EXECUTIVE ORDER 2023-003

REGULATORY REVIEW PUBLIC HEARING

March 29, 2023

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

AUTHORITY: §§1-4, NRS 445A.855, 445A.860, 445A.863.

Section 1: NAC 445A.454 is hereby amended to read as follows**:**

Primary standards: Monitoring and analysis.

1. The monitoring requirements for the primary standards set forth in NAC 445A.453 must be performed as required by 40 C.F.R. §§ 141.21 to 141.29, inclusive, 141.40, 141.41, 141.42, 141.74, 141.86 to 141.89, inclusive, 141.131, 141.132, 141.133, 141.172, 141.173, 141.174, 141.402, 141.530 to 141.564, inclusive, 141.605, 141.621 to 141.628, inclusive, 141.701 to 141.709, inclusive, and 141.851 to 141.858, inclusive, as adopted by reference in NAC 445A.4525.

2. Any analysis conducted to determine compliance with the primary standards referenced in NAC 445A.453 must be performed by a laboratory that is certified pursuant to the provisions of NAC 445A.542 to 445A.54296, inclusive, in accordance with:

(a) The method or methods listed in, or approved pursuant to, the provisions of NAC 445A.542 to 445A.54296, inclusive, for the selected contaminant or contaminants in the drinking water; or

(b) Any method for the selected contaminant or contaminants in the drinking water approved by the United States Environmental Protection Agency as an acceptable alternative test procedure for drinking water.

[~~3. For water systems which are conducting water quality monitoring at a frequency greater than annually, compliance with the maximum contaminant levels for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium or thallium must be determined during normal operating conditions by a running annual average at any sampling point. A monitoring program identifying the sampling points must be submitted to the Division or the appropriate district board of health for review and approval. The monitoring program must demonstrate that the average quality of the water served to each customer in the distribution system is below the maximum contaminant level. The Division or the appropriate district board of health shall establish the number of samples the public water system must take for calculating the running annual average. The public water systems may not monitor more frequently than specified in the monitoring program by the Division or the appropriate district board of health to determine compliance unless approved in writing by the Division or the appropriate district board of health.~~

~~4. As used in this section:~~

~~(a) "Normal operating conditions" means the conditions that are achieved when the water system operates wells or treatment plants to supply water for seasonal demands.~~

~~(b) "Running annual average" means the sum of the consecutive 12-month contaminant sample values divided by the total number of samples taken at one sample point. (Example: $(\Sigma x_1 + x_2 + x_n)/n$ = running annual average.)~~]

Section 2: NAC 445A.54026 is hereby amended to read as follows:

Submission and review of preliminary engineering report before construction or modification of facility.

1. Except *for privately owned non community and* as otherwise provided in NRS 445A.920, a public water system proposing to:

(a) Construct a new facility for treatment or blending of groundwater; or

(b) Make additions to or modify an existing facility to treat or blend groundwater,

➥ must submit a preliminary engineering report to the Division or to the appropriate district board of health. The report must be reviewed by the Division or the appropriate district board of health before the supplier begins design of a facility to treat or blend groundwater.

2. A preliminary engineering report must:

(a) Describe the needs of the public water system, identify the purpose of the water project, analyze alternatives and propose a preferred course of action, from an engineering and economic perspective;

(b) If the project includes treatment to comply with the requirements of 40 C.F.R. § 141.403, as adopted by reference in NAC 445A.4525, include documentation indicating the manner in which the public water system will achieve a minimum of 99.99 percent or 4-log treatment of viruses pursuant to those requirements;

(c) Identify design alternatives that were considered and associated design parameters; and

(d) Identify a recommendation by an engineer for the final design.

Section 3: NAC 445A.66785 is hereby amended as follows:

Treatment facilities: Design and construction.

A treatment facility must:

1. Be designed in such a manner as to ensure:

(a) The reliable operation of the facility; and

(b) That the public water system can meet its current demands for water.

(c) Function safely and efficiently.

2. Except as otherwise specifically allowed by the Division or the appropriate district board of health:

(a) Ensure that at any time the facility is the sole source of water for the public water system, the total capacity of the system is sufficient to meet the maximum day demand, peak hour demand and fire flow for the area of service of the system.

(b) Include at least two devices each for pumping, mixing chemicals, flocculation, sedimentation, filtration and disinfection.

(c) Be constructed in such a manner as to allow individual devices required pursuant to paragraph (b) to be taken out of service without disrupting the operation of the facility.

(d) Have drains and pumps of such a size as to allow the removal of water within a reasonable time.

(e) Have a standby source of power available to allow the operation of essential functions when the regular source of power fails.

(f) When filtration is used, discharge filtered water after backwashing into a system for waste.

(g) If the facility does not have a person present on a 24-hour basis, include a device that automatically shuts off the facility when the facility is not operating properly.

(h) Include secondary containment for chemicals

(i) Include eye wash stations that comply with the federal Occupational Safety and Health Administration.

Section 4: NAC 445A.6681 is hereby amended to read as follows**:**

Treatment facilities: Safety and efficiency.

~~[A treatment facility must be designed and constructed in such a manner as to:~~

~~1. Function safely and efficiently.~~

~~2. Comply with any requirements imposed by:~~

~~(a) The federal Occupational Safety and Health Administration.~~

~~(b) The Division of Industrial Relations of the Department of Business and Industry.~~

~~(c) The fire authority.~~]