



Bureau of Safe Drinking Water (BSDW)

*November 4, 2022
Carson City, NV*

**LCB File #R155-22
Regulation Revision Workshop**



Greg Lovato
Administrator

Jennifer Carr
*Deputy
Administrator*

Jeffrey Kinder
*Deputy
Administrator*

Rick Perdomo
*Deputy
Administrator*

Jim Lawrence
Acting Director



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Agenda

- 1) BSDW Staff Contact Information
- 2) Ways to participate and public comment
- 3) Review how regulations are created/revised and the State Environmental Commission (SEC)
- 4) R155-22 General Cleanup Revisions
- 5) R155-22 Engineering Plan Review Fee Revisions
- 6) R155-22 Annual Water System Permitting Fee Revisions
- 7) Public Comments and Questions



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BSDW Staff

Contact Information

- Andrea Seifert, P.E., Bureau Chief
aseifert@ndep.nv.gov (775) 687-9526
- Brendon Grant, P.E., Engineering Branch Supervisor
bgrant@ndep.nv.gov (775) 687-9524



Greg Lovato
Administrator

Jennifer Carr
*Deputy
Administrator*

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*Deputy
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Ways to Participate

- Questions and Comments
 - During the Workshop
 - By November 9, 2022, for NDEP consideration & inclusion in testimony to SEC
 - Written Comments:
Nevada Division of Environmental Protection
Bureau of Safe Drinking Water
901 South Stewart Street, Suite 4001
Carson City, NV 89701
 - E-mail your Comments (bgrant@ndep.nv.gov)
 - Attend the SEC Meeting on December 14, 2022



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How Regulations are Added and/or Revised

1. The state agency (NDEP) drafts a regulatory petition.
2. The petition is sent to the Legislative Counsel Bureau (LCB) to review.
3. **The agency hosts a public workshop.**
No action is taken during a public workshop
4. The petition is reviewed and voted on by the SEC during a regulatory meeting (December 14, 2022).
5. If approved by the SEC, it is then sent to a Legislative Commission for approval.
6. If approved by the Legislative Commission, the petition becomes regulation.



State Environmental Commission (SEC)

<https://sec.nv.gov/about-us/>

Greg Lovato
Administrator

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About Us

We're Nevada's deciding body for rules, actions, and programs that affect the quality of the environment

Since its creation in 1973 by the Nevada Legislature, the State Environmental Commission has overseen rules designed to protect Nevada's air, land, and water. We work like a judiciary for the environment and the communities it supports. Agencies, organizations, and individuals confer with us on rules and government actions. We then make evidence-based decisions to make sure Nevada's environmental laws are realized without fail and that decisions made by the [Nevada Division of Environmental Protection](#) (NDEP) follow the law.



1. We Make Rules

Environmental regulations define how state programs approach their mission to protect the environment. We review and vote on "regulatory petitions" created by NDEP. They often concern items such as pollution standards, environmental permits, or how federal rules apply to Nevada.

[Environmental Rulemaking](#)

Hearings & Meetings

About Us

- SEC Commissioners and Staff
- Environmental Rulemaking

Participate

Contact Us

Office Phone
(775) 687-4670

Email
vking@ndep.nv.gov



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General Clean-Up of NAC 445A

Sections 2, 3, 4, 5, 8, 9, 10

- Replace references to the Department of Health and Human Services with the Department of Conservation and Natural Resources.
- Replace references to the Bureau of Health Protection Services with the Bureau of Safe Drinking Water.
- Replace references to the Division of Public and Behavioral Health With the Division of Environmental Protection.
- Replace a reference to obtain a variance for the Application to Permit a Privately Owned Community Water System from Health Division to the SEC.
- Replace a reference to appeal action taken by BSDW for the Application Permit a Privately Owned Community Water System from the Health Division to the SEC.

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BSDW Budget and Funding

Reasons and Needs for Fee Increases

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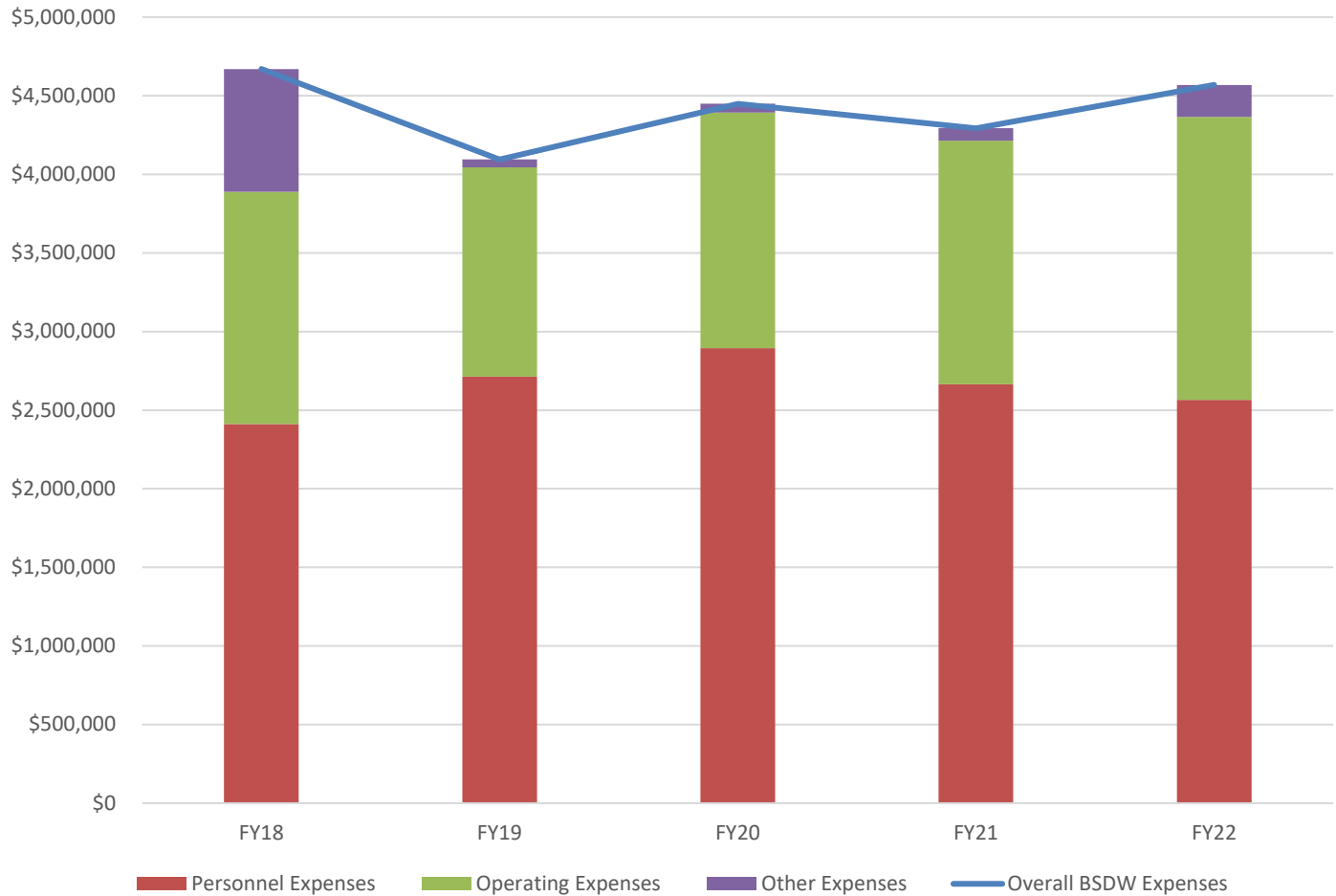
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Jim Lawrence
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BSDW Expenditures FY18-22





BSDW Budget and Funding

Reasons and Needs for Fee Increases

- BSDW Budget is funded by fees & federal grants. No General Fund money is used.

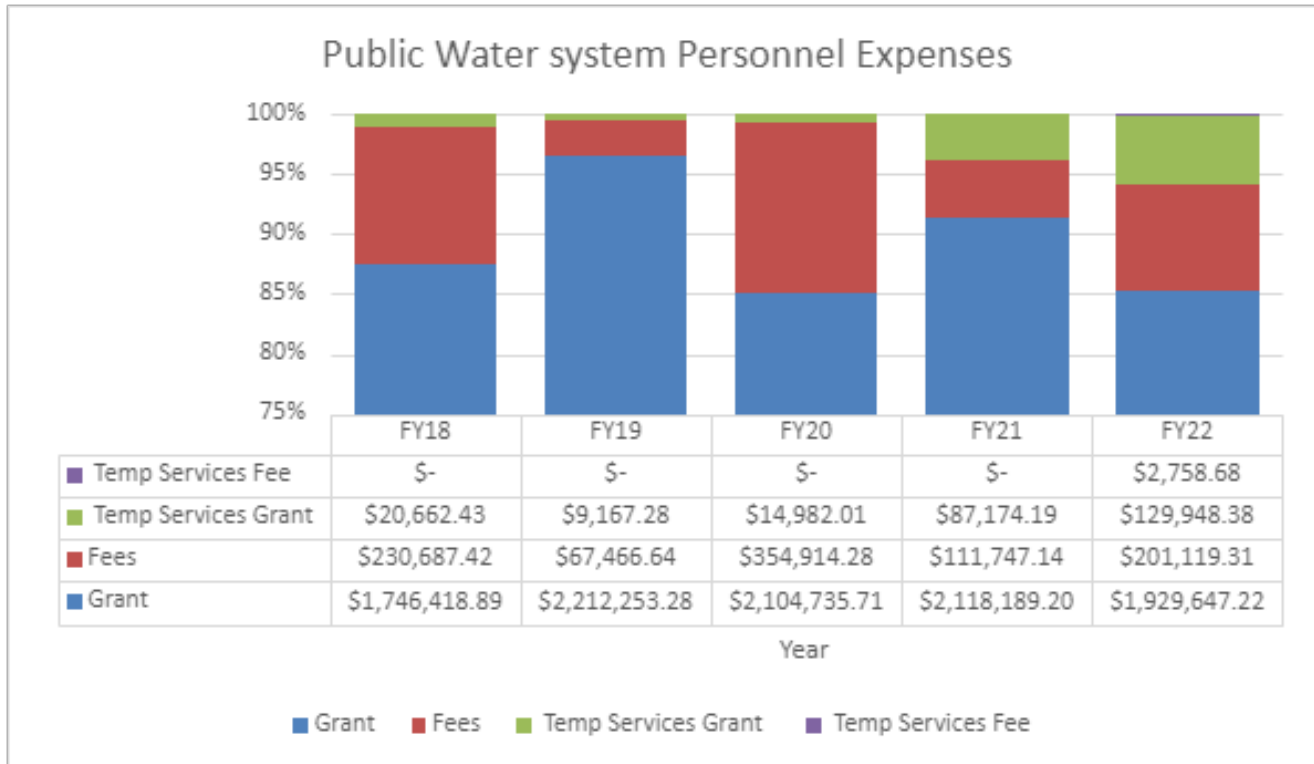
Greg Lovato
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BSDW Budget and Funding

Reasons and Needs for Fee Increases

- Reserves Goal
 - 1-year of total budget.
 - 5-Year Total Budget Average=\$4.4M
 - 5-Year Personnel Budget Average=\$2.2M

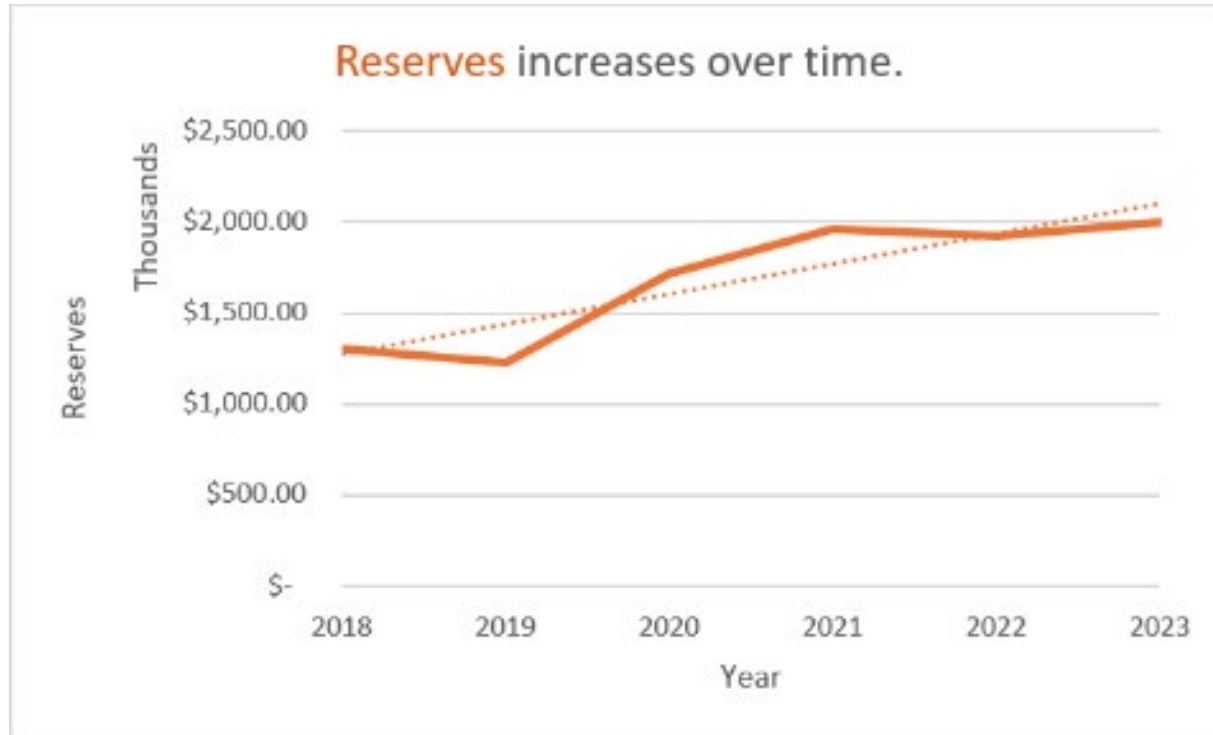
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BSDW Budget and Funding Reasons and Needs for Fee Increases

- Inflation (fees were last increased in 2004).

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The screenshot shows the U.S. Bureau of Labor Statistics website. The main navigation bar includes links for HOME, SUBJECTS, DATA TOOLS, PUBLICATIONS, ECONOMIC RELEASES, CLASSROOM, and BETA. The breadcrumb trail indicates the current location: Bureau of Labor Statistics > Data Tools > Charts and Applications > Inflation Calculator. The page title is 'CPI Inflation Calculator'. On the left, there is a sidebar with links for TOP PICKS, SERIES REPORT, PUBLIC DATA API, DISCONTINUED DATABASES, FAQs, SPECIAL NOTICES, and MORE SOURCES OF DATA. The main content area features the 'CPI Inflation Calculator' form. The form has a blue header with the title 'CPI Inflation Calculator'. Below the header, there are input fields: a dollar sign followed by a text box containing '100.00', a dropdown menu for 'in' with 'January' selected, a text box for the year '2004', a dropdown menu for 'has the same buying power as' with '\$160.26' highlighted, a dropdown menu for 'in' with 'September' selected, and a text box for the year '2022'. A blue 'Calculate' button is positioned below the form.

About the CPI Inflation Calculator

The CPI inflation calculator uses the [Consumer Price Index](#) for All Urban Consumers (CPI-U) U.S. city average seasonally adjusted. [This data](#) represents changes in the prices of all goods and services purchased for consumption by u





BSDW Budget and Funding

Reasons and Needs for Fee Increases

- Staffing
 - 2 New positions requested
 - Temporary staff
- Regulatory Workload
 - PFAS Proposed Rule
 - WIIN Small, Underserved, Disadvantaged Communities
 - Public Notification Rule
 - Increase in oversight for each water system

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Acting Director



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BSDW Budget and Funding

Reasons and Needs for Fee Increases

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Rick Perdomo
*Deputy
Administrator*

- Inspection travel costs
- Training
 - Sanitary Survey
 - Cross Connection Control
 - Water Treatment
 - Corrosion Control Treatment
 - Professional Development
- Resources
 - Purchase required software and hardware for:
 - Electronic Engineering Plan Review
 - Electronic Records Retention
- Maintain cash in reserves
- Allow for flexibility to address pay raises if approved by State Legislature

Jim Lawrence
Acting Director



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BSDW Budget and Funding Cont.

- Engineering Branch Positions:
 - Supervisor
 - Five full-time Review Engineers (PE)
 - One full-time Engineering Tech III
 - *One full-time Source Water Protection Coordinator (PE)
- Compliance Branch Positions:
 - Supervisor
 - Two full-time Engineers (PE)
 - Five full-time Environmental Scientists III
 - *Proposed: Environmental Scientist III (Las Vegas)
- Data Management and Operator Certification Positions:
 - Supervisor
 - Three full-time Environmental Scientists III
- Administrative Assistant Positions:
 - Five full-time Administrative Assistants
 - *Proposed: Management Analyst III

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Proposed Revision

Fees: Permit to Operate and Plan Review

Section 11

Sec. 11. NAC 445A.66635 is hereby amended to read as follows:

445A.66635 The Division shall not issue or renew any permit to operate a public water system or, except as otherwise provided in subsection 2 of NAC 445A.6669, review plans *for or any engineering report related to* ~~construct, modify or expand~~ *the construction, renovation, modification or expansion of* such a system until the fees prescribed in ~~NAC 445A.6664~~ *section 1 of this regulation* have been paid.

Greg Lovato
Administrator

Jennifer Carr
Deputy Administrator

Jeffrey Kinder
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Rick Perdomo
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Jim Lawrence
Acting Director



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Proposed Revision

Fees: Permit to Operate and Plan Review

Section 7

Sec. 7. NAC 445A.609 is hereby amended to read as follows:

445A.609 The Division shall not issue a permit to operate a water system unless:

--10--

LCB Draft of Proposed Regulation R155-22

1. The fee for an annual permit to operate a public water system has been paid as set forth in paragraph (b) of subsection 1 of ~~NAC 445A.6664;~~ *section 1 of this regulation;* and
2. The fee for a review of an application for a permit to construct, *renovate*, modify or expand a public water system has been paid as set forth in paragraph (a) of subsection 1 of ~~NAC 445A.6664;~~ *section 1 of this regulation.*

Greg Lovato
Administrator

Jennifer Carr
*Deputy
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Administrator*

Jim Lawrence
Acting Director



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Greg Lovato
Administrator

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Administrator*

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Current Engineering Branch Review Fees

- PER: \$0
- Improvements for Community PWS: \$300
- Improvements for NTNC and TNC PWS: \$200
- Subdivision Improvements: \$250 + \$3/lot
- Community Treatment: 0.1% of Capital cost not to exceed \$3,250
- Plan to Operate Community or NTNC: \$0
- Application to Permit Privately Owned Community: \$500



Proposed Engineering Branch Review Fees

Section 1

Community and NTNC PWS: Construct, Renovate, Modify, or expand

- Application: **\$200**
 - PER: **\$900**
 - Disinfection: **\$600**
 - Distribution:
 - Less than 1,000 linear feet (LF): **\$600**
 - At least 1,000 but not more than 10,000 LF: **\$800**
 - More than 10,000 LF: **\$900**
 - Pumping Facility: **\$1,000**
 - Spring Facility: **\$800**
 - Storage Facility: **\$900**
 - Treatment Facility: **0.1% of the capital cost but not less than \$40**

Greg Lovato
Administrator

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*Deputy
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*Deputy
Administrator*

Rick Perdomo
*Deputy
Administrator*

Jim Lawrence
Acting Director



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Proposed Engineering Branch Review Fees Cont.

Greg Lovato
Administrator

Jennifer Carr
*Deputy
Administrator*

Jeffrey Kinder
*Deputy
Administrator*

Rick Perdomo
*Deputy
Administrator*

Section 1

- **Community and NTNC PWS:** Construct, Renovate, Modify, or expand.
 - Application: **\$200**
 - Well: **\$1,000**
 - Plan to Operate: **\$800**

Section 6

- Application to Permit Privately Owned Community:
\$800 (Currently \$500)

Jim Lawrence
Acting Director



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Proposed Engineering Branch Review Fees Cont.

Section 1

Transient PWS: Construct, Renovate, Modify, or expand.

- Application: **\$100**
 - PER: **\$500**
 - Disinfection: **\$400**
 - Distribution:
 - Less than 1,000 linear feet (LF): **\$400**
 - At least 1,000 but not more than 5,000 LF: **\$500**
 - More than 5,000 LF: **\$600**
 - Pumping Facility: **\$600**
 - Spring Facility: **\$500**
 - Storage Facility: **\$500**
 - Treatment Facility: **0.1% of the capital cost but not less than \$40**
 - Well: **\$600**

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*Deputy
Administrator*

Jim Lawrence
Acting Director



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Engineering Fee Calculations

Greg Lovato
Administrator

Jennifer Carr
Deputy
Administrator

Jeffrey Kinder
Deputy
Administrator

Rick Perdomo
Deputy
Administrator

Community and NTNC PWS								
Application	\$ 200							
Hourly Rate for Review Engineer	\$ 79.00							
Facility	Average Time for Initial review	Avg Time for 1st Comment Letter	Avg Time for 2nd Review	Avg Time for Approval Letter	Total Avg Time	Review Fee	Round to Nearest Hundred	Total Review w/Application
Preliminary Engineering Report	4	2	2	1	9	\$ 911.00	\$900	\$1,100
Disinfection	3	2	2	1	8	\$ 632.00	\$600	\$800
Well	7	2	3	1	13	\$ 1,027.00	\$1,000	\$1,200
Spring	5	2	2	1	10	\$ 790.00	\$800	\$1,000
Pumping	7	2	3	1	13	\$ 1,027.00	\$1,000	\$1,200
Storage	6	2	2	1	11	\$ 869.00	\$900	\$1,100
Distribution <1,000 LF	3	2	2	1	8	\$ 632.00	\$600	\$800
Distribution 1,000 LF to 10,000 LF	4	2	3	1	10	\$ 790.00	\$800	\$1,000
Distribution >10,000 LF	5	2	4	1	12	\$ 948.00	\$900	\$1,100
Transient PWS								
Application	\$100							
Facility	Review Fee-60% of Community Fee	Round to Nearest Hundred	Total Review w/Application					
Preliminary Engineering Report	\$ 546.60	\$ 500.00	\$ 600.00					
Disinfection	\$ 379.20	\$ 400.00	\$ 500.00					
Well	\$ 616.20	\$ 600.00	\$ 700.00					
Spring	\$ 474.00	\$ 500.00	\$ 600.00					
Pumping	\$ 616.20	\$ 600.00	\$ 700.00					
Storage	\$ 521.40	\$ 500.00	\$ 600.00					
Distribution <1,000 LF	\$ 379.20	\$ 400.00	\$ 500.00					
Distribution 1,000 LF to 10,000 LF	\$ 474.00	\$ 500.00	\$ 600.00					
Distribution >10,000 LF	\$ 568.80	\$ 600.00	\$ 700.00					

Jim Lawrence
Acting Director



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Greg Lovato
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Jennifer Carr
*Deputy
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Potential Future Increases

- For the calendar year beginning on January 1, 2024, and for each calendar year thereafter, the Director shall increase each fee set forth... by an amount that is equal to 3% of the previous year's fee. The Director may suspend a fee increase. The Director shall post on the Internet website of the Division the fees required pursuant to this section that are applicable for each calendar year.

Jim Lawrence
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Proposed Water Hauler Fees

Section 12

Sec. 12. NAC 445A.6728 is hereby amended to read as follows:

445A.6728 **1.** Water hauling may be used only:

~~1.1~~ **(a)** In an emergency or on a temporary basis when water hauling is the only means of distributing drinking water to the customers of a public water system; and

~~1.2~~ **(b)** If:

~~(a)~~ **(1)** The proposal for water hauling is submitted to and approved by the Division or the appropriate district board of health before the water hauling begins;

~~(b)~~ **(2)** Each vehicle to be used for water hauling is inspected by the Division or the appropriate district board of health before it is used for water hauling and annually thereafter; and

Greg Lovato
Administrator

Jennifer Carr
*Deputy
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Rick Perdomo
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Jim Lawrence
Acting Director



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Proposed Water Hauler Fees

Section 12 Cont.

Greg Lovato
Administrator

Jennifer Carr
Deputy
Administrator

Jeffrey Kinder
Deputy
Administrator

Rick Perdomo
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~~[(e)]~~ (3) The supplier of water ensures that the water hauling complies with NAC 445A.67275 to 445A.6731, inclusive.

2. Except as otherwise provided in subsection 4 [and in an emergency], the Division shall charge a fee of \$600 for reviewing the proposal for water hauling submitted pursuant to subparagraph (1) of paragraph (b) of subsection 1.

3. Except as otherwise provided in subsection 4, the Division shall charge a fee of \$300 for each initial inspection and each annual inspection conducted pursuant to subparagraph (2) of paragraph (b) of subsection 1.

4. For the calendar year beginning on January 1, 2024, and for each calendar year thereafter, the Director of the State Department of Conservation and Natural Resources shall increase each fee set forth in this section by an amount that is equal to 3 percent of the fee for the immediately preceding calendar year. The Director may, during any calendar year, suspend an increase in a fee specified in this subsection.

5. The Director shall post on the Internet website of the Division the fees required pursuant to this section that are applicable for each calendar year.



Proposed Water Hauler Fees

Section 12

- **\$600 to review water hauling plan**
 - Construction
 - Sampling
- **\$300 to initially and annually inspect water hauler**

Potential Future Increases

- For the calendar year beginning on January 1, 2024, and for each calendar year thereafter, the Director shall increase each fee set forth... by an amount that is equal to 3% of the previous year's fee. The Director may suspend a fee increase. The Director shall post on the Internet website of the Division the fees required pursuant to this section that are applicable for each calendar year.

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Annual Permit Fees Community PWS

Section 1

# Service Connections (SC)	Current Base Fee	Proposed Base Fee ¹	Connection Fee	Proposed Percent Increase Range	Proposed Fee SC/ Year
25 or less	\$ 225.00	\$ 369.00	\$ -	64%	\$24.60
26-3,000	\$ 225.00	\$ 369.00	\$ 0.75	6-59%	\$14.94
3,001-10,000	\$ 2,500.00	\$ 4,100.00	\$ 0.60	19-37%	\$1.97
10,001-50,000	\$ 6,700.00	\$ 10,988.00	\$ 0.25	22-47%	\$1.35
20,001-100,000	\$ 16,700.00	\$ 27,388.00	\$ 0.10	6-57%	\$1.47
>100,000	\$ 21,700.00	\$ 35,588.00	\$ -	64%	\$0.36

¹ Fee increase begins January 2023

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Potential Future Increases

- For the calendar year beginning on January 1, 2024, and for each calendar year thereafter, the Director shall increase each fee set forth... by an amount that is equal to 3% of the previous year's fee. The Director may suspend a fee increase. The Director shall post on the Internet website of the Division the fees required pursuant to this section that are applicable for each calendar year.

Jim Lawrence
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Permit Fees Non-Community PWS

Section 1

PWS Type	Current Base Fee	Proposed Base Fee (2023)	Proposed Base Fee (2024)	Proposed Base Fee (2025)	Percent Increase 2025
Transient Non-Community	\$ 100	\$ 120	\$ 140	\$ 164	64%
Non-Transient Non-Community	\$ 225	\$ 270	\$ 320	\$ 369	64%

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Proposed Annual Operating Permit Fees Cont.

Potential Future Increases

- For the calendar year beginning on January 1, 2026, and for each calendar year thereafter, the Director shall increase each fee set forth... by an amount that is equal to 3% of the previous year's fee. The Director may suspend a fee increase. The Director shall post on the Internet website of the Division the fees required pursuant to this section that are applicable for each calendar year.



Permit Fees Treatment Plants

Section 1

Capacity	Current Fee	Proposed Fee ¹	Percent Increase
< 500,000 gpd	\$ 150.00	\$ 234.00	56%
≥ 500,000 gpd < 1 MGD	\$ 250.00	\$ 390.00	56%
≥ 1 MGD < 5 MGD	\$ 1,500.00	\$ 2,340.00	56%
≥ 5 MGD < 10 MGD	\$ 2,000.00	\$ 3,122.00	56%
> 10 MGD < 50 MGD	\$ 3,000.00	\$ 4,683.00	56%
> 50 MGD < 100 MGD	\$ 4,000.00	\$ 6,244.00	56%
> 100 MGD	\$ 7,500.00	\$ 11,708.00	56%

¹ Fee increase begins January 2023

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*Deputy
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Proposed Annual Operating Permit Fees Cont.

Potential Future Increases

- For the calendar year beginning on January 1, 2024, and for each calendar year thereafter, the Director shall increase each fee set forth... by an amount that is equal to 3% of the previous year's fee. The Director may suspend a fee increase. The Director shall post on the Internet website of the Division the fees required pursuant to this section that are applicable for each calendar year.



BSDW Budget and Funding With Fee Increase

Greg Lovato
Administrator

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Deputy Administrator

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Rick Perdomo
Deputy Administrator

Increased Revenue Estimate			
Program	Average Revenue (FY19-21)	Increased Revenue*	Total Revenue
Engineering	\$53,207	\$100,000	\$153,207
Permit Fees	\$377,311	\$226,386	\$603,697
		* Estimate for engineering based on preliminary calculations of new fee structure. Permit fees based on 60% increase.	

New Positions Expenses in Requested Budget for FY24-25

- Management Analyst 3: \$106,135
- Environmental Scientist 3: \$105,969

Jim Lawrence
Acting Director



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Questions/Comments

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Administrator

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