

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB FILE NO. R155-22I

**The following document is the initial draft regulation proposed
by the agency submitted on 06/30/2022**

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THE STATE ENVIRONMENTAL COMMISSION**

File No. P2022-08

June 29, 2022

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

AUTHORITY: §§1-3, NRS 445A.860.

Section 1: NAC 445A.603 is hereby amended to read as follows:

Application for permit: Submission; required fee and documents.

1. An applicant for a permit to operate a water system shall submit four copies of a completed application form to the Division.
2. An application must be accompanied by:
 - (a) An application fee of [~~\$500~~] *\$800*.
 - (b) The financial information required by NAC 445A.605.
 - (c) Evidence that the conditions prescribed by subsections 1 and 4 of NRS 445A.895 have been met.
 - (d) The names, addresses and qualifications of each person or entity who will be responsible for the operation, maintenance or management of the water system, including:
 - (1) The technical background or experience of each person or entity;
 - (2) The classification and type of certificate issued to the operator pursuant to NAC 445A.617 to 445A.652, inclusive, if applicable; and
 - (3) A list of the professional water industry organizations in which each person or entity is a member.
 - (e) A description of any governing board of the water system.
 - (f) A plan for the operation, maintenance and management of the water system, including:

(1) A program for the control of cross-connections;

(2) The procedures, methods, schedules and locations for production metering, testing pressure and testing customer's meters, if any; and

(3) A program for testing the quality of the water to ensure compliance with the provisions of NAC 445A.450 to 445A.492, inclusive.

(g) A plan for a sanitary survey to evaluate past and present sources of pollution which might affect the quality of the water system's source of water, including sanitary sewage, landfills, salt storage and commercial or industrial facilities which might affect the quality of the water system's source of water.

(h) A plan for action and proper notification of authorities in the event of a hurricane, typhoon, tornado, storm, flood, high water, wind-driven water, earthquake, volcanic eruption, landslide, mud slide, snowstorm, drought, fire, explosion, electrical outage, attack, sabotage or toxic spill or other spill that could pose a health hazard.

(i) Information from the State Engineer regarding water rights affecting the water system, the status of such water rights and the source of the water.

Sec. 2: NAC 445A.6664 is hereby amended to read as follows:

Prescribed fees.

1. The Division shall charge and collect fees for its service, as follows:

(a) Except as otherwise provided in subsection 2 of NAC 445A.6669, for reviewing an application for a permit to construct, modify or expand a public water system:

(1) If the public water system is a community water system *or nontransient water system*:

~~[(1) For reviewing on-site or off-site improvement plans for the construction of a new community water system within an existing subdivision or for a new subdivision or for the modification~~

~~or expansion of an existing community water system within an existing subdivision..... : \$250 Plus \$3 for each connection for supply of water to customers.~~

~~————(II) For reviewing plans to construct, modify or expand a community water system which is not part of a subdivision.....300~~

~~————(III) For reviewing plans to construct, modify or expand a treatment facility of a community water system.....0.1 percent of the capital cost of the treatment facility, not to exceed \$3,250~~

~~————(2) If the public water system is not a community water system, for reviewing any plans to construct, modify or expand the public water system.....200]~~

(I) A \$200 application fee, and

(1) \$900 review fee for an engineering report or preliminary engineering report;

(2) For reviewing plans to construct, modify, or expand a treatment facility review fee to be 0.1 percent of the capital cost of the treatment facility, not to be less than \$700;

(3) \$600 review fee to construct, renovate, modify, or expand a disinfection facility;

(4) \$1,000 review fee to construct, renovate, modify, or expand a well facility;

(5) \$800 review fee to construct, renovate, modify, or expand a spring facility;

(6) \$1,000 review fee to construct, renovate, modify, or expand a pumping facility;

(7) \$900 review fee to construct, renovate, modify, or expand a storage facility;

(8) \$600 review fee to construct, renovate, modify, or expand a distribution system <1,000 linear feet;

(9) \$800 review fee to construct, renovate, modify, or expand a distribution system 1,000-10,000 linear feet;

(10) \$900 review fee to construct, renovate, modify, or expand a distribution system > 10,000 linear feet;

(11) \$800 review fee for a plan to operate a community or nontransient water system submitted pursuant to NAC 445A.5921.

(12) \$600 review fee for water hauling.

↳ For the calendar year beginning on January 1, 2024, and for each calendar year thereafter, the Director shall increase each fee required by this subsection by an amount that is equal to 3 percent of the fee for the immediately preceding fiscal year. The Director of the Department of Conservation and Natural Resources or the Director's designee may, for any individual fiscal year, suspend an increase in a rate or fee specified in this subsection.

(2) If the public water system is a transient water system:

(I) A \$100 application fee, and

(1) \$500 review fee for an engineering report or preliminary engineering report;

(2) For the reviewing plans to construct, modify or expand a treatment facility review fee to be 0.1 percent of the capital cost of the treatment facility, not be less than \$400;

(3) \$400 review fee to construct, renovate, modify, or expand a disinfection facility;

(4) \$600 review fee to construct, renovate, modify, or expand a well facility;

(5) \$500 review fee to construct, renovate, modify, or expand a spring facility;

(6) \$600 review fee to construct, renovate, modify, or expand a pumping facility;

(7) \$500 review fee to construct, renovate, modify, or expand a storage facility;

(8) \$400 review fee to construct, renovate, modify, or expand a distribution system <1,000 linear feet;

(9) \$500 review fee to construct, renovate, modify, or expand a distribution system 1,000-5,000 linear feet;

(10) \$600 review fee to construct, renovate, modify, or expand a distribution system > 5,000 linear feet;

(11) \$300 review fee for water hauling.

↪ For the calendar year beginning on January 1, 2024, and for each calendar year thereafter, the Director shall increase each fee required by this subsection by an amount that is equal to 3 percent of the fee for the immediately preceding fiscal year. The Director of the Department of Conservation and Natural Resources or the Director’s designee may, for any individual fiscal year, suspend an increase in a rate or fee specified in this subsection.

(b) For issuing an annual permit to operate a public water system:

(1) If the system is a community water system:

Number of connections for service to customers			
25		or less.....	[\$225] \$369
26	-	3,000.....	[225] 369
			Plus 75 cents for each connection for service between 26 and 3,000 connections.
3,001	-	10,000.....	[2,500] 4,100
			Plus 60 cents for each connection for service between 3,001 and 10,000 connections.
10,001	-	50,000.....	[6,700] 10,988

			Plus 25 cents for each connection for service between 10,001 and 50,000 connections.
50,001	-	100,000.....	[16,700] 27,388
			Plus 10 cents for each connection for service between 50,001 and 100,000 connections.
over		100,000.....	[21,700] 35,588

	CY 2023	CY 2024	CY 2025
(2) If the system is not a community water system and regularly serves at least 25 of the same persons for more than 6 months per year.....	[225] 270	320	369
(3) If the system is not a community water system or a public water system that serves at least 25 of the same persons for more than 6 months per year.....	[100] 120	140	164

(c) Except as otherwise provided in subsection 2, for issuing an annual permit to operate a treatment facility based on the capacity of the treatment facility as follows:

(1) Less than 500,000 gallons per day.....	[\$150] \$234
(2) At least 500,000 gallons per day but less than 1 million gallons per day.....	[250] 390
(3) At least 1 million gallons per day but less than 5 million gallons per day.....	[1,500] 2,340

(4) At least 5 million gallons per day but less than 10 million gallons per day.....	[2,000] 3,122
(5) At least 10 million gallons per day but less than 50 million gallons per day.....	[3,000] 4,683
(6) At least 50 million gallons per day but less than 100 million gallons per day.....	[4,000] 6,244
(7) At least 100 million gallons per day or more.....	[7,500] 11,708

(d) For issuing an annual permit to operate a water hauling truck: \$369.

(e) After twelve months of public water system activation, for issuing an annual compliance monitoring fee for a public water system that has not been approved to be issued a permit to operate: \$500

2. An applicant for a permit to operate a treatment facility that only provides treatment related to chlorination is not required to pay the fees set forth in paragraph (c) of subsection 1.

3. As used in this section:

(a) “Capital cost of the treatment facility” means the cost estimated by an engineer to construct, modify or expand the treatment facility.

(b) “Community water system” means a public water system which:

- (1) Has at least 15 service connections used by residents for an entire year; or
- (2) Regularly serves at least 25 residents for an entire year.

Sec. 3: NAC 445A.6664 is hereby amended to read as follows:

Prerequisites to commencement of water project; waiver of prerequisites; exceptions.

1. Except as otherwise provided in this section, a supplier of water shall, before commencing a water project, *an engineering report per NAC 445A.530, a preliminary engineering report per NAC 445A.54026, or a plan to operate per NAC 445.5921:*

(a) Submit to the Division or the appropriate district board of health, with the appropriate fees, an application for approval of the water project that complies with the requirements of NAC 445A.66695;

(b) Submit any monitoring results, reports or documentation required by NAC 445A.5195 for monitoring the quality of the source water and NAC 445A.526 for disinfection profiling and benchmarking;
and

(c) Obtain a review and the written approval of the Division or the appropriate district board of health for the water project.

2. The Division or the appropriate district board of health may waive the provisions of subsection 1 if:

(a) The water project is limited to a modification or expansion of a distribution system which:

(1) Involves 500 feet or less of the distribution system;

(2) Affects not more than 5 percent of the total number of service connections to the public water system; or

(3) Increases the total number of service connections to the public water system by not more than 5 percent;

(b) The water project otherwise complies with the provisions of NAC 445A.65505 to 445A.6731, inclusive; and

(c) The supplier of water:

(1) Employs or contracts with an engineer to carry out the provisions of NAC 445A.66705 regarding the water project;

(2) Submits to the Division or the appropriate district board of health a copy of its manual of operations and maintenance for the public water system; and

(3) Submits to the Division or the appropriate district board of health annual reports which:

(I) Summarize the status of work on the water project; and

(II) Contain maps depicting the distribution system, as it is being built.

3. The provisions of subsection 1 do not apply to any activities necessary for:

(a) The maintenance of any facilities of a public water system, except for the relining or recoating of storage tanks; or

(b) The repair of any facilities of a public water system in an emergency. The supplier of water shall notify the Division or the appropriate district board of health immediately, by telephone, when an emergency exists that threatens the quality of water.