

Permanent Regulation - Informational Statement

A Permanent Regulation Related to Safe Drinking Water

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

State Environmental Commission (SEC) Permanent No: R049-18

Permanent Regulation R049-18:

Nevada Revised Statutes (NRS) 445A.860 establishes the authority of the State Environmental Commission (SEC) to adopt regulations necessary for the construction, operation, and maintenance of public water systems if those activities affect the quality of water.

SPECIFIC CHANGES:

The NDEP amended NAC 445A to revise certain definitions, amend the time frame for initiation and completion of a water project, provide clarifications for how NDEP will manage determinations of "lead free" and compatibility with drinking water construction, provide clarification and updates for use of documents adopted by reference, modify the definition of "sewer main," provide clarifications for utility "separations and crossings" regulations, and provide clarification on backflow prevention for fire hydrants connected to public water mains.

1. Need for Regulation:

The public water system engineering design regulations have not been substantially revisited since 1997. Since that time, construction materials and methods have improved, warranting the need to revisit the regulations. A broad workgroup of statewide stakeholders was convened by the NDEP, including local health districts, city and county public work departments, large and small water systems, engineers, builders, and attorneys, totaling approximately 40 individuals. The NDEP considered the proposed amendments as a result of discussions and recommendations from the workgroup.

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 May 17, May 18 and June 8, 2018 NDEP conducted public workshops on regulation R049-18. The workshops were held in Carson City, Las Vegas, and again in Carson City.

The workshop location in Carson City for both workshops was the Bryan Building, 901 South Stewart Street. The workshop in Las Vegas was at the NDEP office located at 2030 East Flamingo Road, Suite 230.

Twenty-five (25) members of the public attended the workshops, in total.

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_0518.htm.

Following the workshop, the SEC held a formal regulatory hearing on June 27, 2018 at the Legislative Building, Room 3138, located at 401 South Carson Street and video-conferenced in Las Vegas at the Grant Sawyer Building, Room 4412E, 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 R049-18 were also made available at all public libraries throughout the state as well as to individuals on the SEC electronic mailing list and the Bureau of Safe Drinking Water 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_0518.htm.

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

- (a) Attended June 27, 2018 hearing: 25 (approximately)
- (b) Testified on this Petition at the hearing: 4

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(c) Submitted to the agency written comments: 1

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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 June 27, 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 regulation was adopted without change because the public and the SEC were satisfied with the proposed amendments.

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

Regulated Business/Industry. There will be no adverse economic impacts on the regulated community as a result of the amendments. They provide clarification and reduce redundancy, which will improve process efficiency.

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. The regulation will have no economic impact on NDEP.

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 regulation does not overlap any other State or federal regulations.

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 regulation does not address new fees.