

# **Permanent Regulation - Informational Statement**

A Permanent Regulation Related to Water Pollution Control

Legislative Review of Adopted Permanent Regulations as Required  
by Administrative Procedures Act, NRS 233B.066

## **State Environmental Commission (SEC) Permanent No: R155-17**

### **Permanent Regulation R155-17:**

Nevada Revised Statutes (NRS) 445A.425, Powers and duty of Commission, establishes the authority of the State Environmental Commission to adopt regulations carrying out the provisions of NRS 445A.300 to 445A.730, Water Pollution Control Law, inclusive, including standards of water quality and amounts of waste that may be discharged into waters of the State and controlling the injection of fluids through a well.

### **SPECIFIC CHANGES:**

The Division modified the regulations pertaining to wastewater operator certification; plants for sewage treatment classification (NAC 445A.286, NAC 445A.287, NAC 445A.288, NAC 445A.289, NAC 445A.290, NAC 445A.292). The Division modified requirements for the certification and renewal of wastewater operator certifications; added ascending education requirements; added continuing education units for renewals; and increased initial, renewal, and reciprocity fees. The Division also modified the classification levels of plants for wastewater treatment, removing plant capacity as a key factor in plant classifications and base plant classification of treatment technology.

Additionally, the Division modified NAC 445A.867 (6) in the underground injection control program (UIC) to require all wells within an area of review of a UIC permit to have proper corrective actions completed as opposed to just injection wells.

### **1. Need for Regulation:**

Nevada is one of the few states in the United States that does not have education and continuing education requirements for initial, reciprocal, and renewal certifications for professional wastewater operators. These changes make Nevada consistent with the requirements for the Association of Boards of Certification, strengthening the program to better safeguard State waters.

Inclusion of all wells to have corrective actions completed within the area of review

will better safeguard State waters. Issues may arise from UIC operations in an area of review if wells do meet standards.

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

On January 31, 2018, a workshop was held in Las Vegas at the Grant Sawyer Building, 555 E. Washington Ave. On February 5, 2018 a workshop was held in Carson City at the Bryan Building, 901 S. Stewart St. and on February 8, 2018 a workshop was held in Elko at the Elko City Hall located at 1751 College Ave.

A total of twenty-nine (29) members of the public attended the workshops.

Questions from the public presented at the workshop were addressed by NDEP staff; summary minutes of the workshop are posted on the SEC website at: [http://sec.nv.gov/main/hearing\\_0218.htm](http://sec.nv.gov/main/hearing_0218.htm).

Following the workshop, the SEC held a formal regulatory hearing on February 21, 2018 at the Legislative Building, Room 2134, located at 401 South Carson Street and video-conferenced in Las Vegas at the Grant Sawyer Building, Room 4406, located at 555 East Washington Ave. A public notice for the regulatory meeting was posted at the meeting location, at the State Library in Carson City, at NDEP in Las Vegas, at the Division of Minerals in Carson City, at the Department of Agriculture, on the LCB website, on the Division of Administration website and on the SEC website.

Copies of the agenda, the public notice, and the proposed permanent regulation R155-17 were also made available at all public libraries throughout the state as well as to individuals on the SEC mailing list and the Bureau of Water Pollution Control's electronic mailing list.

The public notice for the proposed regulation was published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the SEC regulatory meeting. Other information about this regulation was made available on the SEC website at: [http://sec.nv.gov/main/hearing\\_0218.htm](http://sec.nv.gov/main/hearing_0218.htm) .

**3. The number of persons who attended the SEC Regulatory Hearing:**

- (a) Attended February 21, 2018 hearing: 8 (approximately)
- (b) Testified on this Petition at the hearing: 3

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(c) Submitted to the agency written comments: 3

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**4. 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 affected businesses through e-mail, public workshops and at the February 21, 2018 SEC hearing as noted in number 2 above.

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

The proposed regulation was adopted with minor changes that were not substantive as determined by LCB.

**6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.**

Regulated Business/Industry. The proposed fee increase applies to individual wastewater operators. If a wastewater treatment plant elects to pay the certification fee for its plant operator(s), it would be voluntary and the impact would be minimal.

Public. The regulation will have no economic impact on the public.

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

Enforcing Agency. Costs incurred by the Division for the enforcement of the proposed regulations will be covered by the increased certification fees.

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

The proposed regulations do not overlap nor duplicate any regulations of other State or Governmental agencies.

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

The regulation is no more stringent than what is established by federal law.

**10. 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 proposed regulations includes an increase of fees for initial, reciprocal, and renewal operator certifications. Initial certification fees will be raised to \$140, renewals will be raised to \$110, and reciprocity will be raised to \$150. The increased fees for certification will be used by the agency to fund the certification program and to compensate for the time and resources that will be required to review applications with the added education and CEU requirements.