) The capacity of the septic tank.

(n) The maximum slope across the absorption system area.

(o) The dimensions of the lot.

(p) The depth, length, width and spacing of any absorption trenches.

(q) The location of the water supply lines, building sewer lines and other underground utilities.

(r) The location of the structures, paved areas, driveways, trees and patios.

(s) The location of the source of water to be used by the individual sewage disposal system, including, without limitation, a well or other source approved by the administrative authority.

(t) The location of the reserve absorption area, which must be of a size not less than the size of the primary absorption area.

4. Soil characteristics, depth to water table and bedrock, percolation test results and design specifications must accompany the plot plan.

5. A permit issued under NAC 444.750 to 444.8396, inclusive, *and sections 2 to 7, inclusive, of this regulation* is deemed to be a temporary permit to operate an individual sewage disposal system. The operating permit is valid until:

(a) The individual sewage disposal system fails; or

(b) A community sewerage system ~~is~~ :

(1) Is installed and available to service the area ~~is~~; and

(2) Passes through or is in physical contact with the property line or is located adjacent to the property in a street or right-of-way that abuts the property line.

6. For the purposes of this section, an individual sewage disposal system shall be deemed to have failed if:

(a) A condition or malfunction occurs in the individual sewage disposal system, or in the operation of the system, that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public, including, without limitation:

(1) Sewage on the ground;

(2) A backup of sewage into a structure that is caused by the slow soil absorption of effluent;

(3) Sewage leaking from a septic tank, dosing tank, holding tank or collection system; and

(4) Effluent contaminating the groundwater or surface water; or

(b) The operator of the system fails to comply with the requirements of the permit issued to operate the system.

Sec. 24. NAC 444.786 is hereby amended to read as follows:

444.786 1. Except as otherwise provided in this subsection, an application for a permit for an individual sewage disposal system submitted to the health authority must be denied in writing and the reasons specified therefor if:

(a) The health authority determines that the proposed installation will not comply with NAC 444.750 to 444.8396, inclusive ~~[;]~~, *and sections 2 to 7, inclusive, of this regulation;*

(b) ~~[Public-or]~~ A community sewerage ~~[systems-are]~~ *system is* available ~~[within 400 feet of the nearest]~~ *and passes through or is in physical contact with the property line or is located adjacent to the property in a street or right-of-way that abuts the* property line; or

(c) The proposed individual sewage disposal system is within the service area of a sewer company which provides sewage services that are subject to the jurisdiction of the Public Utilities Commission of Nevada or any local governmental entity, including, without limitation, a general improvement district, that has jurisdiction over the sewer services in that geographical area. A permit may be granted by the health authority if the ~~[Public Utilities Commission of Nevada or local governmental entity]~~ *sewer company* approves in writing the construction of the individual sewage disposal system within its service area or jurisdiction.

2. A person who has reason to believe that an action taken by the health authority pursuant to NAC 444.750 to 444.8396, inclusive, *and sections 2 to 7, inclusive, of this regulation* 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.

3. 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.

4. Except as otherwise provided in subsection 5, the determination of the Bureau resulting from the informal conference cannot be appealed and is the final remedy available to the aggrieved person.

5. An applicant for or holder of a permit issued pursuant to NAC 444.750 to 444.8396, inclusive, *and sections 2 to 7, inclusive, of this regulation* who is aggrieved by an action of the health authority 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.

6. A permit is void 12 months after the date of issuance if the proposed construction, alteration or extension of the individual sewage disposal system is not completed within that period. Upon the request of the holder of the permit, an extension of the permit may be granted in increments of 1 year if the appropriate fees are paid and the proposed plans meet the requirements of NAC 444.750 to 444.8396, inclusive ~~[H]~~, *and sections 2 to 7, inclusive, of this regulation.*

7. As used in this section, “Bureau” means the Bureau of Health Protection Services of the Health Division or its successor.

Sec. 25. NAC 444.788 is hereby amended to read as follows:

444.788 1. Inspections may be required of the system materials and the trench before the trench is filled with aggregate or rock. Inspections by the administrative authority may be required before the sewer line, septic tank and soil absorption system may be covered. Inspections of alternative systems are required at intervals specified in NAC 444.750 to 444.8396, inclusive ~~[H]~~, *and sections 2 to 7, inclusive, of this regulation.* If an engineer verifies that an individual sewage disposal system was constructed according to the plans approved by the administrative authority, the administrative authority may waive its inspection of the system.

2. Until the individual sewage disposal system has passed inspection by the administrative authority and a permit or other type of approval authorizing ~~[occupancy of the building]~~ *use of the system* has been issued, there must be no *use of the system, no* occupancy of the building and no permanent electrical power connection to the property.

3. In an area in which there is a local administrative authority, review of designs and inspections for residential systems may be performed by city, district or county building inspectors.

Sec. 26. NAC 444.790 is hereby amended to read as follows:

444.790 1. A minimum area of 1 acre (43,560 square feet), including public streets and alleys or other public rights-of-way, lands or any portion thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a well.

2. For a lot that is a part of a tentative map that is approved before January 1, 2000, a minimum area of 1/4 acre (10,890 square feet), including public streets or alleys or other public rights-of-way, lands or any portions thereof abutting on, running through or within a building

site, is required for the installation of an individual sewage disposal system on a lot served by a community water supply.

3. For a lot that is part of a tentative map that is approved on or after January 1, 2000, a minimum area of 1/2 acre (21,780 square feet), including public streets or alleys or other public rights-of-way, lands or any portions thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a community water supply.

~~[4. Available pertinent land for construction of a building or structure, other than a single-family dwelling, must have a minimum net available area in the amount of 22 square feet per gallon of estimated daily sewage capacity as computed pursuant to NAC 444.8308, 444.831 and 444.8312. One half of this pertinent land area must be available for sewage disposal.]~~

Sec. 27. NAC 444.792 is hereby amended to read as follows:

444.792 1. Except as otherwise provided in this section, an individual sewage disposal system must be located on the same lot as the building or structure that the system serves. The administrative authority may approve the use of a part of an abutting lot to provide additional space for an individual sewage disposal system or any part thereof, if the owner of the individual sewage disposal system can show:

(a) Proper cause, including, without limitation, a legal right of the owner to use the abutting land as a result of a transfer of ownership of the abutting lot or an easement to use the abutting lot; and

(b) Use of the abutting lot for the individual sewage disposal system does not violate any other requirement of NAC 444.750 to 444.8396, inclusive ~~[]~~, *and sections 2 to 7, inclusive, of this regulation.*

2. The minimum horizontal separations that must be maintained between the perimeter of the components of an individual sewage disposal system and the following features are:

| Minimum horizontal distance, | Building sewer drain | Septic tank | Disposal field {(shallow)} |
|---|---------------------------------|-------------|--|
| Building or structure | {—} | 8' | 8' |
| Property lines | {10'} | 10' | 10' |
| Water supply wells (sealed to 50 feet) | {50'} | 100' | 100' |
| Water supply wells (not | {50'} | 100' | 150' {*} |
| Public water supply wells | {50'} | 150' | 150' {*} |
| Streams or watercourses | {50'} | 100' | 100' |
| Drainage channels | {25'} | 25' | 25' |
| Large trees or shrubs | {—} | 10' | 10' |

| | | | |
|-------------------------------|------------------|----------------|-----------------|
| Disposal fields | [] | 5' | — |
| Community water main line | [10'] | 10' | 25' |
| Individual water service line | [10'] | 10' | 25' |
| [Dry wells | — | —6' | —20' |

~~*The required distance between a well and the components of an individual sewage disposal system may be increased by the administrative authority depending on the depth to the water table, soil profile and site characteristics.*~~

Sec. 28. NAC 444.798 is hereby amended to read as follows:

444.798 1. An approved cleanout must be installed ~~[between the building drain and]~~ *on* the building sewer line. The cleanout must be located within 3 feet of the structure or, if the cleanout cannot be placed within 3 feet of the structure, as close as practicable to the structure. At least one additional cleanout must be placed for each 100-foot increment of sewer line and for each aggregate change in the direction of the sewer line in excess of 90 degrees.

2. The building sewer between the house and the ~~[septic tank]~~ *individual sewage disposal system* must be approved pipe made of cast-iron, concrete, cement-asbestos or polyvinylchloride, with watertight joints.

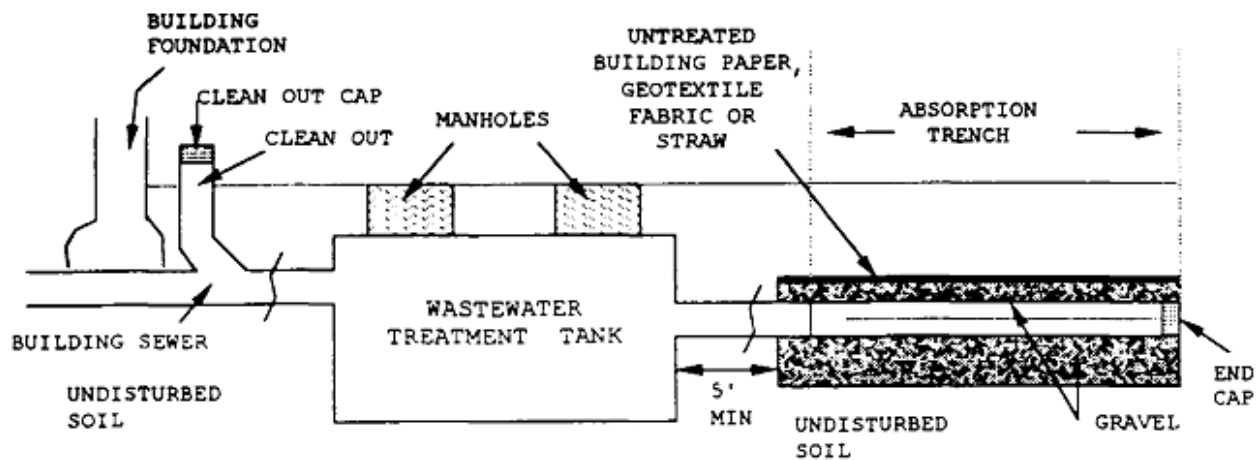
3. Except as otherwise provided in this section, the run of the building sewer, when practical, must be at a uniform slope of not less than 1/4 inch per foot from the building toward the point of disposal. If approved by the administrative authority, a building sewer which is:

(a) Not less than 4 inches or more than 6 inches in diameter may have a slope of not less than 1/8 inch per foot.

(b) Eight inches or more in diameter may have a slope of not less than 1/16 inch per foot.

4. A building sewer must be laid on undisturbed earth or well-compacted material. The top of the building sewer must be 12 inches or more below the final grade.

5. The following is a diagram of an individual sewage disposal system:



Sec. 29. NAC 444.818 is hereby amended to read as follows:

444.818 1. Cesspools are prohibited.

2. The discharge of surface, rain and other clear water into an individual sewage disposal system is prohibited.

3. An absorption system that must be specially designed because of the limiting characteristics of the site must be designed by an engineer in accordance with the design criteria:

(a) That are set forth in NAC 444.8374 to 444.8396, inclusive, if the absorption system is an alternative absorption system; or

- (b) That have been approved by the health authority.
4. An individual sewage disposal system is prohibited in any area subject to vehicular traffic or any area to be paved.
5. Sewage or any waste must not be discharged into any well, deep pit or mine shaft, or onto the ground surface.
6. Approved plans and specifications must not be revised except with written approval of the administrative authority.
7. If the soil has a fast percolation rate, the administrative authority may, depending on the characteristics of the soil and site, require:
- (a) The plans for the system be designed especially for the site; and
 - (b) The setbacks from wells or watercourses, or both, be increased.
8. An individual sewage disposal system must be operated and maintained so as not to create a public hazard or nuisance, or cause water pollution.
9. ~~[With the approval of the administrative authority, an abandoned]~~ A septic tank *that is no longer in use* may be pumped, removed and disposed of. ~~[An abandoned]~~ A septic tank *that is no longer in use and is to be abandoned in place* must be filled with dirt or sand after being pumped. An excavation site created by the removal of a septic tank must be backfilled with suitable material that is compatible to the intended future use of the site.
10. To facilitate cleaning and maintenance operations, the installer of an individual sewage disposal system shall provide the owner with a diagram of the system. The diagram must include the location of the house, the septic tank, the cleanouts and the absorption system. This information must be kept on the premises regardless of changes in occupancy.

11. Any necessary bends in the individual sewage disposal system before the system enters the septic tank must be accomplished by the use of pipe fittings that are 45 degrees or less.

12. Every dwelling or habitation, including occupied trailers, must have an approved method of sewage disposal. The health authority may issue a permit for the temporary use of a holding tank at locations, including labor camps for construction or drilling projects, where an approved method of sewage disposal is not available. An application for a permit for the temporary use of a holding tank must include a copy of:

(a) A contract between the applicant and a licensed septic tank pumping contractor that provides for the removal and disposal of wastes from the temporary tank; and

(b) A letter from an approved sewage disposal treatment facility stating that the facility agrees to accept the wastes from the holding tank collected by the septic tank pumping contractor.

↪ A permit for the temporary use of a holding tank issued pursuant to this subsection is valid for 30 days and may be renewed as necessary.

13. The disposal of sewage must be through an approved individual sewage disposal system.

14. Provisions not covered by NAC 444.750 to 444.8396, inclusive, *and sections 2 to 7, inclusive, of this regulation* must meet the most restrictive requirements found in the current publication of the *Uniform Plumbing Code* [\[H\]](#), *adopted by reference pursuant to NAC 444.7825*.

15. Disposal fields must be located in unshaded, unobstructed areas.

16. Where a public water supply is unavailable, only one single-family dwelling per acre served by an individual sewage disposal system is allowed. For the purposes of this subsection,

obtaining the approval of the Division of Water Resources of the State Department of Conservation and Natural Resources to use a well as municipal or quasi-municipal water use does not constitute a “public water supply.” The administrative authority shall not allow any additional individual sewage disposal systems to be installed on the lot. ~~[A commercial system on a single lot may be authorized to serve two or more structures upon approval by the health authority if the structures and commercial system are owned by the same person.~~

~~—17.— The person to whom the ownership in commercial property served by an individual sewage disposal system is sold or transferred shall have a new design plan created to determine the suitability of the proposed new business with the existing individual sewage disposal system if:~~

~~—(a) The proposed use of the buildings or structures is different from the current use; or~~

~~—(b) The system has been dormant in excess of 1 year, regardless of the proposed use of the buildings or structures.~~

~~→ If the proposed use of the buildings or structures and the existing disposal system are incompatible, the health authority shall deny approval of the system until the system is modified so that the system and the proposed use of the buildings or structures are compatible.~~

~~—18.— An unattached structure that is separate from a single family dwelling served by an approved individual sewage disposal system may be allowed to plumb into the individual sewage disposal system if:~~

~~—(a) The unattached structure is or will be used in conjunction with the single family dwelling;~~
~~and~~

~~—(b) The septic tank has sufficient capacity to accommodate the total number of fixtures in the single family dwelling and the unattached structure as determined pursuant to subsection 3 of NAC 444.8312. For the purposes of this paragraph, each fixture unit must be rated at 25 gallons.]~~

Sec. 30. NAC 444.828 is hereby amended to read as follows:

444.828 The Health Division shall charge and collect fees for its services in accordance with the following schedule, except in areas where the laws and regulations governing individual sewage disposal systems and septic tank pumping contractors are administered by another administrative authority:

1. For a permit to construct an individual sewage disposal system for a single-family dwelling, including a review of the plan for the system and an initial inspection of the system ~~[\$200]~~ **\$498**
2. For a permit to construct a residential system that utilizes an alternative treatment or disposal system design, including a review of the plan for the system and an initial inspection of the system..... ~~[\$250]~~ **\$498**
3. For a ~~[permit to construct an individual sewage disposal system for a commercial building, including a review of the plan for the system and an initial inspection of the system]~~ **review of the plan for a primary treatment unit**..... ~~[\$250]~~ **\$498**
4. For the resubmission of **or revision to** a plan described in subsection 1, 2 or 3 ~~[\$100]~~ **\$124**
5. For a reinspection of an individual sewage disposal system..... \$100
6. For an inspection of a system **or unit** described in subsection 1, 2 or 3 where such inspection is necessary to obtain a loan to purchase a piece of real property. \$133

7. For an annual permit for a septic tank pumping contractor ~~[\$150]~~ \$332

Plus ~~[\$50]~~ \$322 per year for each pumping unit to be authorized for use

pursuant to the permit.

8. To extend a permit to construct an individual sewage disposal system for a 1-year period after the expiration date of the permit..... ~~[\$50]~~ \$332

~~[9. For an annual permit to operate a nitrate removal wastewater treatment unit \$50~~

~~—10. For an annual permit to operate an aerobic wastewater treatment unit..... \$50]~~

Sec. 31. NAC 444.8302 is hereby amended to read as follows:

444.8302 ~~[1.]~~ The plans for ~~[an individual sewage disposal system designed for commercial use which has a capacity of less than 5,000 gallons per day must be submitted for review to the health authority for the county in which the proposed system will be located. If the capacity of the system is 5,000 gallons or more per day, the plans for the system]~~ **a commercial system** must be submitted for review to the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

~~[2. An individual sewage disposal system that is or will be used as a commercial system must be designed by an engineer.~~

~~—3. Except as otherwise provided in NAC 444.750 to 444.8396, inclusive, an individual sewage disposal system with design flow capacities of less than 5,000 gallons per day must meet all of the minimum setback requirements and design criteria specified in NAC 444.750 to 444.8396, inclusive.]~~

Sec. 32. NAC 444.8314 is hereby amended to read as follows:

444.8314 1. An aerobic wastewater treatment unit requires routine maintenance. The owner of an individual sewage disposal system that will include an aerobic wastewater treatment unit shall include in the design plans submitted to the administrative authority a maintenance agreement with ~~fa~~ *an approved* service provider that covers the anticipated life span of the individual sewage disposal system.

2. The maintenance agreement for the individual sewage disposal system must include, without limitation, a yearly inspection of the system, and the components thereof, which verifies that the system is:

(a) Functioning correctly; and

(b) Producing effluent which has levels of total suspended solids and biological oxygen demand that are each 30 milligrams or less per liter.

3. *At the request of the administrative authority, the owner of an individual sewage disposal system that includes an aerobic wastewater treatment unit must provide to the administrative authority written documentation demonstrating that the maintenance required by subsection 2 has been performed.*

4. An aerobic wastewater treatment unit that produces effluent with a level of total suspended solids or biological oxygen demand that is more than 30 milligrams per liter must be repaired or replaced in accordance with this section and NAC 444.8316 and 444.8318 before the unit may be used.

~~4.~~ 5. If the administrative authority determines that the degradation of groundwater or the constraints of the site warrant the need for an effluent which is of higher quality than that which would be provided by a septic tank, the administrative authority may require that the individual sewage disposal system include an aerobic wastewater treatment unit. If the administrative

authority requires the use of an aerobic wastewater treatment unit pursuant to this subsection, the owner shall not construct or install on that site an individual sewage disposal system that does not include an aerobic wastewater treatment unit.

~~{5.— If the administrative authority requires the use of an aerobic wastewater treatment unit pursuant to subsection 4, the owner shall, in addition to submitting the design plans for the individual sewage disposal system to the administrative authority, apply to the administrative authority for an annual permit to operate the aerobic wastewater treatment unit. A permit for an aerobic wastewater treatment unit is valid for 1 year after the date of issuance. The owner shall include with the completed application for a permit or the renewal of a permit:~~

~~—(a) The required fee for the permit; and~~

~~—(b) A copy of a current maintenance agreement for the individual sewage disposal system and the aerobic wastewater treatment unit.~~

~~—6.— The administrative authority shall issue or renew, as appropriate, a permit for an aerobic wastewater treatment unit:~~

~~—(a) If the required fee has been paid;~~

~~—(b) If there is a current maintenance agreement with a service provider for the individual sewage disposal system that includes the aerobic wastewater treatment unit; and~~

~~—(c) If the individual sewage disposal system:~~

~~——(1) Has not been used, the system has been otherwise approved and inspected by the administrative authority; or~~

~~——(2) Is in use, the owner submits a report by the service provider for the individual sewage disposal system which states that the service provider has inspected the system at least once~~

~~during the previous 12 months, the system is functioning correctly, and neither the level of total suspended solids nor the level of biological oxygen demand has exceeded 30 milligrams per liter.~~

~~7. A person who elects to use an aerobic wastewater treatment unit that is not otherwise required by the administrative authority pursuant to this section is exempt from the requirements for an annual permit set forth in subsections 5 and 6.]~~

Sec. 33. NAC 444.8316 is hereby amended to read as follows:

444.8316 1. An aerobic wastewater treatment unit must be approved by:

(a) ~~[The National Sanitation Foundation]~~ *NSF* International pursuant to its Standard 40;

(b) Any other equivalent nationally recognized testing laboratory approved by the health authority; or

(c) The health authority.

2. ~~[The owner of]~~ *An application to construct* an individual sewage disposal system that includes an aerobic wastewater treatment unit ~~[shall include with the application for review of the system by the administrative authority:~~

~~—(a) Evidence]~~ *must include evidence* that the unit has been approved pursuant to subsection 1 . ~~[; or~~

~~—(b) The procedures used to test the unit.]~~

3. *An individual sewage disposal system that uses an aerobic wastewater treatment unit must be designed by an engineer.* The use of an individual sewage disposal system that includes an aerobic wastewater treatment unit must be consistent with the approved design application and intended use for such a system.

4. An aerobic wastewater treatment unit must conform with all applicable provisions of the Nevada Administrative Code and is subject to any other requirements for design that are determined necessary by the administrative authority.

5. An administrative authority may authorize a reduction in the size of the absorption area if the administrative authority requires the use of an aerobic wastewater treatment unit pursuant to subsection ~~4~~ 5 of NAC 444.8314. Any reduction in the size of the absorption area must be justified by an engineer based on the conditions of the soil and constraints of the site. No direct surface discharge is permitted.

6. Except in those cases where an aerobic wastewater treatment unit is required pursuant to subsection ~~4~~ 5 of NAC 444.8314, an aerobic wastewater treatment unit must not be used where electrical service is unreliable, dependable maintenance is not available, or intermittent use of the aerobic wastewater treatment unit will adversely effect the functioning of the individual sewage disposal system.

7. The design plans for an aerobic wastewater treatment unit must include a schematic detailing a 24-hour operating alarm system for the aerobic wastewater treatment unit.

8. A manual for the operation and maintenance of an aerobic wastewater treatment unit must be submitted to the administrative authority with the design plans. The administrative authority shall not approve an aerobic wastewater treatment unit if an operation and maintenance manual has not been submitted with the design plans and approved by the administrative authority.

Sec. 34. NAC 444.8318 is hereby amended to read as follows:

444.8318 1. The construction of an aerobic wastewater treatment unit must be inspected and verified by an engineer . ~~[or, if the unit is designed by a homeowner as part of a residential system for his home, the homeowner.]~~ The inspections must be conducted when:

- (a) The absorption trenches have been excavated or, if an elevated mound system is to be used, when the basal area of the mound has been scarified;
- (b) The distribution piping has been placed in the aggregate;
- (c) The system has been covered with soil; and
- (d) All the pumps, switches, alarms, aeration units and other components associated with the individual sewage disposal system have been installed. The engineer or homeowner, as appropriate, shall verify that the operational liquid levels are set as specified by the design plans.

2. ~~[For a residential system designed by a homeowner that includes an aerobic wastewater treatment unit:~~

~~—(a) The homeowner shall contact the administrative authority for an inspection of the system; and~~

~~—(b) The administrative authority shall inspect the construction of the system,~~

~~↪ before the covering is placed on the system, to ensure that the system complies with the approved plans.~~

~~—3. If an individual sewage disposal system that includes an aerobic wastewater treatment unit is designed by an engineer, the]~~ *The* engineer shall, within 30 days after the date on which the construction of the system is completed, submit a letter to the administrative authority stating that the system was constructed in accordance with the approved plans.

Sec. 35. NAC 444.8321 is hereby amended to read as follows:

444.8321 1. A ~~[nitrate]~~ *nitrogen* removal wastewater treatment unit requires routine maintenance. The owner of an individual sewage disposal system that will include a ~~[nitrate]~~ *nitrogen* removal wastewater treatment unit shall include in the design plans submitted to the administrative authority a maintenance agreement with ~~[a]~~ *an approved* service provider that covers the anticipated life span of the individual sewage disposal system.

2. The maintenance agreement for the individual sewage disposal system must include, without limitation, a yearly inspection of the system, and the components thereof, which verifies that the system is:

(a) Functioning correctly; and

(b) Producing effluent ~~[which has nitrate levels that are 10 milligrams or less per liter, measured as total nitrogen.~~

~~—3.—A nitrate]~~ *with nitrogen level reductions that are consistent with the performance specifications provided by the manufacturer.*

3. *The owner of an individual sewage disposal system that includes a nitrogen removal wastewater treatment unit shall maintain, for the life of the system, written documentation demonstrating that the maintenance required by subsection 2 has been performed at intervals not to exceed 12 months. At the request of the administrative authority, the owner shall provide the documentation for review.*

4. *A nitrogen* removal wastewater treatment unit that produces effluent with ~~[a level of nitrate that is more than 10 milligrams per liter, measured as total nitrogen,]~~ *nitrogen level reductions that are not consistent with the performance specifications provided by the manufacturer* must be repaired or replaced in accordance with this section and NAC 444.8322 and 444.8324 . ~~[before the unit may be used.~~

~~—4.]~~ 5. If the administrative authority determines that the degradation of groundwater or the constraints of the site warrant the need for an effluent which is of higher quality than that which would be provided by a septic tank, the administrative authority may require that the individual sewage disposal system include a ~~[nitrate]~~ *nitrogen* removal wastewater treatment unit. If the administrative authority requires the use of a ~~[nitrate]~~ *nitrogen* removal wastewater treatment unit pursuant to this subsection, the owner shall not construct or install on that site an individual sewage disposal system that does not include a ~~[nitrate]~~ *nitrogen* removal wastewater treatment unit.

~~[5.— If the administrative authority requires the use of a nitrate removal wastewater treatment unit pursuant to subsection 4, the owner shall, in addition to submitting the design plans for the individual sewage disposal system to the administrative authority, apply to the administrative authority for an annual permit to operate the nitrate removal wastewater treatment unit. A permit for a nitrate removal wastewater treatment unit is valid for 1 year after the date of issuance. The owner shall include with the completed application for a permit or the renewal of a permit:~~

~~—(a) The required fee for the permit; and~~

~~—(b) A copy of a current maintenance agreement for the individual sewage disposal system and the nitrate removal wastewater treatment unit.~~

~~—6.— The administrative authority shall issue or renew, as appropriate, a permit for a nitrate removal wastewater treatment unit:~~

~~—(a) If the required fee has been paid;~~

~~—(b) If there is a current maintenance agreement with a service provider for the individual sewage disposal system that includes the nitrate removal wastewater treatment unit; and~~

~~—(c) If the individual sewage disposal system:~~

~~—(1) Has not been used, the system has been otherwise approved and inspected by the administrative authority; or~~

~~—(2) Is in use, the owner submits a report by the service provider for the individual sewage disposal system which states that the system has been inspected at least once during the previous 12 months, the system is functioning correctly and the nitrate level is 10 milligrams or less per liter.~~

~~—7.—A person who elects to use a nitrate removal wastewater treatment unit that is not otherwise required by the administrative authority pursuant to this section is exempt from the requirements for an annual permit set forth in subsections 5 and 6.]~~

6. The approved service provider shall develop and submit to the health and administrative authorities a regulatory oversight program for the use of nitrogen removal wastewater treatment units. The regulatory oversight program must include, without limitation, the legal description of each lot to be included in the program, the type and frequency of maintenance to be conducted, requirements for reporting maintenance that is conducted and provisions for addressing noncompliance with the provisions of this chapter by occupants of a building served by a nitrogen removal wastewater treatment unit. Until both the health and administrative authorities approve the regulatory oversight program in writing, the administrative authority shall not approve nitrogen removal wastewater treatment units for use.

Sec. 36. NAC 444.8322 is hereby amended to read as follows:

444.8322 1. A ~~[nitrate]~~ **nitrogen** removal wastewater treatment unit must be approved by:

(a) ~~[The National Sanitation Foundation]~~ **NSF** International pursuant to its Standard 40;

(b) Any other equivalent nationally recognized testing laboratory approved by the health authority; or

(c) The health authority.

2. ~~[/The owner of/]~~ *An application to construct* an individual sewage disposal system that includes a ~~[/nitrate/]~~ *nitrogen* removal wastewater treatment unit ~~[/shall include with the application for the review of the system by the administrative authority:/]~~

~~[/ (a) Evidence/]~~ *must include evidence* that the unit has been approved pursuant to subsection 1 . ~~[/; or/]~~

~~[/ (b) The procedures used to test the unit./]~~

3. *An individual sewage disposal system that uses a nitrogen removal wastewater treatment unit must be designed by an engineer.* The use of an individual sewage disposal system that includes a ~~[/nitrate/]~~ *nitrogen* removal wastewater treatment unit must be consistent with the approved design application and intended use for such a system.

4. A ~~[/nitrate/]~~ *nitrogen* removal wastewater treatment unit must conform with all applicable provisions of the Nevada Administrative Code and is subject to any other requirements for design that are determined necessary by the administrative authority.

5. An administrative authority may authorize a reduction in the size of the absorption area if the administrative authority requires the use of a ~~[/nitrate/]~~ *nitrogen* removal wastewater treatment unit pursuant to subsection ~~[/4/]~~ **5** of NAC 444.8321. Any reduction in the size of the absorption area must be justified by an engineer based on the conditions of the soil and constraints of the site. No direct surface discharge is permitted.

6. Except in those cases where a ~~nitrate~~ *nitrogen* removal wastewater treatment unit is required pursuant to subsection ~~4~~ 5 of NAC 444.8321, a ~~nitrate~~ *nitrogen* removal wastewater treatment unit must not be used where :

(a) *The unit requires electrical power and the* electrical service is unreliable ~~[-dependable;]~~ ;

(b) *Dependable* maintenance is not available ~~[-or]~~ ; or

(c) *The building will be occupied on a part-time basis and* intermittent use of the ~~nitrate~~ *nitrogen* removal wastewater treatment unit will adversely effect the functioning of the individual sewage disposal system.

7. The design plans for a ~~nitrate~~ *nitrogen* removal wastewater treatment unit must include a schematic detailing a 24-hour operating alarm system for the ~~nitrate~~ *nitrogen* removal wastewater treatment unit.

8. A manual for the operation and maintenance of a ~~nitrate~~ *nitrogen* removal wastewater treatment unit must be submitted to the administrative authority with the design plans. The administrative authority shall not approve a ~~nitrate~~ *nitrogen* removal wastewater treatment unit if an operation and maintenance manual has not been submitted with the design plans and approved by the administrative authority.

Sec. 37. NAC 444.8324 is hereby amended to read as follows:

444.8324 1. The construction of a ~~nitrate~~ *nitrogen* removal wastewater treatment unit must be inspected and verified by an engineer . ~~[or, if the unit is designed by a homeowner as part of a residential system for his home, the homeowner.]~~ The inspections must be conducted when:

- (a) The absorption trenches have been excavated or, if an elevated mound system is to be used, when the basal area of the mound has been scarified;
- (b) The distribution piping has been placed in the aggregate;
- (c) The system has been covered with soil; and
- (d) All the pumps, switches, alarms, aeration units and other components associated with the individual sewage disposal system have been installed. The engineer or homeowner, as appropriate, shall verify that the operational liquid levels are set as specified by the design plans.

2. ~~For a residential system designed by a homeowner that includes a nitrate removal wastewater treatment unit:~~
~~(a) The homeowner shall contact the administrative authority for an inspection of the system;~~
and

~~(b) The administrative authority shall inspect the construction of the system,~~
~~before the covering is placed on the system, to ensure that the system complies with the approved plans.~~

~~3. If an individual sewage disposal system that includes a nitrate removal wastewater treatment unit is designed by an engineer, the~~ *The* engineer shall, within 30 days after the date on which the construction of the system is completed, submit a letter to the administrative authority stating that the system was constructed in accordance with the approved plans.

Sec. 38. NAC 444.8356 is hereby amended to read as follows:

444.8356 1. If a residential system that is designed by a homeowner includes absorption trenches:

- (a) The homeowner shall contact the administrative authority for an inspection before covering the system; and

(b) The administrative authority shall inspect the construction of the system ~~and~~ *by conducting an on-site inspection or, at the discretion of the administrative authority, reviewing photographic documentation provided by the homeowner,*

↪ before the covering is placed on the system, to ensure that the system complies with the approved plans.

2. If an individual sewage disposal system that includes absorption trenches is designed by an engineer, the engineer shall, within 30 days after the date on which the construction of the system is completed, submit a letter to the administrative authority stating that the system was constructed in accordance with the approved plans.

Sec. 39. NAC 444.8362 is hereby amended to read as follows:

444.8362 1. The construction of an individual sewage disposal system that includes an absorption bed must be inspected and verified by an engineer or, if the system is designed by a homeowner as part of a residential system for his home, the homeowner. The inspections must be conducted as follows:

(a) Following excavation, the bottom of the absorption bed must be examined to ensure that there is no loose soil and that no smearing conditions exist; and

(b) Upon completion of the installation of the distribution lines in the absorption bed, the individual sewage disposal system must be inspected to ensure that the system complies with the approved design plans.

2. If a residential system that includes an absorption bed is designed by a homeowner:

(a) The homeowner shall contact the administrative authority for an inspection; and

(b) The administrative authority shall inspect the construction ~~and~~ *by conducting an on-site inspection or, at the discretion of the administrative authority, reviewing photographic documentation provided by the homeowner,*

↪ before the covering is placed on the system, to ensure that the system complies with the approved plans.

3. If an individual sewage disposal system is designed by an engineer, the engineer shall, within 30 days after the date on which construction of the system is completed, submit a letter to the administrative authority stating that the system was constructed in accordance with the approved plans.

Sec. 40. NAC 444.8366 is hereby amended to read as follows:

444.8366 1. The health authority shall provide a sizing chart for each chamber system which it approves. The sizing chart must list the number of chamber units required for a specific size of septic tank and percolation rate.

2. The percolation rate of the soil on which a chamber system is placed must not be slower than 60 minutes per inch.

3. The invert of the drain piping entering the first chamber of the system must ~~be not less than 12 inches or~~ *not be* more than 48 inches below the finished grade. *The trench depth for a chamber system must not be more than 5 feet below the finished grade.* The top of the chamber system must be at least 6 inches below the natural soil surface, and a capping fill must be placed over the top of the chamber system to allow for settling.

4. The absorption trenches for a chamber system must not be longer than 110 feet.

5. Excavations for absorption trenches for a chamber system must be spaced so that there is at least 6 feet between the trenches, as measured from the centerline of the trenches.

6. The bottom of the excavation for an absorption trench to be used in a chamber system must be level. The owner must take such precautions as are necessary to avoid compacting the bottom of the trench. Loose or smeared soil must be raked and removed. No vehicles may travel on the area of an absorption trench after the excavation of the trench.

7. Dosing is required if more than 500 linear feet of absorption trench are required.

8. If a chamber system is used in conjunction with an absorption bed rather than an absorption trench, the chamber system and the absorption bed must comply with the requirements relating to the sizing for absorption beds set forth in NAC 444.8358 and 444.8361. The sizing chart provided by the health authority pursuant to this section must not be used to size an absorption bed in which a chamber system will be placed.

Sec. 41. NAC 444.8368 is hereby amended to read as follows:

444.8368 1. The construction of an individual sewage disposal system that uses a chamber system must be inspected and verified by an engineer or, if the unit is designed by a homeowner as part of a residential system for his home, the homeowner. The inspections must be conducted as follows:

(a) Following excavation, the bottom of each absorption trench or the bottom of the absorption bed, as appropriate, must be inspected to ensure that there is no loose soil and that no smearing conditions exist; and

(b) Upon completion of the installation of the chambers in the absorption trenches or absorption bed, the individual sewage disposal system must be inspected to ensure that the chamber system and the trenches or bed, as appropriate, have been constructed and installed in accordance with the design plans.

2. If a residential system that includes a chamber system is designed by a homeowner:

(a) The homeowner shall contact the administrative authority for an inspection; and

(b) The administrative authority shall inspect the construction of the residential system ~~and~~ *by conducting an on-site inspection or, at the discretion of the administrative authority, reviewing photographic documentation provided by the homeowner,*

↪ before the covering is placed on the system, to ensure that the system complies with the approved plans.

3. If an individual sewage disposal system is designed by an engineer, the engineer shall, within 30 days after the date on which the construction of the individual sewage disposal system is completed, submit a letter to the administrative authority stating the system was constructed in accordance with the approved plans.

Sec. 42. NAC 444.839 is hereby amended to read as follows:

444.839 1. An elevated mound system must not be constructed on a slope that is:

(a) Greater than 6 percent, if the soils comprising the slope have percolation rates that are slower than 60 minutes per inch; or

(b) Greater than 12 percent, if the soils comprising the slope have percolation rates that are equal to or faster than 60 minutes per inch.

2. At least 4 feet of unsaturated soil or fill material, or any combination thereof, must be maintained between the top of the seasonal high groundwater table or any impervious barrier such as bedrock. On sloping sites, the depth of unsaturated soil and fill material must be increased to maintain a level bed.

3. Percolation tests must be conducted at the depth anticipated by the engineer as being the point of interface of the native soil and sand fill, and at a depth of 20 inches below the surface of

the native soil. The size of the required basal area of the elevated mound system must be based on the slowest percolation rate.

4. The fill material for the elevated mound system must meet the following criteria:

| Sieve Size | Percent by Weight Passing Sieve |
|------------|---------------------------------|
| 3/8 inch | 100 |
| No. 4 | 95-100 |
| No. 8 | 80-100 |
| No. 16 | 45-85 |
| No. 30 | 15-60 |
| No. 50 | 3-15 |
| No. 100 | 0-4 |

5. Whenever practical, the bed for an elevated mound system must be a rectangular bed with a long axis that is parallel to the contour of the slope to minimize the possibility of seepage from

the base of the elevated mound. ~~If the natural soil has a percolation rate that is slower than 60 minutes per inch, the bed must be made narrow and extend along the contour of the slope as far as practical.~~ *The minimum area of the bed must be based on an estimated flow of 150 gallons per day per bedroom and a design application rate of 1.2 gallons per day per square foot.* The bed must be filled with at least 9 inches of clean, graded aggregate that ranges in size from 3/4 to 2 1/2 inches.

6. The basal area of an elevated mound system must be sufficiently large enough to absorb the wastewater before it reaches the perimeter of the elevated mound to avoid the surfacing of the effluent. The ~~infiltration rates for determining the size of the basal area of an elevated mound system are~~ *minimum basal area must be based on the minimum capacity for a septic tank required by NAC 444.8306 and a design infiltration rate* as follows:

| Percolation Rate (minutes per inch) | Infiltration Rate (gallons per day per square foot) |
|-------------------------------------|---|
| 0-30 | 1.2 |
| 31-45 | .75 |
| 46-60 | .50 |
| 61-120 | .25 |

7. If the site on which an elevated mound system will be located is:

(a) Flat, the entire basal area, calculated as length multiplied by width, must be used to determine the area needed for the elevated mound system.

(b) Sloping, only the area below and down slope from the absorption bed, calculated as $W \times (A + I)$, must be used to determine the area needed for the elevated mound system, where:

(1) "W" equals the width of the absorption bed;

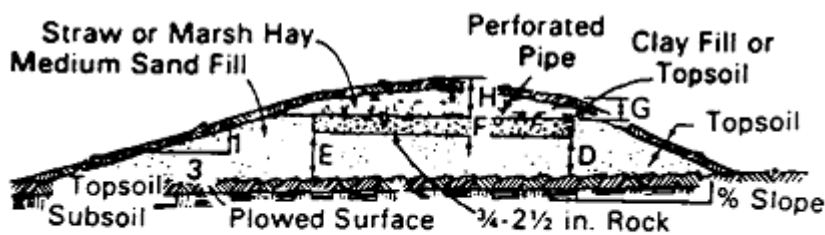
(2) "A" equals the length of the absorption bed; and

(3) "I" equals the required side slope of the elevated mound system as measured from the edge of the absorption bed to the perimeter of the mound in accordance with subsection 8.

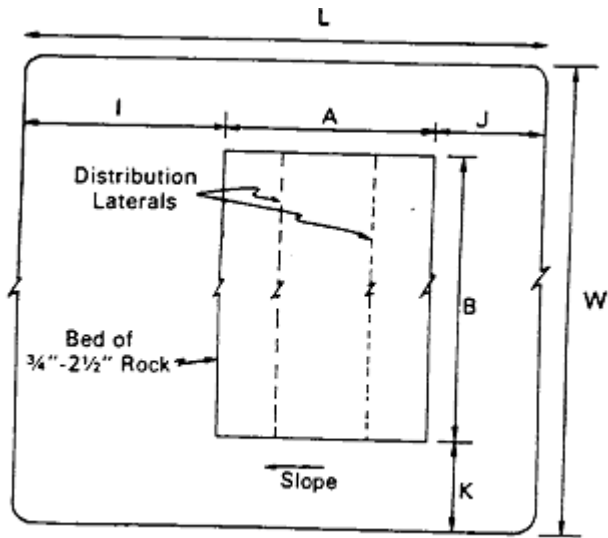
8. The side slopes of the elevated mound system must extend in a horizontal to vertical ratio that is at least 3 to 1. The entire absorption bed must be covered with at least 1 foot of topsoil. The topsoil cap, which must be placed at the center of the mound, must maintain a minimum slope of 2 percent away from the crown. Untreated building paper, straw, geotextile fabric, or any similar covering approved by the health authority, must be placed over the aggregate in the absorption bed before the topsoil is placed.

9. At least one observation standpipe which extends down to the fill sand must be installed in the absorption bed.

10. The following is a diagram of an elevated mound:



(A) Cross Section



(B) Plan View

Sec. 43. NAC 444.7602, 444.8308, 444.831 and 444.8312 are hereby repealed.

TEXT OF REPEALED SECTIONS

444.7602 “Dry well” defined. (NRS 439.200, 444.650) “Dry well” means a covered excavation in the ground which receives the discharge of clear rainwater, surface water or groundwater collected in a footing or drain.

444.8308 Capacity of septic tank serving multiple-dwelling structure. (NRS 439.200, 444.650)

1. The minimum capacity of a septic tank that is used to serve a multiple-dwelling structure must be calculated based on the number of units in the structure, in accordance with the following table:

| Number of Units Within the Multiple-Dwelling Structure | Minimum Septic Tank Capacity (in Gallons) |
|--|---|
| 2 | 1,200 |
| 3 | 1,500 |
| 4 | 2,000 |
| 5 | 2,250 |
| 6 | 2,500 |
| 7 | 2,750 |
| 8 | 3,000 |
| 9 | 3,250 |
| 10 | 3,500 |

2. If there are more than 10 units in a multiple-dwelling structure, 250 gallons for each such additional unit must be added to the minimum capacity determined pursuant to subsection 1.

3. For the purposes of determining the minimum capacity of a septic tank pursuant to subsection 1, each unit in a multiple-dwelling structure shall be deemed to contain only one bedroom. If any unit in the multiple-dwelling structure contains more than one bedroom, 150 gallons for each such additional bedroom must be added to the minimum capacity determined pursuant to subsection 1.

444.831 Capacity of septic tank serving hotel or motel. (NRS 439.200, 444.650)

1. The minimum capacity of a septic tank that is used to serve a hotel or motel must be calculated based on the estimated flow of sewage from the hotel or motel, which shall be deemed to be 60 gallons per day for each bed within the hotel or motel that is a double bed or larger in size. If the total estimated flow of sewage from the hotel or motel:

(a) Is 1,500 gallons or less per day, the minimum capacity of the septic tank is equal to the total estimated flow times 1.5.

(b) Is more than 1,500 gallons per day, the minimum capacity of the septic tank is equal to the total estimated flow times 0.75, plus 1,125 gallons.

2. For the purposes of this section, two twin beds shall be deemed to be equivalent in size to one double bed.

444.8312 Capacity of septic tank serving certain commercial structures. (NRS 439.200, 444.650)

1. The minimum capacity of a septic tank that is used to serve a commercial structure which is not otherwise covered by NAC 444.8308 or 444.831 must be:

(a) Calculated based on the estimated flow of sewage from the commercial structure, in accordance with the table set forth in subsection 2; and

(b) Calculated based on the number of fixture units in the commercial structure that will be served by the septic tank, in accordance with the table set forth in subsection 3.

↪ The calculation that produces the greater septic tank capacity must be used to design the individual sewage disposal system for the commercial structure.

2. To determine the estimated flow of sewage from the commercial structure pursuant to paragraph (a) of subsection 1:

(a) Examine the following table and determine the occupancy or occupancies that most closely correlate to the intended occupancy of the commercial structure.

| TYPE OF OCCUPANCY | ESTIMATED FLOW OF SEWAGE (GALLONS PER DAY) |
|---|---|
| Airports | 15 per employee and 5 per customer |
| Automobile washes | 5 per passenger vehicle |
| Bowling alleys | 75 per lane |
| Camps: | |
| Campground with central comfort station | 35 per person |
| With flush toilets, no showers | 25 per person |
| Day camps (no meals served) | 15 per person |
| Summer and seasonal | 50 per person |
| Churches: | |
| Sanctuary only | 5 per seat |
| With kitchen facilities | 7 per seat |
| Dance halls | 5 per person |
| Factories: | |
| With showers | 35 per employee |
| Without showers | 25 per employee |
| With cafeteria facilities | Add 5 per employee |
| Hospitals: | 250 per bed |

| TYPE OF OCCUPANCY | ESTIMATED FLOW OF SEWAGE (GALLONS PER DAY) |
|--|---|
| With kitchen facilities | Add 25 per bed |
| With laundry facilities | Add 40 per bed |
| Institutions (Residential): | |
| General | 75 per person |
| Nursing homes | 125 per person |
| Rest homes | 125 per person |
| Laundries: | |
| Self-service (open a minimum of 10 hours per day) | 50 per wash cycle |
| Commercial | Per manufacturer's specifications |
| Mobile home parks | 250 per space |
| Offices | 20 per employee |
| Picnic parks (with toilets only) | 20 per parking space |
| Recreational vehicles: | |
| With water hookups | 100 per space |
| Without water hookups | 75 per space |
| Restaurants and cafeterias: | 20 per employee |
| With toilets | Add 7 per customer |
| With cocktail lounge | Add 2 per meal served |
| With garbage disposal | Add 1 per meal served |

| TYPE OF OCCUPANCY | ESTIMATED FLOW OF SEWAGE (GALLONS PER DAY) |
|--|---|
| With kitchen waste | Add 6 per meal served |
| With kitchen waste, disposable service | Add 2 per meal served |
| Schools: | |
| Teaching staff and other employees | 20 per person |
| Kindergarten or elementary school | 15 per pupil |
| Junior high school, middle school or high school | 20 per pupil |
| With gym and showers | Add 5 per pupil |
| With cafeteria | Add 3 per pupil |
| Boarding school (including all waste) | 100 per person |
| Service stations: | |
| With toilets | 1,000 for first bay |
| Each additional bay | Add 500 |
| Stores: | |
| Staff | 20 per employee |
| With public restroom | 1 per 10 square feet of floor space |
| Swimming pools (public) | 10 per person |
| Theaters and auditoriums: | |
| Indoor | 5 per seat |
| Drive-in | 10 per space |

(b) If the estimated flow of sewage for the intended occupancy is 1,500 gallons or less per day, the minimum required capacity of the septic tank is equal to the estimated flow times 1.5.

(c) If the estimated flow of sewage for the intended occupancy is more than 1,500 gallons per day, the minimum required capacity of the septic tank is equal to the estimated flow times 0.75, plus 1,125 gallons.

3. To determine the number of fixture units in the commercial structure that will be served by the septic tank pursuant to paragraph (b) of subsection 1:

(a) Examine the following table and, for each type of fixture to be served by the septic tank, determine the number of such fixtures to be used and multiply that number by its corresponding number of fixture units:

| TYPE OF FIXTURE | FIXTURE UNITS |
|--|---------------|
| Bathtub | 2 |
| Bidet | 2 |
| Dental unit or cuspidor | 1 |
| Drinking fountain | 1 |
| Floor drain | 2 |
| Interceptor: | |
| For items such as grease, oil or solids | 3 |
| For items such as sand or waste from automobile washes | 6 |
| Laundry tub | 2 |
| Machine for washing clothes | 2 |
| Receptor: | |

| TYPE OF FIXTURE | FIXTURE UNITS |
|---|---------------|
| Indirect waste receptor for items such as refrigerators, coffee urns or water stations | 1 |
| Indirect waste receptor for items such as commercial sinks, dishwashers or air washers | 3 |
| Shower, single stall | 2 |
| Sink: | |
| Bar, private (1 1/2 in or 38.1 mm minimum waste) | 1 |
| Bar, commercial (2 in or 50.8 mm minimum waste) | 2 |
| Commercial, industrial or school, including dishwashers, wash-up sinks, and wash-up fountains (2 in or 50.8 mm minimum waste) | 3 |
| Flushing rim, clinic | 6 |
| Residential, with or without dishwasher (2 in or 50.8 mm minimum waste) | 2 |
| Service | 3 |
| Mobile home park trap (one for each trailer) | 6 |
| Urinal, pedestal, trap arm only | 6 |
| Urinal, stall, separate trap | 2 |
| Urinals, wall mounted (2 in or 50.8 mm minimum waste), washout, separate trap | 2 |
| Urinal, wall mounted, washdown or siphon jet, integral trap, trap arm only | 2 |

| TYPE OF FIXTURE | FIXTURE UNITS |
|---|---------------|
| Urinal, wall mounted, blowout, integral trap, trap arm only | 6 |
| Washbasin (lavatory) single | 1 |
| Washbasin, in sets | 2 |
| Water closet, public installation, trap arm only | 6 |

(b) Add together the numbers calculated pursuant to paragraph (a) for each type of fixture.

The sum represents the maximum number of fixture units that will be served by the septic tank.

Based on that number, determine the minimum required capacity of the septic tank pursuant to the following table:

| MAXIMUM NUMBER OF FIXTURE UNITS SERVED | SEPTIC TANK CAPACITY (GALLONS) |
|---|-----------------------------------|
| 20 | 1,000 |
| 25 | 1,200 |
| 33 | 1,500 |
| 45 | 2,000 |
| 55 | 2,250 |
| 60 | 2,500 |
| 70 | 2,750 |
| 80 | 3,000 |
| 90 | 3,250 |

| MAXIMUM NUMBER OF FIXTURE UNITS SERVED | SEPTIC TANK CAPACITY (GALLONS) |
|---|-----------------------------------|
| 100 | 3,500 |

(c) If there are more than 100 fixture units, 25 gallons must be added to the minimum required capacity of the septic tank for each such additional fixture unit.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R100-07**

The State Board of Health adopted regulations assigned LCB File No. R100-07 which pertain to chapters 444 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

- 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.**

How public comment was solicited

Pursuant to NRS 233B.0608 (2)(a), BHPS has consulted with owners and officers of all small businesses that are likely to be affected by the proposed regulation via informal meetings, telephone and written correspondence.

Comment was solicited from the regulated community, in that each permitted operator, installer and designer regulated by Nevada Administration Code (NAC) 444 "Sanitation" was sent a copy of the small business impact questionnaire and instructions how to view the proposed regulations on August 6, 2007. Notice of the proposed changes were sent to all Bureau offices, main county libraries and facilities on the Health Division listing for posting of proposed regulations. All the above were notified by direct mailing of scheduled workshops. Notice of proposed workshop was published on August 6, 2007 in the Reno Gazette-Journal, Las Vegas Review-Journal, Nevada Appeal and the Elko Daily Free Press. The public workshop was held at 9:30 a.m. on August 21, 2007, by videoconference between Bureau of Licensure and Certification, 1550 East College Parkway, Suite 158, Carson City, Nevada, Bureau of Licensure and Certification, 4220 South Maryland Parkway, Suite 810, Las Vegas, Nevada, and Great Basin College, Griswold Hall, 701 Walnut Street, Elko, Nevada.

Summary of response

One telephone call was received relating to NAC 444.

Nineteen (19) Small Business Impact Questionnaires (SBIQ) were received.

Six (6) workshop attendees testified. Two (2) submitted written statements at the workshop.

How interested parties may obtain a copy of the summary

A summary of the response can be obtained by contacting:

Joe Pollock
Public Health Engineer

Environmental Health Section
Bureau of Health Protection Services
4150 Technology Way, Suite 300
Carson City, Nevada 89706
Telephone: 775-687-7537
Fax: 775-687-7552

2. **The number of persons who:**
 - a. **Attended the hearing: 4**
 - b. **Testified at the hearing: 3**
 - c. **Submitted to the agency written statements: 0**

3. **The estimated economic effect of the proposed regulation on the small business which it is to regulate including, without limitation both adverse and beneficial effects and both direct and indirect effects.**
 - (a) Estimated economic effect:
 - (1) Regulated businesses:
Based on the comments from the majority of the questionnaires and the workshop, the proposed changes will not have an adverse economic effect.
 - (2) Public:
Based on the comments from the majority of the questionnaires and workshop, the proposed changes will not have an adverse economic effect.
 - (b) Immediate and long term effects:
 - (1) Regulated businesses:
Based on the comments from the majority of the questionnaires and workshop, the proposed changes will not have an adverse economic effect.
 - (2) Public:
Based on the comments from the majority of the questionnaires and workshop, the proposed changes will not have an adverse economic effect.

4. **A description of the methods that BHPS considered to reduce the impact of the proposed regulation on small businesses and statement regarding whether the agency actually used those methods.**

In considering methods to reduce the impact of the proposed regulation on small businesses as required by NRS 233B.0608 (2) (b) (1), the agency shall consider simplifying the proposed regulation.

No new regulations were added. The fees were only increased to cover the cost of operating the program.

In considering methods to reduce the impact of the proposed regulation on small businesses as required by NRS 233B.0608 2 (b) (2), the agency shall consider establishing different standards of compliance for a small business.

Several fee categories were less for smaller businesses including facilities for sanitation for camping spaces, labor camps and mass gatherings. The larger the facility, the higher the fee.

In considering methods to reduce the impact of the proposed regulation on small businesses as required by NRS 233B.0608(2) (b) (3), the agency shall consider modifying a fee or fine set forth in the regulation so that a small business is authorized to pay a lower fee or fine.

There are no fines included in the proposed changes to NAC 444. Fees established are less than many surrounding states and counties in Nevada.

5. If the regulation was adopted with changes to any part of the proposed regulation, explain the reasons for making the changes to the regulations as proposed.

The proposed changes to NAC 444.002(4)c will now read: be applied in such a manner as to ensure that disinfection is achieved.

The proposed changes to NAC 444.784(5)b will now read: A community sewerage system is installed to service the area, is available and passes through or is in physical contact with the property line or is located adjacent to the property in a street or right of way that abuts upon the property line.

The proposed changes to NAC 444.786(1)b will now read: A community sewerage system is available and passes through or is in physical contact with the property line or is located adjacent to the property in a street or right of way that abuts upon the property line: or

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

The estimated cost to the agency for implementing the enforcement of the proposed regulations is minimal.

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 federal agency.

No overlap or duplication.

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

No federal regulation regulates the same activities in Nevada as those regulated under NAC 444.

9. Total amount BHPS expects to collect from any fees and the manner in which the money will be used.

BHPS expects to collect additional fee revenue of approximately \$246,485 per year from the increased fees. It is planned that this money will fund the inspection and enforcement of the sanitation program which includes ensuring establishments are inspected at the frequencies established in the Nevada Revised Statutes (NRS).