**PROPOSED REGULATION OF THE**

**STATE ENVIRONMENTAL COMMISSION**

**LCB File No. R144-26**

October 14, 2026

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

AUTHORITY: §§ 1-10, NRS 445A.425.

A REGULATION relating to water pollution controls; adopting by reference certain publications; establishing requirements for the treatment, supply and use of reclaimed water for indoor direct evaporative cooling and indoor evaporative humidification for certain industrial processes; authorizing certain uses of reclaimed water in reuse category A; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the State Environmental Commission to adopt regulations relating to water pollution control and standards for water quality. (NRS 445A.425) Existing regulations establish requirements governing the use of reclaimed water in categories A, B, C, D and E. (NAC 445A.275-445A.280) Existing regulations prohibit the use of reclaimed water for maintaining a controlled temperature and humidity environment if air that contacts the reclaimed water is delivered to an area that may be occupied. (NAC 445A.275) **Section 10** of this regulation authorizes the use of reclaimed water that meets the bacteriological quality for reuse category A for indoor direct evaporative cooling or indoor evaporative humidification in areas where public access is restricted, even if human contact with the reclaimed water can reasonably be expected to occur, if the use of the reclaimed water meets the requirements set forth in **sections 6, 7 and 8** of this regulation and the use is for an industrial process in an industry that is classified as: (1) primary metal manufacturing; (2) electrical equipment, appliance and component manufacturing; (3) transportation equipment manufacturing; (4) warehousing and storage; or (5) computing infrastructure providers, data processing, web hosting and related services. **Section 9** of this regulation provides that this authorization is an exception to the prohibition on the use of reclaimed water for maintaining a controlled temperature and humidity environment.

**Section 6** requires reclaimed water that is used for indoor direct evaporative cooling or indoor evaporative humidification to: (1) be treated at a treatment works; (2) meet the

requirements for bacteriological quality for reuse category A; (3) be filtered so that the turbidity of the combined filter effluent does not exceed certain measurements; (4) receive a certain level of disinfection treatment; and (5) not exceed certain measurements of free chlorine residue.

**Section 7** of this regulation requires a person who proposes to supply reclaimed water for indoor direct evaporative cooling or indoor evaporative humidification to submit to the Division of Environmental Protection of the State Department of Conservation and Natural Resources with his or her application for a discharge permit or application to modify a discharge permit a plan for the management of reclaimed water that includes certain information.

**Section 8** of this regulation requires a person who uses reclaimed water for indoor direct evaporative cooling or indoor evaporative humidification to: (1) use certain controls and biocides; (2) develop and implement a plan for the management of reclaimed water that must be approved by the Division and that meets certain standards and guidelines; and (3) monitor the reclaimed water for Legionella pneumophilia and report the results of the monitoring to the Division. If the results of the monitoring exceed certain levels, **section 8** also requires the person to: (1) notify the Division not later than 24 hours after receiving the results; and (2) clean and disinfect the affected water system.

**Section 5** of this regulation adopts by reference certain publications prescribing standards and guidelines relating to the management and control of Legionella pneumophila and the classification of the industries for which the use of reclaimed water is authorized.

**Sections 2 and 3** of this regulation define the terms "indoor direct evaporative cooling" and "indoor evaporative humidification" for the purposes of these provisions. **Section 4** of this regulation defines the term "plan for the management of reclaimed water."

**Section 1.** Chapter 445A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this regulation.

**Sec. 2.** ***"Indoor direct evaporative cooling" means a process for maintaining a controlled temperature in an indoor environment by cooling air through the direct evaporation of water and delivering the cooled air to an occupied space.***

**Sec. 3.** ***"Indoor evaporative humidification" means a mechanical or passive process for increasing the moisture content of air by evaporating water into an air stream that is delivered to an occupied space. The term does not include any process that uses technology to produce airborne water droplets, including, without limitation, spray injection, atomization or ultrasonic dispersion.***

**Sec. 4.** *"Plan for the management of reclaimed water" means:*

*1. A reclaimed water management plan; or*

*2. A site specific management plan.*

**Sec. 5.** *The Commission hereby adopts by reference:*

*1. ANSI/ASHRAE Standard 188-2021, Legionellosis: Risk Management for Building Water Systems, published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers. A copy of this publication is available for purchase at the Internet address https://store.accuristech.com/ashrae/standards/ashrae-188-2021?product_id=2229689#full or by telephone at (800) 527-4723 for the price of $79 for members or $105 for nonmembers.*

*2. Recognition, Evaluation, and Control of Legionella in Building Water Systems, 2nd Edition, published by the American Industrial Hygiene Association. A copy of this publication is available for purchase at the Internet address https://www.aiha.org/education/marketplace/legionella-guide or by telephone at (703) 849-8888, for the price of $57.50 for members or $74.75 for nonmembers for a hard copy and $46 for members or $60 for nonmembers for an electronic copy.*

*3. The North American Industry Classification System, 2022 Edition, published by the Bureau of the Census of the United States Department of Commerce. A copy of this publication is available at the Internet address https://www.census.gov/naics, free of charge.*

**Sec. 6.** *Reclaimed water that is used for indoor direct evaporative cooling or indoor evaporative humidification must be treated at a treatment works and must:*

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*1. Meet the requirements for bacteriological quality set forth in NAC 445A.276 for reuse category A;*

*2. Be filtered so that the turbidity of the combined filter effluent before disinfection does not exceed:*

*(a) An average of 1.0 nephelometric turbidity units during any 24-hour period; and*

*(b) At any time, 2.0 nephelometric turbidity units;*

*3. Receive disinfection treatment that achieves at least 4-log inactivation of viruses or an equivalent level of treatment approved by the Division; and*

*4. Have a free chlorine residue of not less than .05 milligrams per liter before leaving the treatment works.*

**Sec. 7.** *1. In addition to the requirements set forth in NAC 445A.283 to 445A.294, inclusive, a person who proposes to supply reclaimed water for indoor direct evaporative cooling or indoor evaporative humidification must submit with his or her application for a discharge permit submitted pursuant to NAC 445A.230 the plan for the management of reclaimed water required by NAC 445A.275. The plan for the management of reclaimed water must include, without limitation:*

*(a) The critical control points for monitoring water quality; and*

*(b) The corrective actions to be taken in the event of water contamination.*

*2. A person who holds a discharge permit pursuant to NAC 445A.228 to 445A.263, inclusive, and proposes to supply reclaimed water for indoor direct evaporative cooling or indoor evaporative humidification must submit to the Division an application to modify the*

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*discharge permit which must include the plan for the management of reclaimed water that includes the information required by subsection 1.*

**Sec. 8.** *1. A person who uses reclaimed water for indoor direct evaporative cooling or indoor evaporative humidification must:*

*(a) Use a drift eliminator or equivalent control when the system for indoor direct evaporative cooling or indoor evaporative humidification is in operation;*

*(b) Use chlorine or another biocide approved by the Division to treat the feed water; and*

*(c) Develop and implement a plan for the management of reclaimed water that is consistent with Standard 188 of the American Society of Heating, Refrigerating and Air-Conditioning Engineers and the guidelines set forth in Recognition, Evaluation and Control of Legionella in Building Water Systems, adopted by reference in section 5 of this regulation.*

*2. A person who uses reclaimed water for indoor direct evaporative cooling or indoor evaporative humidification shall monitor the reclaimed water for Legionella pneumophila and report the results of the monitoring to the Division not later than 30 days after the end of each calendar quarter.*

*3. The results of the monitoring conducted pursuant to subsection 2 must be retained for at least 3 years.*

*4. If any result of the monitoring conducted pursuant to subsection 2 exceeds 100 CFUm/L:*

*(a) The person using the reclaimed water shall notify the Division not later than 24 hours after receipt of the result; and*

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***(b) The use of reclaimed water must cease for any indoor direct evaporative cooling or indoor evaporative humidification downstream from the monitoring point until the affected water system is cleaned and disinfected in accordance with the plan for the management of reclaimed water.***

**Sec. 9.** NAC 445A.275 is hereby amended to read as follows:

445A.275 1. A person shall not use reclaimed water unless:

(a) The person has:

(1) Received the approval of the Division of a plan for the management of reclaimed water; and

(2) Obtained a permit pursuant to NAC 445A.228 to 445A.263, inclusive; and

(b) The reclaimed water has received at least secondary treatment.

2. ~~[A]~~ ***Except as otherwise provided in paragraphs (i) and (j) of subsection 1 of NAC 445A.2762, a*** person shall not use reclaimed water for maintaining a controlled temperature and humidity environment if air that contacts the reclaimed water is delivered to an area that may be occupied.

3. As used in this section:

(a) "Five-day inhibited biochemical oxygen demand" means the amount of dissolved oxygen required to stabilize the carbonaceous decomposable organic matter by aerobic bacterial action at 20 degrees centigrade for 5 days.

(b) ~~[~~"Plan for the management of reclaimed water" means:

~~(1) A reclaimed water management plan; or~~

~~(2) A site specific management plan.~~

~~(c)~~ "Secondary treatment" means the treatment of sewage until the sewage has, 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.

**Sec. 10.** NAC 445A.2762 is hereby amended to read as follows:

445A.2762 ***1.*** Reclaimed water that meets the requirements for bacteriological quality set forth in NAC 445A.276 for reuse category A may be used for:

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

~~(a)~~ ***(1)*** Public access to the area of use is unrestricted; and

~~(b)~~ ***(2)*** Human contact with the reclaimed water can reasonably be expected to occur.

~~2.~~ ***(b)*** An impoundment in which swimming is prohibited even if:

~~(a)~~ ***(1)*** Public access to the impoundment is unrestricted; and

~~(b)~~ ***(2)*** Human contact with the reclaimed water can reasonably be expected to occur.

~~3.~~ ***(c)*** Snowmaking. The Division may require additional treatment before reclaimed water may be used for this purpose.

~~4.~~ ***(d)*** Irrigation of food crops. The Division may require additional treatment before reclaimed water may be used for this purpose.

~~5.~~ ***(e)*** Outdoor decorative water features.

~~6.~~ ***(f)*** Commercial toilet and urinal flushing.

~~[7.]~~ ***(g)*** Commercial window washing and pressure cleaning which occurs outdoors.

~~[8.]~~ ***(h)*** Any activity approved for reuse category B, C, D or E.

~~[9.]~~ ***(i) Subject to the requirements of sections 6, 7 and 8 of this regulation, indoor direct evaporative cooling in an industrial process where public access to the area of use is restricted, even if human contact with the reclaimed water can reasonably be expected to occur.***

***(j) Subject to the requirements of sections 6, 7 and 8 of this regulation, indoor evaporative humidification in an industrial process where public access to the area of use is restricted, even if human contact with the reclaimed water can reasonably be expected to occur.***

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

***2. As used in this section, "industrial process" means a process carried out by an industry classified in the North American Industry Classification System, 2022 Edition, adopted by reference in section 5 of this regulation, under the NAICS subsector codes 331, 335, 336, 493 or 518.***

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