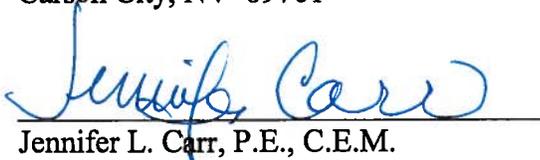


**FORM FOR PETITIONING THE STATE ENVIRONMENTAL COMMISSION FOR  
ADOPTION, FILING AMENDMENTS OR REPEAL OF COMMISSION  
REGULATIONS.**

**Form #1**

- 1. Name, Address, telephone number, date of petition, representative capacity and signature of petitioner, authorized individual, officer or attorney.**

June 27, 2014  
Nevada Division of Environmental Protection  
Bureau of Safe Drinking Water  
901 South Stewart Street, Suite 4001  
Carson City, NV 89701



Jennifer L. Carr, P.E., C.E.M.  
Chief, Bureau of Safe Drinking Water  
(775) 687-9515

- 2. Specific type of petitioner (individual, partnership, corporation, government agency, or other) and the exact occupation or business, including a description of the occupation or business if necessary.**

Nevada Division of Environmental Protection (NDEP), Bureau of Safe Drinking Water (BSDW), a government agency.

- 3. Exact and specific nature of changes sought, including delineation of the regulations, statutory provisions of Commission decisions involved. May include a statement of the written term or substance of the proposed regulatory action, or a description of the subjects and issues involved.**

The NDEP is requesting adoption of these regulatory amendments governing Public Water Systems (PWS) found in Chapter 445A of the Nevada Administrative Code (NAC). Statutory authority to adopt these amendments is contained in NRS 445A.855, 445A.860 and 445A.863.

Proposed amendments to NAC 445A serve several functions:

- 1) The proposed amendments to NAC 445A.4525 include an update to our adoption of federal regulations by reference, from regulations as they existed on July 1, 2009 to those as they exist on July 1, 2014. During this period, the United States Environmental Protection Agency (U.S. EPA) codified federal regulations for the Revised Total Coliform Rule (RTCR) (*February 13, 2013, 78 FR 10270- 10365*) and associated minor corrections to the RTCR (*February 26, 2014, 79 FR10665-10670*). Adoption of these federal rules is necessary for the NDEP to apply for continued and revised Primary Enforcement Responsibility (Primacy). Primacy revision applications for the RTCR will be prepared and submitted to the U.S. EPA by February 13, 2015.

- 2) The proposed amendments include related changes to the Water Quality regulations necessary for overall implementation of the new RTCR.
- 3) The proposed amendment to the Water Quality regulations under NAC 445A.450 and Design, Construction, Operation and Maintenance (DCO&M) regulations under 445A.66805 and 445A.6663 adopt changes in the definition of "Lead Free" as amended in the SDWA. The Reduction of Lead in Drinking Water Act (*January 4, 2011*) amends Section 1417 of the Safe Drinking Water Act (SDWA) with respect to the use and introduction into commerce of lead pipes, plumbing fittings or fixtures, solder and flux. The new requirement reduces the maximum lead content of the wetted surfaces of plumbing products from 8 percent to a weighted average of 0.25% of the wetted surface area. The subsequent Community Fire Safety Act (*December 20, 2013*) exempted fire hydrants from meeting the requirements of the Reduction of Lead in Drinking Water Act.
- 4) Additional federal regulatory changes adopted by the US EPA between July 1, 2009 and July 1, 2014 include:
  - a. Expedited approval of 6 alternative test procedures for the analysis of contaminants under the SDWA (*August 3, 2009, 74 FR 38348-38358*);
  - b. Expedited approval of 25 alternative test procedures for the analysis of contaminants under the SDWA (*November 10, 2009, 74 FR 57908-57918*) and associated correction (*December 2, 2009, 74 FR 63069-63070*);
  - c. Expedited approval of 12 alternative test procedures for the analysis of contaminants under the SDWA (*June 8, 2010, 75 FR 32295-32302*);
  - d. Expedited approval of 11 alternative test procedures for the analysis of contaminants under the SDWA (*June 24, 2011, 76 FR 37014-37021*);
  - e. Expedited approval of 10 alternative test procedures for the analysis of contaminants under the SDWA (*June 28, 2012, 77 FR 38523-38529*);
  - f. Expedited approval of 84 alternative test procedures for the analysis of contaminants under the SDWA (*May 31, 2013, 78 FR 32558-32574*);
  - g. Expedited approval of 21 alternative test procedures for the analysis of contaminants under the SDWA (*June 19, 2014, 79 FR 35081-35095*) and associated correction (*June 27, 2014, 79 FR 36248-36249*).

#### **4. A statement of the need for and purpose of the proposed regulations.**

Nevada's Safe Drinking Water Program regulates public water systems using a combination of State regulations and the National Primary Drinking Water Regulations (NPDWR) adopted by reference. The U.S. EPA granted the NDEP primary enforcement responsibility for the NPDWR in 1978. In order to maintain primary enforcement responsibility, the NDEP must adopt regulations that are at least as stringent as new or amended federal regulations.

The purpose of the Revised Total Coliform Rule, which becomes effective on April 1, 2016, is to provide better health protection by decreasing the presence of coliform in drinking water. As required by the SDWA, U.S. EPA reviewed the requirements of the 1989 TCR, identified enhancements to the TCR and revised the regulation. In summary, the revisions will require Public Water Systems to identify and fix problems that are associated with the presence of Total Coliform and *E. coli* in their drinking water systems.

The Reduction of Lead in Drinking Water Act of January 4, 2011 is a revision of the existing Lead Free requirements of the SDWA and became effective nationally on January 4, 2014. The US Congress lowered the definition of "Lead Free" for fittings and fixtures from a maximum of 8% lead to a maximum of 0.25% lead. States are required to enforce the revised requirements and failure to address the Reduction of Lead in Drinking Water Act will result in 5% withholding of Federal Grants for the Public Water System Supervision Program.

**5. A statement of the:**

- (a) Estimated economic effect of the regulation on the business which it is to regulate;**
  - (1) Both adverse and beneficial effects; and**
  - (2) Both immediate and long-term effects; and**
- (b) Estimated economic effect on the public;**
  - (1) Both adverse and beneficial effects; and**
  - (2) Both immediate and long-term effects; and**
- (c) Estimated cost by the agency for enforcement of the proposed regulation.**

**(a)(1) and (a)(2):**

Revised Total Coliform Rule

Adoption of the Revised Total Coliform Rule (RTCR) into Nevada Administrative Code is not expected to result in a significant additional financial burden to the regulated utilities and businesses. In general, the economic provisions of the RTCR may have the following economic impacts, but the overall financial burden related to individual Public Water Systems (PWS) cannot be quantified:

Monitoring and repairs to a PWS are the predominant economic effects associated with complying with the existing TCR and, subsequently, the RTCR. Monitoring for Total Coliform and *E. coli* continue in the RTCR, and in some instances decrease. Repairs and operational changes to comply with the presence of Total Coliform and *E. coli* will not change; however, the manner in which they are reviewed, tracked and expedited will be enhanced.

It is expected that enhancements included in the RTCR will result in a better awareness by utilities and businesses related to the understanding that proper operation and oversight of their drinking water system is critical to their business. In the long-term, engaging small utilities and businesses in understanding and reviewing their water system will reduce the instances in which Total Coliform and *E. coli* are present in drinking water systems.

Reduction of Lead in Drinking Water Act

Adoption of the Reduction of Lead in Drinking Water Act into Nevada Administrative Code is not expected to result in a significant additional financial burden to the regulated businesses. The cost of compliance cannot be directly quantified as it is only related to the retail cost of pipes, fittings and fixtures purchased for installation into drinking water systems. The Act does not require removal and replacement of existing fittings and fixtures throughout Public Water Systems. However, when new equipment is installed, or existing equipment is repaired or replaced, it must meet the new lead free definition. Existing stock on hand that does not meet the definition must be disposed of. The quantity of a water system's stock of fittings and fixtures

that do not meet the new definition of lead free is unknown. The Act became federally effective in January, 2014 and water systems are required to comply.

**(b)(1) and (b)(2):**

The economic effect on the public of the regulations for RTCR and the Reduction of Lead in Drinking Water Act cannot be directly quantified. The regulations will provide for better protection of the health and safety of the public and may result in decreased medical costs that might be incurred as a direct result of waterborne disease or lead exposure. An unquantifiable increase in costs to PWS customers who are served by systems needing infrastructure or other system improvements related to the RTCR is anticipated, but these improvements would be required by current regulations governing PWSs.

**(c):**

The RTCR and the Reduction of Lead in Drinking Water Act program adoptions/revisions increase the responsibilities of the NDEP, but the programs will be implemented through existing programs and by existing staff. The overall workload of the BSDW continues to be evaluated. Additional personnel resources to ensure adequate oversight of regulated PWSs for public health protection may be sought when appropriate. To secure our current grant percentage from EPA, it is noted that failure to address the Reduction of Lead in Drinking Water Act will result in 5% withholding of Federal Grants for the Public Water System Supervision Program.

- 6. 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.**

This regulation amendment will not duplicate any State regulation. In order to avoid overlap of Title 40 of the US Environmental Protection Agency's CFR, these regulations adopt portions by reference.

- 7. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions. The statement must include the specific citation of the federal statute or regulation requiring such adoption.**

This regulation amendment will not be more stringent than federal regulations.

- 8. 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.**

This regulation amendment does not propose new or increased fees.

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