

**NRS 445A.235 "Public water system" defined.** "Public water system" means a system, regardless of ownership, that provides the public with water for human consumption through pipes or other constructed conveyances, if the system has 15 or more service connections, as defined in NRS 445A.843, or regularly serves 25 or more persons. The term includes:

1. A facility for the collection, pumping, treatment, storage or distribution of water which is controlled by the operator of the system and used primarily in connection with the system; and

2. A facility for the collection or storage before treatment of water which is not controlled by the operator of the system but is used primarily in connection with the system.

(Added to NRS by 1997, 1822; A 1999, 1866)

**NRS 445A.240 "Safe Drinking Water Act" defined.** "Safe Drinking Water Act" means 42 U.S.C. §§ 300f et seq., as amended.

(Added to NRS by 1997, 1822)

**NRS 445A.245 "Small water system" defined.** "Small water system" means a public water system serving less than 10,000 persons.

(Added to NRS by 1997, 1822)

**NRS 445A.250 "State securities" defined.** "State securities" means securities of the kinds described in NRS 349.198 authorized to be issued in the name and on behalf of the State upon the authorization of the Administrator.

(Added to NRS by 1997, 1822)

**NRS 445A.255 Creation and purpose; payment of claims; faith of State pledged.**

1. The Account to Finance the Construction of Projects, to be known as the Account for the Revolving Fund, is hereby created in the Fund for Water Projects Loans.

2. The account to fund activities, other than projects, authorized by the Safe Drinking Water Act, to be known as the Account for Set-Aside Programs, is hereby created in the Fund for the Municipal Bond Bank.

3. The money in the Account for the Revolving Fund and the Account for Set-Aside Programs may be used only for the purposes set forth in the Safe Drinking Water Act.

4. All claims against the Account for the Revolving Fund and the Account for Set-Aside Programs must be paid as other claims against the State are paid.

5. The faith of the State is hereby pledged that the money in the Account for the Revolving Fund and the Account for Set-Aside Programs will not be used for purposes other than those authorized by the Safe Drinking Water Act.

(Added to NRS by 1997, 1823; A 1999, 21; 2001, 2754)

**NRS 445A.260 Interest and income; deposits; acceptance of gifts, appropriations, contributions, grants and bequests; use of money to benefit public water systems limited.**

1. The interest and income earned on money in the Account for the Revolving Fund and the Account for Set-Aside Programs must be credited to the Account for the Revolving Fund and the Account for Set-Aside Programs, respectively.

2. All payments of principal and interest on all loans made to a public water system and all proceeds from the sale, refunding or prepayment of obligations of a

permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment in the county jail for not more than 364 days, or by both fine and imprisonment.

2. The penalty imposed by subsection 1 is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive.  
(Added to NRS by 1973, 1718; A 2013, 987)

**NRS 445A.715 Procedure for administrative hearing.** Hearings initiated pursuant to NRS 445A.300 to 445A.730, inclusive, shall be held before the Commission and comply with the provisions of such rules and regulations as the Commission may prescribe.  
(Added to NRS by 1973, 1718)

**ADMINISTRATIVE REGULATIONS.**  
Practice before Commission, NAC 445B.875-445B.899

**NRS 445A.720 Final authority concerning prevention, abatement and control of water pollution.** The Department has the final authority in the administration of water pollution prevention, abatement and control. No other department or agency of the State and no municipal corporation, county or other political subdivision having jurisdiction over water pollution prevention, abatement and control may permit, under authority of such jurisdiction, the discharge of wastes into the waters of the State which would result in the pollution of any of such waters in excess of any water quality standard promulgated by the Commission.  
(Added to NRS by 1973, 1718)

**NRS 445A.725 Provisions of title 48 of NRS unaffected.** Nothing in NRS 445A.300 to 445A.730, inclusive, shall be construed to amend, modify or supersede the provisions of title 48 of NRS or any rule, regulation or order promulgated or issued thereunder by the State Engineer.  
(Added to NRS by 1973, 1719)

**NRS CROSS REFERENCES.**  
Water, NRS Title 48

**NRS 445A.730 Effective date of regulations and standards.** All rules, regulations and standards promulgated by the State Commission of Environmental Protection and the State Board of Health pertaining to water pollution control in force on July 1, 1973, shall remain in effect until such time as revised by the State Environmental Commission pursuant to NRS 445A.300 to 445A.730, inclusive.  
(Added to NRS by 1973, 1719)

### PUBLIC WATER SYSTEMS

**NRS 445A.800 Declaration of state policy.** It is the policy of this State to provide for water which is safe for drinking and other domestic purposes and thereby promote the public health and welfare.  
(Added to NRS by 1977, 442)

**NRS 445A.805 Definitions.** As used in NRS 445A.800 to 445A.955, inclusive, unless the context otherwise requires, the words and terms defined in NRS 445A.807 to 445A.850, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1977, 443; A 1991, 403, 614; 1995, 1585; 1999, 1867; 2005, 551; 2013, 210; 2017, 279)

**NRS 445A.807 "Capability" defined.** "Capability" has the meaning ascribed to the term "capacity" in 43 U.S.C. §§ 300g-9 and 300j-12.  
(Added to NRS by 1999, 1864)

**NRS 445A.8075 "Commission" defined.** "Commission" means the State Environmental Commission.  
(Added to NRS by 2005, 551)

**NRS 445A.808 "Community water system" defined.** "Community water system" means a public water system that:

1. Has at least 15 service connections used by year-round residents of the area served by the system; or
  2. Regularly serves at least 25 year-round residents of the area served by the system.
- (Added to NRS by 1999, 1865)

**NRS 445A.810 "Contaminant" defined.** "Contaminant" means any physical, chemical, biological, radiological or other substance which can cause or transmit infectious disease, chemical poisoning, chronic disease or other impairment to humans.  
(Added to NRS by 1977, 443)

**NRS 445A.812 "District board of health" defined.** "District board of health" means a district board of health created pursuant to NRS 439.362 or 439.370.  
(Added to NRS by 2005, 551)

**NRS 445A.814 "Division" defined.** "Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.  
(Added to NRS by 2005, 551)

**NRS 445A.815 "Federal Act" defined.** "Federal Act" means the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., as amended.  
(Added to NRS by 1977, 443; A 1999, 1867)

**NRS 445A.817 "Financial capability" defined.** "Financial capability" means the ability of a public water system to:

1. Pay the costs related to maintenance, operations, depreciation and capital expenses;
  2. Maintain creditworthiness; and
  3. Establish and maintain adequate fiscal controls and accounting methods required for the operation of the system.
- (Added to NRS by 1999, 1865)

**NRS 445A.827 "Managerial capability" defined.** "Managerial capability" means the ability of a public water system to conduct its administrative affairs in a manner that ensures compliance with all applicable standards based on:

1. The accountability, responsibility and authority of the owner or operator of the system;
  2. The personnel and organization of the system; and
  3. The ability of the persons who manage the system to work with:
    - (a) Jurisdictional, regulatory and other governmental agencies;
    - (b) Trade and industry organizations; and
    - (c) The persons served by the system.
- (Added to NRS by 1999, 1865)

**NRS 445A.828 "Noncommunity water system" defined.** "Noncommunity water system" means a public water system that is not a community water system.  
(Added to NRS by 1999, 1865)

**NRS 445A.829 "Nontransient water system" defined.** "Nontransient water system" means a noncommunity water system that regularly serves at least 25 of the same persons for more than 6 months per year.  
(Added to NRS by 1999, 1865)

**NRS 445A.830 "Operator" defined.** "Operator" means a person regularly in charge of the day-to-day operations of a public water system.  
(Added to NRS by 1991, 613)

**NRS 445A.835 "Person" defined.** "Person" includes the State of Nevada, any political subdivision of this or another state, and any agency of the United States.  
(Added to NRS by 1977, 443)

**NRS 445A.838 "Public utility" defined.** "Public utility" has the meaning ascribed to it in NRS 704.020.  
(Added to NRS by 1999, 1865)

**NRS 445A.840 "Public water system" defined.** "Public water system" has the meaning ascribed to it in NRS 445A.235.  
(Added to NRS by 1977, 443; A 1999, 1867)

**NRS 445A.843 "Service connection" defined.**

1. "Service connection" means:

(a) The point of connection between a public water system and the system used by a customer of the public water system to obtain water from that system, at which point the public water system loses its control over the use of the water;

(b) If a meter is installed between a public water system and the system used by a customer of the public water system to obtain water from that system, the downstream end of the meter or meter assembly; or

(c) At a park for mobile homes or recreational vehicles, the point of connection of the mobile home or recreational vehicle to the riser for water service of the public water system that serves the park.

2. The term does not include a connection to a system that delivers water which is exempted pursuant to 42 U.S.C. § 300f(4)(B).  
(Added to NRS by 1999, 1865)

**NRS 445A.845 "Supplier of water" defined.** "Supplier of water" means a person who owns, controls or operates a public water system.  
(Added to NRS by 1977, 443)

**NRS 445A.847 "Technical capability" defined.** "Technical capability" means the ability of a public water system to:

1. Obtain an adequate and reliable source of water that is necessary to provide the quantity and quality of water required by the system;
2. Establish and maintain an adequate infrastructure for the treatment, storage and distribution of the quantity and quality of water required by the system; and
3. Employ operators who have the technical knowledge and ability to operate the system.

(Added to NRS by 1999, 1865)

**NRS 445A.848 "Transient water system" defined.** "Transient water system" means a noncommunity water system that does not regularly serve at least 25 of the same persons for more than 6 months per year.  
(Added to NRS by 1999, 1866)

**NRS 445A.850 "Water system" defined.** "Water system" means any privately owned public water system which serves at least 15 service connections that are used by residents throughout the year or regularly serves at least 25 residents throughout the year. The term does not include a public utility which serves more than 25,000 persons.  
(Added to NRS by 1991, 401)

**NRS 445A.855 Commission: Adoption of primary and secondary standards of drinking water.** The Commission shall adopt by regulation:

1. Primary drinking water standards which prescribe the maximum permissible levels for contaminants in any public water system and provide for the monitoring and reporting of water quality. In establishing the standards, the Commission shall consider, among other things, the standards established pursuant to the Federal Act.
2. Secondary drinking water standards which reasonably ensure that drinking water is aesthetically adequate.  
(Added to NRS by 1977, 443; A 1981, 1900; 2005, 551)

**REVISER'S NOTE.**

Ch. 171, Stats. 2005, which amended this section, contains the following provision not included in NRS:

"Notwithstanding the amendatory provisions of [NRS 445A.855, 445A.860, 445A.863 and 445A.860, as amended by sections 7, 8, 9 and 13 of this act transferring authority to adopt regulations from the State Board of Health to the State Environmental Commission, any regulations adopted by the State Board of Health pursuant to NRS 445A.855, 445A.860, 445A.863 and 445A.860 before October 1, 2005, shall be deemed to have been adopted by, and may be enforced and amended by, the State Environmental Commission."  
**ADMINISTRATIVE REGULATIONS.**  
Water quality, NAC 445A.450-445A.492

**NRS 445A.860 Commission: Adoption of regulations.** In addition to the regulations required to be adopted pursuant to NRS 445A.880, the Commission:

1. Shall adopt regulations establishing procedures for a system of permits to operate water systems which are constructed on or after July 1, 1991.
2. May adopt such other regulations as may be necessary to govern the construction, operation and maintenance of public water systems if those activities affect the quality of water, but the regulations do not supersede any regulation of the Public Utilities Commission of Nevada.

3. May establish by regulation a system for the issuance of operating permits for suppliers of water and set a reasonable date after which a person shall not operate a public water system constructed before July 1, 1991, without possessing a permit issued by the Division or the appropriate district board of health.
4. May adopt such other regulations as may be necessary to ensure that a community water system or nontransient water system that commences operation on or after October 1, 1999, demonstrates the technical capability, managerial capability and financial capability to comply with 40 C.F.R. Part 141, but the regulations do not supersede any regulation of the Public Utilities Commission of Nevada or the authority of the Public Utilities Commission of Nevada or other state agencies or local governing bodies to issue permits or certificates of authority for suppliers of water.
5. May adopt such other regulations as may be necessary to evaluate the technical capability, managerial capability and financial capability of a community water system or nontransient water system that commenced operation before October 1, 1999, to comply with 40 C.F.R. Part 141, but the regulations do not supersede any regulation of the Public Utilities Commission of Nevada or the authority of the Public Utilities Commission of Nevada or other state agencies or local governing bodies to issue permits or certificates of authority for suppliers of water.
6. May establish by regulation reasonable fees as may be necessary to carry out the provisions of NRS 445A.800 to 445A.955, inclusive. All fees collected pursuant to this subsection must be deposited in the account created pursuant to NRS 445A.861.
7. May adopt such other regulations as may be necessary to carry out the provisions of NRS 445A.800 to 445A.955, inclusive.  
(Added to NRS by 1977, 443; A 1985, 336; 1991, 403, 614; 1997, 1996; 1999, 1867; 2005, 551; 2017, 279)

**REVISER'S NOTE.**

Ch. 171, Stats. 2005, which amended this section, contains the following provision not included in NRS: "Notwithstanding the amendatory provisions of [NRS 445A.855, 445A.860, 445A.863 and 445A.866, as amended by] sections 7, 8, 9 and 13 of this act transferring authority to adopt regulations from the State Board of Health to the State Environmental Commission, any regulations adopted by the State Board of Health pursuant to NRS 445A.855, 445A.860, 445A.863 and 445A.866 before October 1, 2005, shall be deemed to have been adopted by, and may be enforced and amended by, the State Environmental Commission."

**ADMINISTRATIVE REGULATIONS.**

Public water systems, NAC 445A.450-445A.6731

**NRS 445A.861 Deposit and use of fees.**

1. All fees collected pursuant to NRS 278.3295 and subsection 6 of NRS 445A.860 must be deposited in a separate account created in the State General Fund. The State Department of Conservation and Natural Resources shall administer the account.
2. The money in the account must be expended only to pay for the costs to carry out the provisions of NRS 278.3295, 278.335, 278.377 and 445A.800 to 445A.955, inclusive, or for any other purpose authorized by the Legislature.
3. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.  
(Added to NRS by 2017, 278)

**NRS CROSS REFERENCES.**

Subdivision of land, review and certification of maps or plans, NRS 278.3295, 278.335, 278.377

**NRS 445A.863 Certification of laboratories for analysis of water; requirements for performance of certain analyses.**

1. The Commission shall provide by regulation standards for the certification of laboratories for the analysis of water pursuant to NRS 445A.800 to 445A.955,

inclusive. An analysis required pursuant to any provision of NRS 445A.800 to 445A.955, inclusive, or required by a lender as a condition precedent to the transfer of real property must be performed by a laboratory that is certified in accordance with the standards adopted by the Commission pursuant to this subsection.

2. The certifying officer shall conduct an evaluation at the site of each laboratory to determine whether the laboratory is using the methods of analysis required by this section in an acceptable manner, applying procedures required by regulation for the control of quality and making results available in a timely manner.

3. For analyses required pursuant to NRS 445A.800 to 445A.955, inclusive, or by a lender as a condition precedent to the transfer of real property, the methods used must comply with the Federal Act.

4. A laboratory may be certified to perform analyses for the presence of one or more specified contaminants or to perform all analyses required pursuant to NRS 445A.800 to 445A.955, inclusive.

(Added to NRS by 1995, 1585; A 1999, 1133, 1868; 2001, 74; 2005, 552)

**REVISER'S NOTE.**

Ch. 171, Stats. 2005, which amended this section, contains the following provision not included in NRS:

"Notwithstanding the amendatory provisions of [NRS 445A.855, 445A.860, 445A.863 and 445A.880, as amended by] sections 7, 8, 9 and 13 of this act transferring authority to adopt regulations from the State Board of Health to the State Environmental Commission, any regulations adopted by the State Board of Health pursuant to NRS 445A.855, 445A.860, 445A.863 and 445A.880 before October 1, 2005, shall be deemed to have been adopted by, and may be enforced and amended by, the State Environmental Commission."

**ADMINISTRATIVE REGULATIONS.**

Certification of laboratories, NAC 445A.542-445A.54296

**NRS 445A.865 Commission: Contracts; assistance; hearings; subpoenas.**  
To carry out the provisions and purposes of NRS 445A.800 to 445A.955, inclusive, the Commission may:

1. Through the Administrator of the Division:

(a) Enter into agreements, contracts or cooperative arrangements with other state agencies, federal or interstate agencies, municipalities, local health departments, educational institutions or other organizations or persons.

(b) Accept financial and technical assistance from the Federal Government, other public agencies or private contributors.

2. Hold hearings and issue subpoenas requiring the attendance of witnesses and the production of evidence.

(Added to NRS by 1977, 443; A 1981, 82; 1983, 837; 2005, 552)

**REVISER'S NOTE.**

Ch. 171, Stats. 2005, which amended this section, contains the following provision not included in NRS:  
"Notwithstanding the amendatory provisions of [NRS 445A.865, as amended by] section 10 of this act transferring authority to enter into agreements, contracts or cooperative arrangements from the State Board of Health to the State Environmental Commission, any agreement, contract or cooperative arrangement entered into by the State Board of Health pursuant to NRS 445A.865 before October 1, 2005, is binding upon the State Environmental Commission. The State Environmental Commission may enforce any such agreement, contract or cooperative arrangement."

**NRS 445A.870 Advisory board regarding certification of operators:  
Appointment; membership; compensation of members.**

1. The Commission may appoint an advisory board to act in an advisory capacity in matters relating to the certification of operators of community water systems or noncommunity water systems.

2. If such an advisory board is appointed:

(a) At least one member of the advisory board must be a member of the American Water Works Association.

(b) At least one member of the advisory board must be a member of the Nevada Rural Water Association or its successor organization.

(c) One member of the advisory board may represent the general public.

3. Each member of the advisory board serves without compensation. While engaged in the business of the advisory board, each member of the advisory board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally, to the extent that money is made available for that purpose.

(Added to NRS by 1991, 613; A 1999, 1868; 2005, 552)

#### REVISER'S NOTES.

See LCB Bulletin No. 91-8, Study of the Laws, Regulations and Policies Relating to Water and Waste Water Resources in Nevada, which recommended the adoption of this section and former NRS 445.3834 and 445.3836 (cf. NRS 445A.875 and 445A.880).

Ch. 171, Stats. 2005, which amended this section, contains the following provision not included in NRS:

"Notwithstanding the amendatory provisions of [NRS 445A.870, as amended by] section 11 of this act transferring authority to appoint an advisory board from the State Board of Health to the State Environmental Commission, an advisory board appointed by the State Board of Health pursuant to NRS 445A.870 before October 1, 2005, remains in existence and may advise the State Environmental Commission on matters relating to the certification of operators of community water systems or noncommunity water systems until such time as the advisory board is replaced by the State Environmental Commission."

#### **NRS 445A.875 Certification of operators: Requirement; exception; operation of multiple systems; presence of operator on-site.**

1. Except as otherwise provided in subsection 2, a person shall not act as an operator of a community water system or noncommunity water system unless the person has obtained a certificate to operate such a water system from the Division.
2. An operator of a transient water system is not required to obtain a certificate to operate a noncommunity water system if the system is designated by the Division as being supplied by groundwater that is not under the direct influence of surface water.
3. An operator may be certified to operate more than one community water system or noncommunity water system.
4. This section does not require a certified operator to be on-site at a community water system or noncommunity water system during all hours of operation.  
(Added to NRS by 1991, 613; A 1999, 1868; 2005, 553)

#### REVISER'S NOTES.

Ch. 251, Stats. 1991, the source of this section, contains the following provision not included in NRS:

"The State Board of Health shall issue, without examination, to an operator who, on July 1, 1992, is in charge of a public water system which is not designated by the Health Division [now the Division of Public and Behavioral Health] of the Department of Human Resources [now the Department of Health and Human Services] as being supplied by surface water or as being supplied by groundwater that is under the direct influence of surface water, a provisional certificate to operate a public water system for the appropriate classification. The provisional certificate must be valid:

1. For the period that the operator remains employed in that position.
2. Only at public water systems where he is employed on July 1, 1992."

Ch. 171, Stats. 2005, which amended this section, contains the following provision not included in NRS:

"Notwithstanding the amendatory provisions of [NRS 445A.875 and 445A.880, as amended by] sections 12 and 13 of this act transferring authority to grant certificates and certifications from the Health Division [now the Division of Public and Behavioral Health] of the Department of Human Resources [now the Department of Health and Human Services] to the Division of Environmental Protection of the State Department of Conservation and Natural Resources, any certificate or certification granted by the Health Division [now the Division of Public and Behavioral Health] pursuant to NRS 445A.875 or 445A.880 before October 1, 2005, shall be deemed to have been granted by the Division of Environmental Protection."



**NRS 445A.880 Certification of operators: Regulations; fees; examination; exemption from examination.**

1. The Commission shall adopt regulations to establish:
    - (a) A system of classification of operators of community water systems and noncommunity water systems who are required to be certified pursuant to NRS 445A.875;
    - (b) Requirements for certification for each class of operator;
    - (c) Reasonable fees for issuing and renewing certificates; and
    - (d) Requirements for continuing education for the renewal of a certificate.
  2. The fees so collected must only be used to:
    - (a) Defray the cost of issuing and renewing certificates; and
    - (b) Pay any expenses incurred by the Division in carrying out its duties relating to operators of community water systems and noncommunity water systems.
  3. The Division shall establish and administer examinations to determine the eligibility of any person who applies for certification. An applicant is entitled to certification upon satisfaction of the requirements of the Commission and payment of the applicable fee. The Division may enter into a contract with the American Water Works Association or another person, organization or agency to carry out or assist the Division in carrying out the provisions of this subsection.
  4. The Division may grant such certification, without examination, to an applicant who holds current certification by the California/Nevada section of the American Water Works Association or by another organization whose requirements for certification are equivalent to the requirements for certification established by the Commission pursuant to subsection 1.
- (Added to NRS by 1991, 614; A 1999, 1869; 2005, 553)

**REVISER'S NOTE.**

Ch. 171, Stats. 2005, which amended this section, contains the following provision not included in NRS:  
 "1. Notwithstanding the amendatory provisions of [NRS 445A.855, 445A.860, 445A.863 and 445A.880, as amended by] sections 7, 8, 9 and 13 of this act transferring authority to adopt regulations from the State Board of Health to the State Environmental Commission, any regulations adopted by the State Board of Health pursuant to NRS 445A.855, 445A.860, 445A.863 and 445A.880 before October 1, 2005, shall be deemed to have been adopted by, and may be enforced and amended by, the State Environmental Commission."  
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4. Notwithstanding the amendatory provisions of [NRS 445A.875 and 445A.880, as amended by] sections 12 and 13 of this act transferring authority to grant certificates and certifications from the Health Division [now the Division of Public and Behavioral Health] of the Department of Human Resources [now the Department of Health and Human Services] to the Division of Environmental Protection of the State Department of Conservation and Natural Resources, any certificate or certification granted by the Health Division [now the Division of Public and Behavioral Health] pursuant to NRS 445A.875 or 445A.880 before October 1, 2005, shall be deemed to have been granted by the Division of Environmental Protection.

5. The State Controller shall transfer to an account for the use of the Division of Environmental Protection of the State Department of Conservation and Natural Resources pursuant to NRS 445A.880, as amended by this act, all money collected as fees pursuant to paragraph (c) of subsection 1 of NRS 445A.880 that has not been committed for expenditure on October 1, 2005.

6. Notwithstanding the amendatory provisions of [NRS 445A.880, as amended by] section 13 of this act transferring authority to enter into contracts from the Health Division [now the Division of Public and Behavioral Health] of the Department of Human Resources [now the Department of Health and Human Services] to the Division of Environmental Protection of the State Department of Conservation and Natural Resources, any contract or other agreement entered into by the Health Division [now the Division of Public and Behavioral Health] pursuant to NRS 445A.880 before October 1, 2005, is binding upon and may be enforced by the Division of Environmental Protection."

**ADMINISTRATIVE REGULATIONS.**

Certification of operators, NAC 445A.617-445A.652

**NRS 445A.885 Systems constructed after June 30, 1991: Requirements for permit.**

1. Except as otherwise provided in subsection 2, no water system which is constructed on or after July 1, 1991, may operate unless the owner of the water system

receives a permit to operate the water system from the Division or the district board of health designated by the Commission. The owner of such a water system is entitled to a permit to operate the water system upon satisfaction of the requirements set forth in NRS 445A.885 to 445A.915, inclusive, and the requirements set forth in the regulations adopted by the Commission pursuant to NRS 445A.860.

2. Subsection 1 does not apply to the expansion of a public utility.  
(Added to NRS by 1991, 401; A 2005, 554)

**REVISER'S NOTES.**

See LCB Bulletin No. 91-8, Study of the Laws, Regulations and Policies Relating to Water and Waste Water Resources in Nevada, which recommended the adoption of former NRS 445.3841 to 445.3853, inclusive (cf. NRS 445A.885 to 445A.915, inclusive).

Ch. 171, Stats. 2005, which amended this section, contains the following provision not included in NRS:

<sup>9</sup>Notwithstanding the amendatory provisions of [NRS 445A.885, as amended by] section 14 of this act transferring authority to issue permits to operate water systems from the State Board of Health to the Division of Environmental Protection of the State Department of Conservation and Natural Resources, any permit to operate a water system issued by the State Board of Health or a health authority pursuant to NRS 445A.885 before October 1, 2005, shall be deemed to have been issued by the Division of Environmental Protection or the appropriate district board of health designated by the State Environmental Commission."

**NRS 445A.890 Systems constructed after June 30, 1991: Preliminary requests for comments.** Before making the finding specified in NRS 445A.910 and before making the determinations specified in NRS 244.3655, 268.4102 and 445A.895, the Division shall request comments from the:

1. Public Utilities Commission of Nevada;
2. State Engineer;
3. Local government within whose jurisdiction the water system is located; and
4. Owner of the water system.  
(Added to NRS by 1991, 401; A 1997, 1996; 2005, 554)

**NRS 445A.895 Systems constructed after June 30, 1991: Conditions for issuance of permit.** A permit to operate a water system may not be issued pursuant to NRS 445A.885 unless all of the following conditions are met:

1. Neither water provided by a public utility nor water provided by a municipality or other public entity is available to the persons to be served by the water system.
2. The applicant fully complies with all of the conditions of NRS 445A.885 to 445A.915, inclusive.

3. The applicant submits to the Division or the district board of health designated by the Commission documentation issued by the State Engineer which sets forth that the applicant holds water rights that are sufficient to operate the water system.

4. The local governing body assumes:

(a) Responsibility in case of default by the builder or developer of the water system for its continued operation and maintenance in accordance with all the terms and conditions of the permit.

(b) The duty of assessing the lands served as provided in subsection 6.

5. The applicant furnishes the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system:

(a) For 5 years following the date the system is placed in operation; or

(b) Until 75 percent of the lots or parcels served by the system are sold,  
↪ whichever is later.

6. The owners of the lands to be served by the water system record a declaration of covenants, conditions and restrictions which is an equitable servitude running with the land and which must provide that each lot or parcel will be assessed by the local

governing body for its proportionate share of the cost of continued operation and maintenance of the water system if there is a default by the applicant or operator of the water system and a sufficient surety, as provided in subsection 5, is not available.

7. If the water system uses or stores ozone, the portion of the system where ozone is used or stored must be constructed not less than 100 feet from any existing residence, unless the owner and occupant of each residence located closer than 100 feet consent to the construction of the system at a closer distance.

8. The declaration of covenants, conditions and restrictions recorded by the owners of the lands further provides that if the Division determines that:

- (a) The water system is not satisfactorily serving the needs of its users; and
- (b) Water provided by a public utility or a municipality or other public entity is reasonably available,

↳ the local governing body may, pursuant to NRS 244.3655 or 268.4102, require all users of the water system to connect into the available water system provided by a public utility or a municipality or other public entity, and each lot or parcel will be assessed by the local governing body for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

9. Provision has been made for disposition of the water system and the land on which it is situated after the local governing body requires all users to connect into an available water system provided by a public utility or a municipality or other public entity.

(Added to NRS by 1991, 401; A 1995, 2663; 1997, 1996; 2001, 549; 2005, 554)

**REVISER'S NOTE:**

Ch. 171, Stats. 2005, which amended this section, contains the following provision not included in NRS: "Any reference to the State Board of Health in a declaration of covenants, conditions and restrictions described in subsection 8 of NRS 445A.895, as amended by this act, that is recorded before October 1, 2005, shall be deemed to be a reference to the Division of Environmental Protection of the State Department of Conservation and Natural Resources."

**NRS 445A.900 Systems constructed after June 30, 1991: Prerequisites to liens for assessments.** No lien for the assessments provided by the covenants, conditions and restrictions described in NRS 445A.895 is binding upon the property until:

1. The local governing body, after a hearing, establishes the costs and apportionments to each lot or parcel; or
  2. The Public Utilities Commission of Nevada determines the amount of the assessments,
- ↳ and the local governing body records a notice of lien in the office of the county recorder in the county in which the property is located.  
(Added to NRS by 1991, 402; A 1997, 1997)

**NRS 445A.905 Systems constructed after June 30, 1991: Disposition of proceeds of assessments.**

1. The proceeds of any assessments upon lots or parcels must be deposited with the treasurer of the local governing body which received them, and they may be expended only for the:
  - (a) Continued maintenance and operation of the water system;
  - (b) Replacement of the water system if necessary; and
  - (c) Payment of the costs, including, but not limited to, the direct costs of connection and the costs of necessary new or rehabilitated facilities and any necessary

water rights, associated with connection to any water system provided by a public utility or a municipality or other public entity that becomes reasonably available.

2. If any surplus exists in the proceeds of assessments after all purposes of the assessments have been fully met, the surplus must be refunded to the persons who paid the assessments, in the proportion that their respective assessments bear to the gross proceeds of all assessments collected by the local governing body.  
(Added to NRS by 1991, 402)

**NRS 445A.910 Systems constructed after June 30, 1991: Assumption of control by local governing body.**

1. If the Division has found that any of the conditions of a permit to operate a water system issued pursuant to NRS 445A.885 are being violated and has notified the holder of the permit that he or she must bring the water system into compliance, but the holder of the permit has failed to comply within a reasonable time after the date of the notice, the local governing body, if requested to do so in writing by the Division, may take the following actions independently of any further action by the Division:

(a) Give written notice, by certified mail, to the owner of the water system and the owners of the property served by the system that if the violation is not corrected within 30 days after the date of the notice, the local governing body will seek a court order authorizing it to assume control; and

(b) After the 30-day period has expired, if the water system has not been brought into compliance, apply to the district court for an order authorizing the local governing body to assume control of the system and assess the property for the continued operation and maintenance of the system as provided in subsection 6 of NRS 445A.895.

2. If the local governing body determines at any time that immediate action is necessary to protect the public health and welfare, it may assume physical control and operation of a water system without complying with any of the requirements set forth in subsection 1. The local governing body may not maintain control of a water system pursuant to this subsection for a period greater than 30 days unless it obtains an order from the district court authorizing an extension.  
(Added to NRS by 1991, 403; A 2001, 550; 2005, 555)

**REVISER'S NOTE.**

Ch. 171, Stats. 2005, which amended this section, contains the following provision not included in NRS:

"9. Notwithstanding the amendatory provisions of [NRS 445A.910, as amended by] section 17 of this act transferring authority to issue notices of noncompliance from the State Board of Health to the Division of Environmental Protection of the State Department of Conservation and Natural Resources, any notice to an operator of a water system issued by the State Board of Health pursuant to NRS 445A.910 before October 1, 2005, shall be deemed to have been issued by the Division of Environmental Protection.

10. Notwithstanding the amendatory provisions of [NRS 445A.910, as amended by] section 17 of this act transferring authority to issue to a local governing body a written request to act from the State Board of Health to the Division of Environmental Protection of the State Department of Conservation and Natural Resources, any written request issued to a local governing body by the State Board of Health pursuant to NRS 445A.910 before October 1, 2005, shall be deemed a proper basis for the appropriate local governing body to take any action authorized by NRS 445A.910."

**NRS 445A.915 Systems constructed after June 30, 1991: Effect of provisions.** The provisions of NRS 445A.885 to 445A.915, inclusive, do not prevent:

1. A local governing body or a health district from imposing its own conditions for approval of the operation of any water system located within its jurisdiction, which may be more stringent than those authorized by NRS 445A.885 to 445A.915, inclusive.

2. A local governing body from requiring the prior approval of a proposed water system by a local committee created for that purpose.
3. A local governing body from converting service connections to water systems into service connections to water systems provided by a public utility or a municipality or other public entity.  
(Added to NRS by 1991, 403; A 1999, 1870)

**NRS 445A.920 Review and approval of plans and specifications by Commission or district board of health.**

1. Except as otherwise provided in subsection 2, plans and specifications for any substantial addition to or alteration of a public water system subject to a regulation of the Commission must be submitted to the Division or the appropriate district board of health for review and approval.
2. A public water system is not required to submit any plans and specifications if the addition or alteration complies with standards previously approved by the Division or the appropriate district board of health.
3. In approving the plans and specifications, the Division or the appropriate district board of health may require such modifications or impose such conditions as are necessary to carry out the provisions of NRS 445A.800 to 445A.955, inclusive.  
(Added to NRS by 1977, 444; A 2005, 556)

**REVISER'S NOTE.**

Ch. 171, Stats. 2005, which amended this section, contains the following provision not included in NRS:  
"Notwithstanding the amendatory provisions of [NRS 445A.920, as amended by] section 18 of this act transferring authority to review and approve plans and specifications for any substantial addition to or alteration of a public water system subject to regulation by the State Environmental Commission from the health authorities to the Division of Environmental Protection of the State Department of Conservation and Natural Resources and appropriate district boards of health, standards previously approved by any health authority pursuant to NRS 445A.920 before October 1, 2005, remain in effect and a public water system which contemplates an addition or alteration that complies with those standards is not required to submit any plans and specifications to the Division of Environmental Protection or any district board of health for review."

**NRS 445A.925 Duties of Division and district boards of health.**

1. The Division and the district boards of health shall:
  - (a) Enforce the provisions of NRS 445A.800 to 445A.955, inclusive, and regulations adopted pursuant thereto; and
  - (b) Make such investigations and inspections as are necessary to ensure compliance with those sections and regulations.
2. Any representative of the Division or the appropriate district board of health may enter the property of any public water system at any reasonable time for the purpose of inspecting and investigating the adequacy and sanitary condition of the system and the quality of its water.
3. Except in an emergency, the Division or the appropriate district board of health shall notify and permit the supplier of water to be present when an inspection or investigation is being conducted.  
(Added to NRS by 1977, 444; A 1991, 404, 614; 2005, 556)

**NRS 445A.930 Imminent hazard; issuance and review of emergency order; public warning.**

1. An imminent hazard exists if the Division, after consulting with the district board of health and the supplier of water, determines that a contaminant is or will be found in a public water system and the contaminant is a serious risk to public health.

2. To eliminate an imminent hazard, the Division may issue an emergency order requiring the supplier of water immediately to take action necessary to protect the public health. An emergency order may require that a supplier of water cease distributing the water.
3. Such an emergency order is effective immediately and is not subject to review unless the supplier to whom the order is issued, within 30 days after the date the order is served, petitions for a hearing before the Division.
4. Whenever conditions of a public water system are such as to require immediate action to protect the public health, the Division may issue public warnings in such manner as the Division determines to be suitable.  
(Added to NRS by 1977, 444; A 2005, 556)

**REVISER'S NOTE.**

Ch. 171, Stats. 2005, which amended this section, contains the following provision not included in NRS:  
"Notwithstanding the amendatory provisions of [NRS 445A.930, as amended by] section 20 of this act transferring authority to issue an emergency order or public warning from the State Health Officer [now the Chief Medical Officer] to the Division of Environmental Protection of the State Department of Conservation and Natural Resources, any emergency order or public warning issued by the State Health Officer [now the Chief Medical Officer] pursuant to NRS 445A.930 before October 1, 2005, remains in effect and may be enforced by the Division of Environmental Protection."

**NRS 445A.935 Variance or exemption from regulation of Commission: Application; notice and hearing; participation of Public Utilities Commission of Nevada.**

1. A supplier of water may apply to the Commission for a variance or exemption from the regulations of the Commission. The Commission may grant variances or exemptions after notice and public hearing.
2. A supplier of water shall notify all users of the water system as soon as the Commission has scheduled a time and place for the public hearing on the application for a variance or exemption.
3. The Public Utilities Commission of Nevada may participate in the hearing.  
(Added to NRS by 1977, 444; A 1981, 1900; 1997, 1998; 2005, 556)

**REVISER'S NOTE.**

Ch. 171, Stats. 2005, which amended this section, contains the following provision not included in NRS:  
"Notwithstanding the amendatory provisions of [NRS 445A.935, as amended by] section 21 of this act transferring authority to grant a variance or exemption from the State Board of Health to the State Environmental Commission, any variance or exemption granted by the State Board of Health pursuant to NRS 445A.935 before October 1, 2005, remains in effect unless modified or revoked by the State Environmental Commission."

**NRS 445A.940 Notification to Division or district board of health and user of water system by supplier of water.**

1. A supplier of water shall immediately notify the Division or the appropriate district board of health and the users of the supplier's public water system whenever:
  - (a) The system is not in compliance with the primary drinking water standards;
  - (b) The supplier fails to perform any required monitoring of water quality;
  - (c) The supplier has been granted a variance or exemption by the Commission; or
  - (d) The supplier fails to comply with the conditions imposed by the Commission in granting the variance or exemption.
2. The notification must be in the form and manner prescribed by the Division.  
(Added to NRS by 1977, 445; A 2005, 557)

**REVISOR'S NOTE.**

Ch. 171, Stats. 2005, which amended this section, contains the following provision not included in NRS: "Notwithstanding the amendatory provisions of [NRS 445A.940, as amended by] section 22 of this act requiring a supplier of water to notify the Division of Environmental Protection of the State Department of Conservation and Natural Resources or the appropriate district board of health upon the occurrence of certain events, any notification of a local board or board of health made by a supplier of water pursuant to NRS 445A.940 before October 1, 2005, shall be deemed to be notification of the Division of Environmental Protection."

**NRS 445A.943 Issuance of orders by Division.**

1. If the Division has reason to believe that a person is engaging or has engaged in any act or practice which violates the provisions of NRS 445A.800 to 445A.955, inclusive, or a regulation adopted or order issued pursuant thereto, or any term or condition of a permit to operate a public water system issued pursuant to NRS 445A.860 or a certification of a laboratory for the analysis of water issued pursuant to NRS 445A.863, the Division may, in addition to any other action authorized or required by NRS 445A.800 to 445A.955, inclusive, issue an order:
  - (a) Specifying the provision or provisions which the Division believes or has reason to believe the person is violating or has violated;
  - (b) Setting forth the facts alleged to constitute the violation;
  - (c) Prescribing the actions the person must take to correct the violation and the period during which the violation must be corrected; and
  - (d) Requiring the person to appear before the Administrator of the Division or a hearing officer appointed by the Administrator to show cause why the Division should not commence an action against the person in district court for appropriate relief.
2. If the Division has reasonable cause to believe, based on evidence satisfactory to it, that any person is about to violate the provisions of NRS 445A.800 to 445A.955, inclusive, or a regulation adopted or order issued pursuant thereto, or any term or condition of a permit to operate a public water system issued pursuant to NRS 445A.860 or a certification of a laboratory for the analysis of water issued pursuant to NRS 445A.863, the Division may, without a prior hearing, issue a summary order against the person, directing the person to cease and desist from any further acts that constitute or would constitute a violation. The summary order to cease and desist must specify the provision of NRS 445A.800 to 445A.955, inclusive, or a regulation adopted or order issued pursuant thereto, or the term or condition of a permit or certification which the Division reasonably believes is about to be violated.
3. An order issued by the Division pursuant to subsection 1 or 2 is effective immediately and is not subject to review unless the person to whom the order is directed, not later than 30 days after the order is issued, submits a written petition to the Commission for a hearing.  
(Added to NRS by 2013, 209)

**NRS 445A.945 Injunctions.**

1. The Division or the appropriate district board of health may apply to a court of competent jurisdiction to enjoin the continuance or occurrence of any act or practice which violates the provisions of NRS 445A.800 to 445A.955, inclusive, or of any regulation adopted or order issued pursuant thereto.
2. On a showing by the Division or the district board of health that such a violation has occurred or will occur, the court may issue, without bond, such prohibitory or mandatory injunction as the facts may warrant.  
(Added to NRS by 1977, 445; A 1991, 404, 615; 2005, 557)

**NRS 445A.950 Civil penalty and administrative fine against supplier of water for certain violations; enforcement proceedings.**

1. Any supplier of water who:
  - (a) Violates any standard established pursuant to NRS 445A.855;
  - (b) Violates or fails to comply with an order issued pursuant to NRS 445A.930 or subsection 1 or 2 of NRS 445A.943;
  - (c) Violates any condition imposed by the Commission upon granting a variance or exemption under NRS 445A.935;
  - (d) Violates a regulation adopted by the Commission pursuant to NRS 445A.860 or 445A.880; or
  - (e) Fails to give a notice as required by NRS 445A.940,
- ↪ is liable for a civil penalty, to be recovered by the Attorney General in the name of the Division, of not more than \$25,000 for each day of the violation.
2. In addition to the civil penalty prescribed in subsection 1, the Division may impose an administrative fine against a supplier of water who commits any violation enumerated in subsection 1. The administrative fine imposed may not be more than \$5,000 per day for each such violation.
3. The civil penalty and administrative fine prescribed in this section may be imposed in addition to any other penalties or relief prescribed in NRS 445A.800 to 445A.955, inclusive.
4. In addition to any other remedy provided by this chapter, the Division may compel compliance with any provision of NRS 445A.800 to 445A.955, inclusive, or of any permit, certificate, standard, regulation or final order adopted or issued thereto, by injunction or other appropriate remedy. The Division may institute and maintain in the name of the State of Nevada any such enforcement proceedings.  
(Added to NRS by 1977, 455; A 1991, 404, 615, 1041; 2001, 635; 2005, 557; 2013, 210; 2017, 279; 2019, 3979)

**NRS 445A.952 Civil penalty and administrative fine against laboratories for certain violations; enforcement proceedings.**

1. A laboratory for the analysis of water that:
  - (a) Violates any regulation adopted by the Commission pursuant to NRS 445A.863; or
  - (b) Violates or fails to comply with an order issued pursuant to subsection 1 or 2 of NRS 445A.943,
- ↪ is liable for a civil penalty, to be recovered by the Attorney General in the name of the Division, of not more than \$5,000 for each day of the violation.
2. In addition to the civil penalty described in subsection 1, the Division may impose an administrative fine of not more than \$2,500 per day for each violation described in subsection 1.
3. The civil penalty and administrative fine authorized by this section are in addition to any other penalties or relief prescribed by NRS 445A.800 to 445A.955, inclusive.
4. In addition to any other remedy provided by this chapter, the Division may compel compliance with any provision of NRS 445A.800 to 445A.955, inclusive, or of any permit, certificate, standard, regulation or final order adopted or issued thereto, by injunction or other appropriate remedy. The Division may institute and maintain in the name of the State of Nevada any such enforcement proceedings.  
(Added to NRS by 2013, 210; A 2019, 3979)



**NRS 445A.955 Criminal penalty.** Any person who violates the provisions of NRS 445A.800 to 445A.955, inclusive, or any regulation adopted by the Commission pursuant to those provisions is guilty of a misdemeanor. Each day of violation constitutes a separate offense.  
(Added to NRS by 1977, 445; A 1991, 405, 615; 2005, 558)