

Public Water System Project Waiver Request

Frequently Asked Questions

The Bureau of Safe Drinking Water (BSDW) has created this FAQ document to help guide public water systems draft a formal submittal for water project waiver requests. Approved water project waiver requests allow public water systems to approve certain distribution piping water projects for construction without formal review and approval by BSDW or the appropriate district board of health. Public water systems without an approved water project waiver are required to submit all distribution water projects (e.g., water service line construction, water main construction, water main replacement, etc.) to the BSDW or appropriate district board of health for review and approval prior to construction.

Q1: What is the Bureau of Safe Drinking Water (BSDW)?

A: The BSDW oversees the implementation of the Safe Drinking Water Act in Nevada and has regulatory authority over public water systems. This authority is defined in Nevada Revised Statutes (NRS) 445A and Nevada Administrative Code (NAC) 445A. It is important to note that BSDW does **NOT** have regulatory authority over engineers, developers, contractors, or customers.

Q2: What is a Water Project?

A: A water project is defined in NAC 445A.66585 as the *initial construction, or any renovation, modification or expansion of each portion of a public water system*. Each portion of the water system includes infrastructure owned and operated by the public water system up to the service connection (meter or property line). Typically, once the water passes the service connection, the water system no longer owns or maintains the infrastructure. After the service connection, the BSDW has limited regulatory authority over privately owned infrastructure. The limited authority would mainly cover compliance with lead service lines.

Q3: What is a Water Project Waiver (Waiver)?

A: Per NAC 445A.6669(2), a *Waiver* allows a water system to design and construct certain water line distribution projects without submitting a water project application and obtaining written approval from the BSDW. The Waiver does **NOT** include the initial construction or any renovation, modification, or expansion of a source water facility, treatment facility, disinfection facility, pumping facility, or storage facility. Modification or expansion of distribution projects must meet the criteria outlined below to fall under the Waiver:

- Involves 500 feet or less of the distribution system;
- Affects not more than 5% of the total number of service connections to the public water system; or
- Increases the total number of service connections to the public water system by not more than 5%.

Q4: How might a public water system be affected by a modification or expansion?

A: Examples:

- Water pressure at existing service connections may be impacted if a water main is upsized. Per NAC 445A.6711, distribution systems must be designed to not exceed 100 psi.
- Adding several service connections may impact water supply and pressure at existing connections.
- If a portion of the water main is replaced, existing service connections may be out of water and/or placed on a boil water order for some time during the construction of the new project.

Q5: May a public water system request a Waiver for certain conditions (e.g., request a Waiver for only distribution projects 500 ft. or less)?

A: Yes, a water system may submit a Waiver for certain conditions that are mentioned in NAC 445A.6669(2).

Q6: Do Subdivision Improvement Plans fall under a Waiver?

A: No, subdivision improvement plans do not fall under the Waiver and shall be reviewed and approved per NAC 278.290.

Q7: May a public water system issue a special exception under NAC 445A.6665?

A: No, a special exception will need to be submitted by the public water system to BSDW or the district board of health for consideration and approval.

Q8: What information and documentation must a water system submit for review to obtain a Waiver?

A: A water system shall submit the following information and documents to the BSDW for review and approval:

- The name and license number of the Nevada P.E. who is employed or contracted with the water system to carry out the provisions NAC 445A.66705 (e.g., preparation and stamping of plans and design documents) of the Waiver;
- The number and type (e.g., residential, commercial, etc.) of service connections currently served by the water system;
- O&M Manual, Emergency Response Plan, and Cross-Connection Control Plan;
- A comprehensive network hydraulic analysis of the system prepared and stamped by a Nevada P.E. The network hydraulic analysis shall include all sections of NAC 445A.6672 to NAC 445A.6673, inclusive, and NAC 445A.6674 to NAC 445A.66755, inclusive.
 - A statement from a Nevada P.E. indicating the threshold of additional connections that can be added to each pressure zone within the water system without causing existing connections to fall out of compliance with NAC 445A.6672, **OR** determination of 90% of the total capacity of the water system. Total capacity is defined in NAC 445A.6652 and required in NAC 445A.66725.

- A worst-case scenario fire demand in each pressure zone.
- All standard details and general construction notes, a list of all the design standards used for the design and construction of the public water system, and a plan to ensure water service laterals are installed in a sanitary manner, and
- A signed agreement by the water system that it will comply with all regulations in NAC 445A.65505 to NAC 445A.6731 and approved Waiver.

Q9: How will a water system demonstrate to the BSDW that it complies with the Waiver after it is approved?

A: A water system shall submit the following information to the BSDW in an annual report. The annual report is due on or before the anniversary of the approval letter:

- A map depicting the distribution system as it is expanded;
- A detailed list of all the projects approved for construction and their status;
- Approximate population the water system serves and the total number of service connections; and
- If connections were added to the system, a statement from a Nevada P.E. indicating the threshold of additional connections that can be added to each pressure zone within the water system without causing existing connections to fall out of compliance with NAC 445A.6672, **OR** Determination of 90% of the total capacity of the water system. Total capacity is defined in NAC 445A.6652 and required in NAC 445A.66725.

The BSDW may request to audit a certain percentage of the projects the water system constructed under the Waiver to ensure that the minimum design requirements were met.

Q10: What happens to the Waiver when a water system reaches its maximum threshold of service connections **OR** 90% of its total capacity?

A: The Waiver will be rescinded. The water system may apply for a new Waiver upon completion of water projects to increase capacity.

Q11: What must be submitted to a public water system for the construction of a water service lateral?

A: At minimum, the following information must be provided for the approval of a new water service lateral water project:

- Documentation:
 - Documentation from the Fire Authority (NAC 445A.6593) stating the required Fire Demand (NAC 445A.65935) and Fire Flow (NAC 445A.6594).
- Plan Set Stamped by a Nevada P.E.:
 - Project location (street, alley, etc.) with north arrow;
 - Right-of-way and easement information;

- Location of the proposed water lateral in relation to existing utilities (e.g., sewer, storm, gas, electric, communications, etc.);
- Reference to standard details (e.g., water/non-potable separation, trench/excavation/backfill, etc.);
- If required by regulation, a detail for the installation of an appropriate backflow assembly; and
- The plan to install the water service lateral in a sanitary manner.

Q12: Are all water project plans required to be stamped by a Nevada P.E.?

A: Yes, per NAC 445A.66705, all initial and final plan sets for water projects on a public water system are required to be stamped by a Nevada P.E. Water project improvement plans for a public water system cannot be stamped by a contractor, an architect, etc. Design plans for water distribution infrastructure downstream of the service connection may be stamped per building official requirements.

Q13: What happens if the P.E. employed or contracted by a water system to oversee the implementation of the water project Waiver is terminated or leaves the position?

A: The water system is to stop approving water projects and must contact the BSDW to discuss the status of the Waiver and the steps it is taking to employ or contract with a new Nevada P.E.

Q14: Will renewal of the Waiver be required on an annual basis?

A: No, the Waiver does not have to be renewed annually. However, a water system is required to submit an annual report demonstrating it is in compliance with the Waiver.

Q15: Can the BSDW rescind a Waiver at any time?

A: Yes, the BSDW may rescind the Waiver if it becomes evident the water system is not adhering to the terms and conditions of the Waiver. This may include but is not limited to, failure to submit annual reports, constructing projects outside the scope of the Waiver without receiving written approval, not employing or contracting a Nevada P.E. to oversee implementation of the Waiver, constructing projects that do not meet minimum design requirements outlined in NAC 445A.65505 to NAC 445A.6731, inclusive, or a water quality violation in the water system.

Q16: Can the BSDW deny a Waiver request?

A: Yes, the BSDW may deny a Waiver request if a water system has a history of regulatory non-compliance or is unable to meet the requirements to obtain a waiver.

Q17: Is there a review fee for obtaining a Waiver?

A: No, there is no fee for the review and approval of a Waiver.

Q18: What is considered maintenance as outlined in NAC 445A.6669?

A: The BSDW defines maintenance as day-to-day upkeep to ensure the water system operates as designed. This includes but is not limited to, replacement of a leaking valve, water meter replacement,

pump and motor maintenance, or service lateral replacement. Day-to-day maintenance is **not** considered replacing more than 500 linear feet of water distribution system, re-coating the interior or exterior of a storage tank, or well rehabilitation. Any project an operator would not do day-to-day, and maintenance not covered in the approved Manual of Operations and Maintenance, is required to be reviewed and approved by the BSDW before the commencement of the project. If you are unsure if a certain project falls under general maintenance, please contact the BSDW Engineering Branch to discuss.

Q19: Will the BSDW approve Waivers for water systems whose engineering plan review falls under the jurisdiction of a district board of health?

A: No, water systems whose engineering plan review falls under the jurisdiction of a district board of health must obtain a Waiver from the appropriate district board of health.