



State Primacy Revision Checklist

Required Program Elements		Revision to State Program	EPA Findings/Comments
§142.10	Primary Enforcement – Definition of Public Water System*	NO NRS 445A.840 & NRS 445A.235 1977, A. May 29, 1999	Agree.
§142.10(a)	Regulations No Less Stringent	NO	Agree.
§142.10(b)(1)	Maintain Inventory	NO NRS 445A.860 1977, A. 1985, 1991, 1997, 1999, 2005, 2017	Agree.
§142.10(b)(2)	Sanitary Survey Program	NO NRS 445A.860 1977, A. 1985, 1991, 1997, 1999, 2005, 2017	Agree.
§142.10(b)(3)	Laboratory Certification Program	NO 445A.860 1977, A. 1985, 1991, 1997, 1999, 2005, 2017 & NRS 445A.863 1995, A. 1999, 2001, 2005	Agree.
§142.10(b)(4)	Laboratory Capability	NO NRS 445A.860 1977, A. 1985, 1991, 1997, 1999, 2005, 2017 & NRS 445A.863	Agree.

		1995, A. 1999, 2001, 2005	
§142.10(b)(5)	Plan Review Program	NO NRS 445A.855 1977, A. 1991, 2005 & NRS 445A.860 1977, A. 1985, 1991, 1997, 1999, 2005, 2017	Agree.
§142.10(b)(6)(i)	Authority to apply regulations	NO NRS 445A.925 1977, A.1991, 2005 & NRS 445A.943 2013 & NRS 445A.945 1977, A.1991, 2005 & NRS 445A.950 1977, A. 1991, 2001, 2005, 2013, 2017 & NRS 445A.952 2013 & NRS 445A.955 1977, A.1991, 2005	Agree.
§142.10(b)(6)(ii)	Authority to sue in courts of competent jurisdiction	YES NRS 445A.945 1977, A.1991, 2005 & NRS 445A.950	SDWA requires "Authority to sue in courts of competent jurisdiction to enjoin any threatened or continuing violation of the State primary drinking water regulations." NRS 445A.950 allows for the authority to "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" and allows for the name of the State of Nevada to be instituted and maintained in any enforcement proceedings. This is more stringent than SDWA requires.

		1977, A. 1991, 2001, 2005, 2013, 2017 & NRS 445A.955 1977, A.1991, 2005	
§142.10(b)(6)(iii)	Right of Entry	NO NRS 445A.925 1977, A.1991, 2005	Agree.
§142.10(b)(6)(iv)	Authority to require records	NO NRS 445A.855 1977, A. 1981, 2005 & NRS 445A.860 1977, A. 1985, 1991, 1997, 1999, 2005, 2017	Agree.
§142.10(b)(6)(v)	Authority to require public notification	NO NRS 445A.855 1977, A. 1981, 2005 & NRS 445A.860 1977, A. 1985, 1991, 1997, 1999, 2005, 2017 & NRS 445A.940 1977, A. 2005	Agree.
§142.10(b)(6)(vi)	Authority to assess civil and criminal penalties 	YES NRS 445A.950 1977, A. 1991, 2001, 2005, 2013, 2017 & NRS 445A.955 1977, A.1991, 2005	SDWA requires "Authority to assess civil or criminal penalties for violation[s]... including the authority to assess daily penalties or multiple penalties when a violation continues". NRS 445A.950 allows for this authority in mounts of civil penalties 25,000\$/day and administrative penalties of 5,000\$/day as well as the authority to 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 which is more stringent than requirements under SDWA.
§142.10(b)(6)(vii)	Authority to require CWSs to provide CCRs	NO	Agree.

		NRS 445A.855 1977, A. 1981, 2005 & NRS 445A.860 1977, A. 1985, 1991, 1997, 1999, 2005, 2017	
§142.10(c)	Maintenance of Records	NO NRS 445A.860 1977, A. 1985, 1991, 1997, 1999, 2005, 2017	Agree.
§142.10(d)	Variance/Exemption Conditions (if applicable)**	NO NRS 445A.935 1977, A. 1981, 1997, 2005 & NRS 445A.855 1977, A. 1981, 2005 & NRS 445A.860 1977, A. 1985, 1991, 1997, 1999, 2005, 2017	Agree.
§142.10(e)	Emergency Plans	NO NRS 445A.860 1977, A. 1985, 1991, 1997, 1999, 2005, 2017	Agree.
§142.10(f)	Administrative Penalty Authority* 	YES NRS 445A.950 1977, A. 1991, 2001, 2005, 2013, 2017	SDWA administrative penalties must be “no less than \$1,000” per day per violation. NV revised its statutes which increased their administrative fine from \$2500 per day per violation to \$5000 per day per violation which is more stringent than requirements under the SDWA.

		& NRS 445A.952 2013	
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* New requirement from the 1996 Amendments. Regulations published in the April 28, 1998 *Federal Register*.

** New regulations published in the August 14, 1998 *Federal Register*.