

**ADOPTED REGULATION OF THE STATE**  
**ENVIRONMENTAL COMMISSION**

**LCB File No. R063-04**

Effective October 6, 2004

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

AUTHORITY: §§1-19 and 21-24, NRS 445A.425; §20, NRS 445A.425 and 445A.430.

A REGULATION relating to reuse of treated effluent; increasing the number and types of activities for which treated effluent may be used under certain circumstances; substantially revising the scheme for describing categories of approved reuse; and providing other matters properly relating thereto.

**Section 1.** Chapter 445A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 19, inclusive, of this regulation.

**Sec. 2.** *As used in NAC 445A.275 to 445A.280, inclusive, and sections 2 to 19, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 10, inclusive, of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Area of use” means a site, or an area of land, where treated effluent is in use pursuant to NAC 445A.275 to 445A.280, inclusive, and sections 2 to 19, inclusive, of this regulation.*

**Sec. 4.** *“Buffer zone” means a bounded area adjacent to, and surrounding, an area of use, that is subject to the provisions of section 14 of this regulation.*

**Sec. 5.** *“Graywater” has the meaning ascribed to it in NAC 444.7616.*

**Sec. 6.** *“Impoundment” means a lake, reservoir or lined holding basin.*

**Sec. 7.** *“Spray irrigation” means irrigation using sprinklers that are located above the ground surface.*

**Sec. 8.** *“Subsurface irrigation” means irrigation using an underground distribution system.*

**Sec. 9.** *“Surface irrigation” means irrigation using a flood irrigation system or a drip irrigation system. The term does not include spray irrigation.*

**Sec. 10.** *“Treated effluent” means sewage that has been treated by a physical, biological or chemical process. The term does not include graywater.*

**Sec. 11.** *For the purposes of NAC 445A.275 to 445A.280, inclusive, and sections 2 to 19, inclusive, of this regulation, the term “agricultural purposes” does not include the growing of crops for human consumption.*

**Sec. 12.** *1. A person using treated effluent shall post signs along the outer perimeter of the:*

*(a) Area of use; and*

*(b) Buffer zone, if any.*

*2. The signs must provide reasonable notice to the general public that:*

*(a) Treated effluent is in use; and*

*(b) Contact with the effluent should be avoided.*

**Sec. 13.** *1. A person using treated effluent for irrigation shall not:*

*(a) Allow the effluent to run off the site being irrigated.*

*(b) Except as otherwise provided in section 18 of this regulation, use treated effluent to irrigate crops intended for human consumption.*

2. *A person using treated effluent for spray irrigation shall conduct the irrigation in a manner that inhibits the treated effluent spray from drifting beyond the area of use or the buffer zone, if any.*

**Sec. 14.** 1. *Except as otherwise provided in sections 17, 18 and 19 of this regulation, the Division will establish the size of a buffer zone.*

2. *The inner boundary of a buffer zone is determined by measuring a distance equal to the size of the buffer zone from:*

(a) *A boundary line of the property on which the site is located;*

(b) *A sign posted pursuant to section 12 of this regulation informing the public of the presence of treated effluent; or*

(c) *Any point where the property is open to public access,*

*↪ as determined by the Division.*

3. *Except as otherwise provided in section 13 of this regulation, a buffer zone must be kept free of treated effluent.*

**Sec. 15.** *Treated effluent that meets the requirements for bacteriological quality set forth in NAC 445A.276 for reuse category A may be used for:*

1. *Spray irrigation of land used as a cemetery, commercial lawn, golf course, greenbelt or park even if:*

(a) *Public access to the area of use is not controlled; and*

(b) *Human contact with the treated effluent can reasonably be expected to occur.*

2. *An impoundment in which swimming is prohibited even if:*

(a) *Public access to the impoundment is not controlled; and*

(b) *Human contact with the treated effluent can reasonably be expected to occur.*

3. *Any activity approved for reuse category B, C, D or E.*
4. *Any other use that is approved by the Division.*

**Sec. 16.** *Treated effluent that meets the requirements for bacteriological quality set forth in NAC 445A.276 for reuse category B may be used for:*

1. *Spray irrigation of land used as a cemetery, commercial lawn, golf course, greenbelt or park if:*

- (a) *Public access to the area of use is controlled; and*
- (b) *Human contact with the treated effluent cannot reasonably be expected to occur.*

2. *Subsurface irrigation of land used as a commercial lawn, greenbelt or park.*

3. *Cooling water in an industrial process.*

4. *Fire-fighting operations in an urban area if approved by the fire department, fire protection district or other fire-fighting agency in whose district the fire occurs.*

5. *Any activity approved for reuse category C, D or E.*

6. *Any other use that is approved by the Division.*

**Sec. 17.** 1. *Treated effluent that meets the requirements for bacteriological quality set forth in NAC 445A.276 for reuse category C may be used for:*

(a) *Spray irrigation of land used as a cemetery, golf course or greenbelt if:*

- (1) *Public access to the area of use is controlled;*
- (2) *Human contact with the treated effluent does not occur; and*
- (3) *A buffer zone of not less than 100 feet is maintained.*

(b) *Watering of nursery stock if public access to the area of use is controlled.*

(c) *Establishment, restoration or maintenance of a wetland if public access to the wetland is controlled.*

*(d) Washing of gravel used in concrete mixing.*

*(e) Feed water for a boiler.*

*(f) An impoundment if:*

*(1) Public access to the impoundment is controlled; and*

*(2) Human contact with the treated effluent cannot reasonably be expected to occur.*

*(g) Fire fighting of forest or other wildland fires if approved by the fire department, fire protection district or other fire-fighting agency in whose district the fire occurs.*

*(h) Any activity approved for reuse category D or E.*

*(i) Any other use that is approved by the Division.*

*2. As used in this section:*

*(a) "Nursery stock" has the meaning ascribed to it in NRS 555.23562.*

*(b) "Wetland" has the meaning ascribed to it in NRS 244.388.*

**Sec. 18. 1. Treated effluent that meets the requirements for bacteriological quality set forth in NAC 445A.276 for reuse category D may be used for:**

*(a) Spray irrigation of land used for agricultural purposes if:*

*(1) Public access to the area of use is prohibited; and*

*(2) A buffer zone of not less than 400 feet is maintained.*

*(b) Surface irrigation of land used:*

*(1) As greenbelt if:*

*(I) Public access to the area of use is prohibited; and*

*(II) Human contact with the treated effluent does not occur.*

*(2) For agricultural purposes; and*

*(3) For the cultivation of fruit-bearing trees or nut-bearing trees.*

*(c) Subsurface irrigation of land used for agricultural purposes if public access is controlled.*

*(d) Dust control.*

*(e) Soil compaction.*

*(f) Flushing sewer lines.*

*(g) An impoundment if:*

*(1) Public access to the impoundment is prohibited;*

*(2) All human activities involving contact with the treated effluent are prohibited; and*

*(3) Human contact with the treated effluent does not occur.*

*(h) Any activity approved for reuse category E.*

*(i) Any other use approved by the Division.*

*2. As used in this section, “dust control” means the program required pursuant to NAC 445B.22037 to prevent controllable particulate matter from becoming airborne.*

**Sec. 19.** *Treated effluent that meets the requirements for bacteriological quality set forth in NAC 445A.276 for reuse category E may be used for:*

*1. Spray irrigation of land used for agricultural purposes if:*

*(a) Public access to the area of use is prohibited; and*

*(b) A buffer zone of not less than 800 feet is maintained.*

*2. Any other use that is approved by the Division.*

**Sec. 20.** NAC 445A.232 is hereby amended to read as follows:

445A.232 1. Except as otherwise provided in subsections 2 and 7, a nonrefundable application fee must accompany each original application for a permit, each application for a modification to a permit, other than a minor modification made pursuant to NAC 445A.263, and

each application to renew a permit which is submitted to or required by the Director. The Director shall charge the following fees:

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
<b>DISCHARGE OF DOMESTIC WASTEWATER</b>		
Less than 50,000 gallons daily .....	\$1,000	\$1,000
50,000 gallons or more but less than 250,000 gallons daily .....	1,500	1,500
250,000 gallons or more but less than 500,000 gallons daily .....	2,000	2,000
500,000 gallons or more but less than 1,000,000 gallons daily .....	3,000	3,000

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
1,000,000 gallons or more but less than 2,000,000 gallons daily .....	4,000	4,000
2,000,000 gallons or more but less than 5,000,000 gallons daily .....	6,000	6,000
5,000,000 gallons or more but less than 10,000,000 gallons daily .....	10,000	10,000
10,000,000 gallons or more but less than 20,000,000 gallons daily .....	10,000	20,000
20,000,000 gallons or more but less than 40,000,000 gallons daily .....	10,000	30,000
40,000,000 gallons or more daily.....	10,000	40,000

Type of Permit	Application	Fee for Annual Review and Services
Issued	Fee	

DISCHARGE OF TREATED  
EFFLUENT ~~FOR IRRIGATION~~

Less than 50,000 gallons daily .....	\$750	\$750
50,000 gallons or more but less than		
250,000 gallons daily .....	1,000	1,000
250,000 gallons or more but less than		
500,000 gallons daily .....	1,250	1,250
500,000 gallons or more but less than		
1,000,000 gallons daily .....	1,500	1,500

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
1,000,000 gallons or more but less than 10,000,000 gallons daily .....	2,000	2,000
10,000,000 gallons or more but less than 20,000,000 gallons daily .....	2,500	2,500
20,000,000 gallons or more but less than 40,000,000 gallons daily .....	3,000	3,000
40,000,000 gallons or more daily.....	3,500	3,500

DISCHARGE FROM REMEDIATION,  
DEWATERING, OTHER THAN A DISCHARGE  
TO GROUND WATER FROM THE  
DEWATERING OF A MINE, OR FROM A  
POWER PLANT, A MANUFACTURING OR

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
FOOD PROCESSING FACILITY OR ANY OTHER COMMERCIAL OR INDUSTRIAL FACILITY		
Cooling water only .....	\$2,000	\$2,000
Less than 50,000 gallons of process water daily .....	2,500	2,500
50,000 gallons or more but less than 250,000 gallons of process water daily .....	3,000	3,000
250,000 gallons or more but less than 500,000 gallons of process water daily .....	4,000	4,000
500,000 gallons or more but less than 1,000,000 gallons of process water daily .....	5,000	5,000

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
1,000,000 gallons or more but less than 2,000,000 gallons of process water daily .....	6,000	6,000
2,000,000 gallons or more but less than 5,000,000 gallons of process water daily .....	8,000	8,000
5,000,000 gallons or more but less than 10,000,000 gallons of process water daily .....	10,000	10,000
10,000,000 gallons or more but less than 20,000,000 gallons of process water daily .....	10,000	20,000
20,000,000 gallons or more but less than 40,000,000 gallons of process water daily .....	10,000	30,000
40,000,000 gallons or more of process		

Type of Permit	Application	Fee for
Issued	Fee	Annual
		Review
		and
		Services
water daily .....	10,000	40,000
 DISCHARGE FROM A TREATMENT PLANT FOR DRINKING WATER  		
Intermittent discharge of less than 100,000 gallons daily .....	\$500	\$500
Intermittent discharge of 100,000 gallons or more but less than 1,000,000 gallons daily .....	750	750
Intermittent discharge of 1,000,000 gallons or more daily .....	1,000	1,000
Routine discharge of less than 100,000 gallons daily .....	500	500

Type of Permit	Application	Fee for
Issued	Fee	Annual
		Review
		and
		Services
Routine discharge of 100,000 gallons or more		
but less than 1,000,000 gallons daily .....	750	750
Routine discharge of 1,000,000 gallons or		
more daily .....	1,000	1,000
DISCHARGE OF WASTEWATER FROM A CONCENTRATED ANIMAL FEEDING OPERATION		
Less than 100,000 gallons daily .....	\$1,500	\$1,500
100,000 gallons or more but less than		
500,000 gallons daily .....	2,000	2,000
500,000 gallons or more daily.....	2,500	2,500

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
<p>PERMIT FOR A CONCENTRATED ANIMAL FEEDING OPERATION THAT DOES NOT DISCHARGE WASTEWATER</p>		
Area of a holding facility that is less than 10 acres.....	\$1,500	\$1,500
Area of a holding facility that is 10 acres or more but less than 20 acres .....	2,000	2,000
Area of a holding facility that is 20 acres or more .....	2,500	2,500
<p>DISCHARGE FROM A FISH HATCHERY</p>		
Less than 500,000 gallons daily .....	\$750	\$750

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
500,000 gallons or more but less than 2,500,000 gallons daily .....	1,000	1,000
2,500,000 gallons or more daily.....	1,500	1,500
 <b>OTHER PERMITTED DISCHARGES</b>		
Less than 50,000 gallons daily .....	\$1,000	\$1,000
50,000 gallons or more but less than 250,000 gallons daily .....	1,500	1,500
250,000 gallons or more but less than 500,000 gallons daily .....	3,000	3,000
500,000 gallons or more but less than		

Type of Permit Issued	Application Fee	Fee for Annual Review and Services
1,000,000 gallons daily .....	5,000	5,000
1,000,000 gallons or more but less than 10,000,000 gallons daily .....	10,000	10,000
10,000,000 gallons or more but less than 35,000,000 gallons daily .....	10,000	20,000
35,000,000 gallons or more daily.....	10,000	30,000
REUSE OF SEWAGE SLUDGE		
Less than 20,000 cubic yards per year .....	\$1,500	\$1,500
20,000 cubic yards or more per year.....	3,000	3,000

Type of Permit	Application	Fee for
Issued	Fee	Annual
		Review
		and
		Services
REUSE OF		
DOMESTIC SEPTAGE.....	\$1,000	\$1,000
DISCHARGE FROM A		
RECREATIONAL LAKE .....	\$5,000	\$5,000
TEMPORARY PERMIT .....	\$250	Not
		Applicable

2. Except as otherwise provided in this subsection and subsection 7, a nonrefundable application fee must accompany each original application for a permit and each application to renew a permit for the discharges set forth in this subsection that is submitted to or required by the Director. The Director shall charge the following fees:

Type of Discharge Permitted	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
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DISCHARGE TO GROUND WATER FROM THE DEWATERING OF A MINE

Cooling water only.....	\$625	\$315	\$1,000
Less than 50,000 gallons of process water daily.....	625	315	1,500
50,000 gallons or more but less than 1,000,000 gallons of process water daily.....	875	440	2,000
1,000,000 gallons or more but less than 5,000,000 gallons of process water daily.....	1,000	500	2,500
5,000,000 gallons or more of process water daily.....	1,250	625	3,000

Type of Discharge	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
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MINING

Discharging wash water where chemicals are not added for metallurgical recovery.....	\$500	\$500	\$250
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Chemically processing less than 18,250 tons per year or a pilot or testing facility .....	500	500	250
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Chemically processing 18,250 tons per year or more but less than 36,500 tons per year .....	1,500	1,500	2,000
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Type of Discharge	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
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Chemically processing

36,500 tons per year

or more but less than

100,000 tons per year .....	4,000	4,000	4,000
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Chemically processing

100,000 tons per year

or more but less than

500,000 tons per year .....	6,000	6,000	8,000
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Chemically processing

500,000 tons per year

or more but less than

1,000,000 tons per year .....	10,000	10,000	10,000
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Chemically processing

Type of Discharge	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
Permitted			
1,000,000 tons per year or more but less than 2,000,000 tons per year .....	14,000	14,000	14,000
Chemically processing 2,000,000 tons per year or more .....	20,000	20,000	20,000
Monitoring of closed facilities .....	250	250	500

#### RUNOFF OF STORM WATER

Industrial or commercial facility, including any structure, that is 5 acres to 10 acres, inclusive, in size .....	\$300	\$150	\$750
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Industrial or commercial facility,  
including any structure, that is

Type of Discharge Permitted	Application Fee for Original Permit	Application Fee for Renewal of Permit	Fee for Annual Review and Services
more than 10 acres but less than 25 acres in size .....	600	300	750
Industrial or commercial facility, including any structure, that is more than 25 acres in size .....	1,000	500	750
Municipality whose population is 250,000 or less .....	600	300	750
Municipality whose population is more than 250,000.....	1,000	500	1,000

3. To determine the number of acres of a holding facility for an application fee or a fee for the annual review and services for a permit issued to a concentrated animal feeding operation that does not discharge wastewater, the Director shall multiply the number of animals in the concentrated animal feeding operation by .0023.

4. An application fee or a fee for the annual review and services charged pursuant to subsection 1 must be based upon the limit of flow, in gallons per day, of the discharge authorized in the permit.

5. The application fee for a permit with a term of less than 5 years must be reduced by the Director in accordance with the term of the permit, but in no case may the fee be reduced by an amount equal to more than one-third of the fee set forth in this section.

6. If required, the fee for the annual review and services must be:

(a) Submitted to the Division on or before July 1 of each year; and

(b) Paid in advance for the period of review that relates to the fiscal year following payment.

7. If a storm water runoff permit is not required, the Director may refund the application fee for the permit.

8. On July 1, 2002, and on July 1 of each even-numbered year thereafter, up to and including July 1, 2010, the Director shall increase by 5 percent each fee for the annual review and services set forth in subsection 1. To determine the amount of each fee that is due on or after July 1, 2002, the Director shall multiply the fee set forth in subsection 1 by:

(a) For the fees due on July 1, 2002, and July 1, 2003, 1.05;

(b) For the fees due on July 1, 2004, and July 1, 2005, 1.1025;

(c) For the fees due on July 1, 2006, and July 1, 2007, 1.1576;

(d) For the fees due on July 1, 2008, and July 1, 2009, 1.2155; and

(e) For the fees due on or after July 1, 2010, 1.2763.

↪ In establishing the annual fee for the review and services pursuant to this subsection, the Director shall round to the nearest dollar.

9. The Director may allow a holder of a permit to pay any fee required by subsection 1 pursuant to a payment plan if the holder of the permit submits a petition to the Division, on a form prescribed by the Division, which demonstrates that the payment of the fee in a lump sum would cause financial hardship to the holder of the permit.

10. As used in this section:

(a) “Concentrated animal feeding operation” has the meaning ascribed to it in 40 C.F.R. § 122.23.

(b) “Domestic septage” has the meaning ascribed to it in 40 C.F. R. § 503.9.

(c) “Sewage sludge” has the meaning ascribed to it in 40 C.F.R. § 503.9.

**Sec. 21.** NAC 445A.275 is hereby amended to read as follows:

445A.275 1. A person shall not use treated effluent ~~for irrigation unless he has:~~

~~—(a) Submitted to the Division and has received] unless:~~

*(a) The person has:*

*(1) Received* the approval of the Division of a plan for the management of effluent; and

~~[(b)] (2)~~ Obtained a permit pursuant to NAC 445A.228 to 445A.263, inclusive ~~[-~~

~~—2.— A person using treated effluent for irrigation by flooding or sprinklers shall use effluent that]; and~~

*(b) The treated effluent* has received at least secondary treatment.

2. As used in this ~~[subsection:]~~ *section:*

(a) “Secondary treatment” means the ~~[biological oxidization of the sewage to a point where]~~ *treatment of sewage until* the sewage has ~~[a]~~, *calculated as a 30-day average:*

*(1) A* 5-day inhibited biochemical oxygen demand concentration of 30 milligrams per liter or less ~~[-]~~;

*(2) A total suspended solids concentration of 30 milligrams per liter or less; and*

*(3) A pH of 6.0 to 9.0 SU.*

(b) “Five-day inhibited biochemical oxygen demand” means the amount of dissolved oxygen ~~[in milligrams per liter required during stabilization of]~~ *required to stabilize* the carbonaceous decomposable organic matter by aerobic bacterial action at 20 degrees centigrade for 5 days.

~~[3.— Any person using treated effluent for irrigation shall post a notice at the site of irrigation warning the general public to avoid contact with the treated effluent.~~

~~—4.— Except as otherwise provided in this subsection, a person shall not use treated effluent to irrigate crops for human consumption. A person may use treated effluent for surface irrigation of fruit bearing trees and nut bearing trees.~~

~~—5.— A person using treated effluent to irrigate by sprinklers shall conduct the irrigation in a manner which inhibits the treated effluent from drifting or carrying outside the buffer zone.~~

~~—6.— A person shall not allow treated effluent used in irrigation to run off the site being irrigated.]~~

(c) “*Plan for the management of effluent*” means:

*(1) An effluent management plan; or*

*(2) A site specific management plan.*

**Sec. 22.** NAC 445A.276 is hereby amended to read as follows:

445A.276 1. Treated effluent being used for ~~[spray irrigation]~~ *an activity approved for a reuse category* must meet the following requirements for bacteriological quality ~~[and buffer zone limitations:]~~ *for that category:*

	<i>Total Coliform</i>	Fecal Coliform			
	<i>c.f.u. or mpn/100 ml</i>	c.f.u. or mpn/100 ml			
Reuse <del>Permitted</del>  <i>Category</i>	<i>A</i>	<del>[A]</del> <i>B</i>	<del>[A(1)]</del> <i>C</i>	<del>[B]</del> <i>D</i>	<del>[C]</del> <i>E</i>
30-day geometric mean	<i>2.2</i>	<del>[No Limit]</del> <i>2.2</i>	<del>[200]</del> <i>23</i>	<del>[23]</del> <i>200</i>	<del>[2.2]</del> <i>No limit</i>
Maximum daily number	<i>23</i>	<del>[No Limit]</del> <i>23</i>	<del>[400]</del> <i>240</i>	<del>[240]</del> <i>400</i>	<del>[23]</del> <i>No limit</i>
<del>[Minimum Buffer Zone (Feet)]</del>		<del>[800]</del>	<del>[400]</del>	<del>[100]</del>	<del>[0]</del>

2. As used in this section ~~is~~:

~~—(a) Category “A” means irrigation with treated effluent of land used for:~~

~~—(1) Pasture; or~~

~~—(2) Other agricultural purposes except growing crops for human consumption,~~

~~→ where public access to the site being irrigated is prohibited. Treated effluent being used for activities falling within category A must meet the requirements for bacteriological quality and buffer zone limitations identified in subsection 1 as applicable to category A or meet the requirements for bacteriological quality and buffer zone limitations identified in subsection 1 as applicable to category A(1).~~

~~—(b) Category “B” means irrigation with treated effluent of land used for:~~

~~——(1) A golf course, cemetery or greenbelt where public access to the site being irrigated is controlled and human contact with the treated effluent does not occur;~~

~~——(2) An impoundment where all activities are prohibited and human contact with the treated effluent does not occur; or~~

~~——(3) Any combination of a use listed in paragraph (a) and a use listed in subparagraph (1) or (2) of this paragraph.~~

~~→ Treated effluent being used for activities falling within category B must meet the requirements for bacteriological quality and buffer zone limitations identified in subsection 1 as applicable to category B.~~

~~—(c) Category “C” means irrigation with treated effluent of land used for:~~

~~——(1) A cemetery, highway median, greenbelt, park, playground or residential or commercial lawn where public access to the site being irrigated is controlled and human contact with the treated effluent cannot reasonably be expected;~~

~~——(2) Impoundments where full body contact with the treated effluent cannot reasonably be expected;~~

~~——(3) Any other purpose not included in category A or B; or~~

~~——(4) Any combination of an activity listed in paragraph (a) or (b) and an activity listed in subparagraph (1), (2) or (3) of this paragraph.~~

~~→ Treated effluent being used for activities falling within category C must meet the requirements for bacteriological quality and buffer zone limitations identified in subsection 1 as applicable to category C.~~

~~(d) “C.f.u.”, “c.f.u. or mpn/100 ml”~~ means colony forming units or most probable number per 100 milliliters of the treated effluent.

**Sec. 23.** NAC 445A.280 is hereby amended to read as follows:

445A.280 The Director may waive compliance with or modify any requirement of NAC 445A.275 to 445A.280, inclusive, *and sections 2 to 19, inclusive, of this regulation* for a specific ~~[project of irrigation]~~ *proposed use of treated effluent* upon his determination that because of the size, type or location of the ~~[project of irrigation,]~~ *proposed use*, the waiver or modification is consistent with the policy set forth in NRS 445A.305.

**Sec. 24.** NAC 445A.076, 445A.277 and 445A.278 are hereby repealed.

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### TEXT OF REPEALED SECTIONS

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**445A.076 “Buffer zone” defined.** “Buffer zone” means the distance measured between the boundary of any site irrigated with treated effluent and:

1. The boundary line of the property on which the site is located;
  2. The notice posted pursuant to subsection 3 of NAC 445A.275 warning the public of the presence of treated effluent; or
  3. Any point where the property is open to public access,
- ↳ whichever measurement is least.

**445A.277 Exceptions to requirements for buffer zone and control of public access.** A buffer zone and control of public access is not required where treated effluent is used for irrigation of land used for a cemetery, golf course, greenbelt, impoundment where full body contact can reasonably be expected, park, playground or commercial or residential lawn, if the treated effluent:

1. Has a total coliform concentration of 2.2, or less, per 100 milliliters of the treated effluent as a 30-day geometric mean; and
2. Has a total coliform concentration of 23, or less, per 100 milliliters of the treated effluent as a maximum daily number.

**445A.278 Drip or surface irrigation of landscape: Minimum level of disinfection.** The minimum level of disinfection for drip irrigation of landscape and surface irrigation of landscape with treated effluent in areas where public access is controlled is 200 fecal coliform per 100 milliliters of the treated effluent as a 30-day geometric mean and 400 fecal coliform per 100 milliliters of the treated effluent as a maximum daily number.

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R063-04**

The State Environmental Commission adopted regulations assigned LCB File No. R063-04 which pertain to chapter 445A of the Nevada Administrative Code on August 19, 2004.

**Notice date:** 7/16/2004  
**Hearing date:** 8/19/2004

**Date of adoption by agency:** 8/19/2004  
**Filing date:** 10/6/2004

**INFORMATIONAL STATEMENT**

**The following statement is submitted for adopted amendments to Nevada Administrative Code NAC 445A. 275 – 280 Water Pollution Control**

This regulation governs the use of treated effluent; the regulation restructures the effluent categories, adding additional uses of treated effluent beyond irrigation, adding some definitions, and modifying the aerosol control regulation.

The regulation allows a wider use of treated effluent in the environment. Over the past decade the quality of treated effluent has significantly improved. The higher quality of effluent now allows increased uses of treated effluent for a variety of applications including cooling water, water features, etc.

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

The Nevada Division of Environmental Protection (NDEP) Bureaus of Water Pollution Control held meetings in three communities in Nevada – see # 3 below.

The proposed regulation was also noticed by the State Environmental Commission (SEC) in the Las Vegas Review Journal (LVRJ) and Reno Gazette Journal (RGJ) newspapers on the following dates – July 19, July 26 and August 9, 2004. The public was subsequently mailed a public notice and meeting agenda for the SEC hearing; the SEC mailing list was used for both mailings.

At the SEC hearing, there were no public oral comments received by the Commission during the adoption of the referenced regulation. Comments in support of the regulation were provided by the City of Henderson, Nevada.

**2. The number persons who:**

- (a) **Attended August 19, 2004 hearing:** 30
- (b) **Testified on this Petition at the hearing:** 1
- (c) **Submitted to the agency written comments:** 2

**3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. Workshop were also held on the following dates and locations to solicit input from the public.

Carson City	Henderson	Elko
Monday, April 19, 2004	Friday, April 23, 2004	Monday, April 26, 2004
8:30am – 10:00am	10:00pm – 11:30pm	1:00pm – 2:30pm
Western Nevada Community College	Henderson Convention Center	Elko City Hall Council Chambers
Reynolds Center for Technology Room 103	200 Water Street	1751 College Avenue
2001 W. College Parkway	Henderson, Nevada	Elko, Nevada
Carson City, Nevada		

**4. 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 by the State Environmental Commission on August 19, 2004 with the following changes.

Page 4 Section 16 – strike #3 *Spray water in a street sweeper*  
Page 26 Section 22 second sentence – strike the words *or exceed*

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

This regulation will not have a negative economic impact, either immediate or long term, on the regulated industry or the public. In the case of treated effluent, the cost of such effluent is generally lower than potable water, hence industry will likely see an economic benefit from the adoption of this regulatory amendment.

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

There will not be any additional costs to the agency for enforcement of the proposed regulation.

**7. 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 or duplicate any regulations of other state or government agencies.

**8. 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.

**9. 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 will not increase fees.