

ADOPTED REGULATION OF THE STATE BOARD OF HEALTH

LCB File No. R073-99

Effective September 27, 1999

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

AUTHORITY: §§1 to 18, NRS 439.200 and 445A.860.

Section 1. Chapter 445A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 18, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Bureau” means the bureau of health protection services of the health division.*

Sec. 4. *“Community water system” has the meaning ascribed to it in section 3 of chapter 392, Statutes of Nevada 1999, at page 1865.*

Sec. 5. *“Financial capability” has the meaning ascribed to it in section 4 of chapter 392, Statutes of Nevada 1999, at page 1865.*

Sec. 6. *“Health division” means the health division of the department of human resources.*

Sec. 7. *“Managerial capability” has the meaning ascribed to it in section 5 of chapter 392, Statutes of Nevada 1999, at page 1865.*

Sec. 8. *“Nontransient water system” has the meaning ascribed to it in section 7 of chapter 392, Statutes of Nevada 1999, at page 1865.*

Sec. 9. "Plan" means the plan prepared by a supplier of water that is submitted to and approved by the health division in accordance with the provisions of sections 2 to 18, inclusive, of this regulation.

Sec. 10. "Service connection" has the meaning ascribed to it in section 9 of chapter 392, Statutes of Nevada 1999, at page 1865.

Sec. 11. "Supplier of water" has the meaning ascribed to it in NAC 445A.6648.

Sec. 12. "Technical capability" has the meaning ascribed to it in section 10 of chapter 392, Statutes of Nevada 1999, at page 1865.

Sec. 13. 1. Each supplier of water who intends to begin operation of a community water system or nontransient water system on or after October 1, 1999, must, before beginning operation of the water system, submit a plan to the health division for its approval.

2. The health division shall not issue a permit to a supplier of water to operate a community water system or nontransient water system specified in subsection 1 unless it has approved a plan for the system pursuant to the provisions of sections 2 to 18, inclusive, of this regulation.

Sec. 14. A plan submitted pursuant to the provisions of section 13 of this regulation must include:

1. A description of the community water system or nontransient water system that includes, without limitation:

(a) A legal description of the proposed area of service for the system, including, without limitation, a map indicating the layout of the system and the township, range and section in which the system is located;

- (b) The purpose of the system and a plan to resolve any problems that may arise concerning the operation of the system;*
 - (c) A program for the control of cross-connections established in accordance with the provisions of NAC 445A.67185;*
 - (d) A plan for the restoration of services of the system in an emergency established in accordance with the provisions of NAC 445A.66665;*
 - (e) A manual of operations and maintenance prepared in accordance with the provisions of NAC 445A.6667;*
 - (f) If applicable, the type of water treatment that will be used by the system pursuant to the provisions of NAC 445A.495 to 445A.540, inclusive; and*
 - (g) Any unique characteristics of the area of service or the system;*
- 2. An analysis of the managerial capability of the system, including, without limitation:*
- (a) The name, address and telephone number of each owner, manager or operator of the system;*
 - (b) The name, address and telephone number of the person to notify in case of an emergency concerning the system;*
 - (c) The classification of each operator of the system;*
 - (d) The organization, bylaws and policies of the system;*
 - (e) The manner in which the system will bill and correspond or otherwise communicate with its customers; and*
 - (f) An evaluation of each position of employment required to manage, operate or maintain the system, including, without limitation, a description of:*
 - (1) The responsibilities of each person who is employed in each of those positions; and*

- (2) Each position of employment that is responsible for:*
- (I) Monitoring federal and state laws and regulations;*
 - (II) Determining whether a federal or state law or regulation applies to the management, operation or maintenance of the system; and*
 - (III) Determining the cost to the system to comply with a federal or state law or regulation that applies to the management, operation or maintenance of the system;*
- 3. Information concerning planning for the system, including:*
- (a) The estimated population that will be served by the system;*
 - (b) The number of service connections that will be included in the system;*
 - (c) The estimated amount of water required for the system;*
 - (d) A description of the customers who will be served by the system; and*
 - (e) An estimate of the proposed use of the property of the system for 20 years, set forth in periods of 5 years;*
- 4. An analysis of the technical capability of the system, including without limitation:*
- (a) The standards for the design, construction, operation and maintenance of the system that comply with the provisions of NAC 445A.65505 to NAC 445A.6731, inclusive, and, if applicable, the provisions of NAC 445A.495 to NAC 445A.540, inclusive;*
 - (b) An analysis of a sample of water from a source of water that will be used by the system which is prepared in accordance with the provisions of NAC 445A.450 to 445A.652, inclusive; and*
 - (c) A description and analysis of the inventory of the system;*
- 5. An analysis of the water resources of the system, including:*

- (a) A plan of water conservation developed in accordance with the provisions of NRS 540.121 to 540.151, inclusive, or NRS 704.662, 704.6622 and 704.6624, if applicable, and an analysis of the effectiveness of the plan if water meters are used;*
- (b) A description of the estimated amount of water required for the system for 5 years after the system begins operation;*
- (c) A demonstration of the ownership of or right to appropriate an amount of water that is sufficient to satisfy the requirements of the system for 5 years after the system begins operation, including, without limitation, a list specifying:
 - (1) Any vested water right obtained by the system; or*
 - (2) Any right to appropriate water pursuant to a permit issued by the state engineer;**
- (d) An analysis of the effect, if any, on the system if a nonresidential user decides not to continue to use the services of the system; and*
- (e) A plan for responding to any shortage of water that may occur in the system within 5 years after the system begins operation;*
- 6. An analysis of any other sources of water available to the system, including:
 - (a) A description of each of those sources of water;*
 - (b) The identification of the community water system or nontransient water system that is located nearest to the system;*
 - (c) A plan to obtain support for the operation or maintenance of the system from any other community water system or nontransient water system;*
 - (d) Any connection that is available to the system from any other community water system or nontransient water system; and**

(e) If the supplier of water specifies in the plan any other source of water for use by the system, the reasons for specifying that source of water;

7. A program of capital improvements for the system, including a schedule to carry out the program that includes:

(a) Documents that identify any projects required by the system to begin or maintain the operation of the system and the reasons for each of those projects;

(b) A schedule that ranks the projects in order of priority;

(c) A list of any costs incurred by the system for each of those projects; and

(d) Each source of money or financing required for each of those projects;

8. A demonstration of the financial capability of the system, including:

(a) An operating budget for the system for 5 years after the system begins operation that includes a demonstration of the ability of the system to expend money for emergency improvements, capital improvements and normal operation and maintenance of the system;

(b) An evaluation of the rate structure and connection fees of the system;

(c) An evaluation of the total cost of providing service to the customers of the system;

(d) An evaluation of the manner in which the total cost set forth in paragraph (c) will be recovered by the system; and

(e) An evaluation of the stability of the cash flow of the system;

9. Information concerning any legal matters relating to the system, including:

(a) A plan to operate the system if the system is declared bankrupt or is placed in receivership;

(b) The ownership of any real property of the system and any buildings located on that property;

(c) Any right of way, easement or restrictive covenant obtained by the system or which applies to the system; and

(d) Any contract to which the system is a party or which applies to the system;

10. A statement that specifies any federal, state or local governmental entity that may adopt regulations concerning the operation of the system or enforce any law or regulation that applies to the system; and

11. Any other information the health division may require to review and approve the plan.

Sec. 15. 1. *Except as otherwise provided in subsection 2, if a plan is submitted by a supplier of water and approved by the health division pursuant to the provisions of sections 2 to 18, inclusive, of this regulation, the supplier of water shall, every 5 years after the plan is approved, revise the plan and submit it to the health division for its approval.*

2. If the health division determines that minor revisions to the plan submitted for approval pursuant to this section are required, the supplier of water may, in lieu of providing a revised plan, submit to the health division an amendment to the plan.

Sec. 16. *A copy of each plan or amendment to a plan that is approved by the health division pursuant to the provisions of sections 2 to 18, inclusive, of this regulation must be:*

1. Maintained in each business office of the community water system or nontransient water system for which the plan was approved; and

2. Available for inspection by the health division upon request.

Sec. 17. 1. *If a supplier of water submits a report or other information concerning a community water system or nontransient water system to an agency of this state or any political subdivision or local government of this state that contains information that is*

required to be included in a plan pursuant to sections 2 to 18, inclusive, of this regulation, the supplier of water may include the report or other information in the plan.

2. If a report or other information is included in a plan pursuant to the provisions of subsection 1, the health division may consider the report or other information for its review and approval of the plan.

Sec. 18. *1. If a supplier of water submits a plan pursuant to the provisions of sections 2 to 18, inclusive, of this regulation and, after submitting the plan, has reasonable cause to believe that an action taken by an employee of the bureau concerning the plan is erroneous or based on inadequate knowledge, the supplier of water may, not more than 10 business days after the supplier of water receives notice of the action, request an informal discussion with the employee responsible for the action and the immediate supervisor of that employee.*

2. Except as otherwise provided in this subsection, if the health division receives a request pursuant to subsection 1, the health division shall schedule an informal discussion concerning the action for which the request was submitted at a date, place and time that is agreed upon by the bureau and the supplier of water. The informal discussion must be held not later than 30 days after the health division receives the request.

3. If an informal discussion is conducted pursuant to subsection 2 and the action for which the informal discussion was conducted is not resolved, the supplier of water may, not more than 10 business days after the informal discussion, submit a written request to the bureau for an informal conference concerning the request. Except as otherwise provided in this subsection, if the bureau receives such a request, the bureau shall schedule the informal conference at a date, place and time that is agreed upon by the bureau and the supplier of

water. The informal conference must be held not more than 60 days after the bureau receives the written request.

4. If an informal conference is held pursuant to subsection 3, any determination of the bureau resulting from the informal conference may not be appealed and is the final remedy for the supplier of water who requested the conference.