

## Amendment No. 892

Assembly Amendment to Assembly Bill No. 215 First Reprint (BDR 40-3)

**Proposed by:** Assembly Committee on Ways and Means**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of A.B. 215 R1 (§§ 8, NRS 439.150).

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

EGO



Date: 5/27/2013

A.B. No. 215—Provides for the collection and application of graywater for a single-family residence. (BDR 40-3)



## ASSEMBLY BILL NO. 215—ASSEMBLYMAN OHRENSCHALL

MARCH 7, 2013

Referred to Committee on Health and Human Services

SUMMARY—Provides for the collection and application of graywater for a single-family residence. (BDR 40-3)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

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

AN ACT relating to graywater; requiring the State Board of Health to adopt regulations concerning systems for the collection and application of graywater for a single-family residence; requiring a permit for such graywater systems; providing that state and local governmental agencies must not prohibit graywater systems that meet certain requirements; allowing restrictions on graywater systems within common-interest communities; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law requires the State Board of Health to adopt regulations concerning residential individual systems for the disposal of sewage, which are commonly known as septic systems, and such regulations are effective statewide except in health districts in which the district boards of health have adopted regulations concerning such systems for the district. (NRS 444.650)

~~Section 1~~ **Section 8** ~~and 14~~ of this bill ~~require~~ **requires** the State Board of Health to adopt regulations ~~on or before October 1, 2014,~~ concerning graywater systems for a single-family residence, and such regulations are effective statewide except in health districts in which the district boards of health have adopted regulations concerning such systems for the district. ~~Section 2 of this bill defines "graywater" to mean wastewater that: (1) is collected separately from sewage; (2) originates from a clothes washer or a bathroom tub, shower or sink; and (3) does not contain industrial chemicals, hazardous wastes or wastewater from toilets, kitchen sinks or dishwashers.~~ **Section 4** of this bill defines "graywater system" to mean any system for the collection and application of graywater originating from a single-family residence to be used for household gardening, composting or landscape irrigation.

**Section 8** provides that the regulations adopted by the State Board of Health or a district board of health must: (1) prohibit graywater systems where certain conditions exist; and (2) where graywater systems are allowed, require a person to apply for and obtain a permit for the use of a graywater system. **Section 8** allows issuance of such a permit only if certain requirements are met. Finally, **section 8** provides that local governments may not prohibit the use of such graywater systems.

**Section 10** of this bill provides that the State Environmental Commission may not require a person to obtain a permit under the Nevada Water Pollution Control Law (NRS 445A.300-445A.730) to use a graywater system if the person has obtained a permit from the appropriate board under the laws governing graywater systems.

**Section 13** of this bill provides that the governing documents of a unit-owners' association may prohibit or restrict the use of graywater systems within common-interest communities. (Chapter 116 of NRS) **Section 13** also provides that if the governing documents do not prohibit or restrict the use of graywater systems, such use must comply with the laws governing graywater systems.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 444 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

**Sec. 2.** *As used in NRS 444.650 and sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

**Sec. 3.** ~~"Graywater" means wastewater that:~~  
~~1. Is collected separately from sewage;~~  
~~2. Originates from a clothes washer or a bathroom tub, shower or sink; and~~  
~~3. Does not contain industrial chemicals, hazardous wastes or wastewater from toilets, kitchen sinks or dishwashers.~~ *(Deleted by amendment.)*

**Sec. 4.** *"Graywater system" means any system for the collection and application of graywater originating from a single-family residence to be used for household gardening, composting or landscape irrigation.*

**Sec. 5.** *"Recycled water" means water that has been used and subsequently treated to make it suitable for use again.*

**Sec. 6.** ~~1. "Residential individual system for the disposal of sewage" means an individual system for the disposal of sewage from a parcel or other unit of real property or unit of personal property, including all structures thereon, that is zoned for use by single family residences.~~

~~2. The term does not include a graywater system.~~ *(Deleted by amendment.)*

**Sec. 7.** ~~"Single family residence" means a parcel or other unit of real property or unit of personal property which is intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating.~~ *(Deleted by amendment.)*

**Sec. 8. 1.** *The State Board of Health shall adopt regulations concerning the use of graywater systems. Those regulations are effective except in a health district in which a district board of health has adopted regulations concerning the use of graywater systems in that district.*

**2.** *Except as otherwise provided in subsection 3, any regulations adopted by the State Board of Health or a district board of health concerning the use of graywater systems:*

*(a) Must prohibit the use of a graywater system in any area of the State where there is:*

*(1) The reasonable potential for return flow to a river system or a lake;*

*(2) A requirement for return flow of effluent to a river system; or*

*(3) An existing alternative program for recycled water;*

*(b) In any area of the State not prohibited pursuant to paragraph (a), must require a person to apply for and obtain a permit for the use of a graywater system; and*

*(c) Must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, and section 10 of this act and any regulations adopted pursuant to those provisions.*

3. Notwithstanding any regulations adopted pursuant to this section or NRS 444.650, in any area of the State where the use of a graywater system is otherwise prohibited for a single-family residence, a person who owns, leases or occupies a single-family residence that uses a residential individual system for the disposal of sewage may apply to obtain a permit for the use of a graywater system for that single-family residence.

4. The State Board of Health or a district board of health shall not issue a permit pursuant to this section unless:

(a) The distribution system for the graywater provides for overflow into the sewer system or a residential individual system for the disposal of sewage;

(b) The storage tank for the graywater is covered to restrict access and to eliminate habitat for mosquitoes or other vectors;

~~(c) The graywater system is located outside the boundaries of a floodplain;~~

~~(d)~~ (d) The graywater is vertically separated from and at least ~~15~~ 4 feet above the groundwater table;

~~(e)~~ (d) All piping for the graywater is clearly identified as containing nonpotable water;

~~(f)~~ (e) The graywater is used on the site where it is generated and does not run off the property;

~~(g)~~ (f) The graywater is applied in a manner that ~~minimizes the potential for~~ prevents contact with people or domestic pets;

~~(h)~~ (g) The application of the graywater is managed to ~~minimize~~ prevent standing water on the surface, avoid ponding and ensure that the hydraulic capacity of the soil is not exceeded;

~~(i)~~ (h) The graywater is ~~not sprayed;~~

~~(j)~~ discharged below the surface of the ground;

(i) The graywater is not discharged into a natural watercourse; and

~~(k)~~ (i) The use of the graywater complies with the provisions of NRS 445A.300 to 445A.730, inclusive, and section 10 of this act and any regulations adopted pursuant to those provisions.

5. A district board of health which adopts regulations concerning graywater systems shall consider and take into account the geological, hydrological and topographical characteristics of the area within its jurisdiction.

6. A board of county commissioners of a county, the governing body of a city or the town board or board of county commissioners having jurisdiction over the affairs of a town shall not prohibit the use of a graywater system that meets the requirements of this section.

Sec. 9. NRS 444.650 is hereby amended to read as follows:

444.650 1. The State Board of Health shall adopt regulations to control the use of a residential individual system for *the* disposal of sewage in this State. Those regulations are effective except in health districts in which a district board of health has adopted regulations to control the use of a residential individual system for *the* disposal of sewage in that district.

2. A board which adopts such regulations shall consider and take into account the geological, hydrological and topographical characteristics of the area within its jurisdiction.

3. The regulations adopted pursuant to this section must not conflict with the provisions of NRS 445A.300 to 445A.730, inclusive, *and section 10 of this act* and any regulations adopted pursuant to those provisions.

~~4. As used in this section, "residential individual system for disposal of sewage" means an individual system for disposal of sewage from a parcel of land, including all structures thereon, that is zoned for single-family residential use.~~

1       **Sec. 10.** Chapter 445A of NRS is hereby amended by adding thereto a new  
2 section to read as follows:

3       **1. The Commission shall not require a person to obtain a permit pursuant**  
4 **to this section and NRS 445A.300 to 445A.730, inclusive, for the use of a**  
5 **graywater system if the person has obtained a permit that meets the requirements**  
6 **of section 8 of this act.**

7       **2. As used in this section, "graywater system" has the meaning ascribed to**  
8 **it in section 4 of this act.**

9       **Sec. 11.** NRS 445A.310 is hereby amended to read as follows:

10       445A.310 As used in NRS 445A.300 to 445A.730, inclusive, **and section 10**  
11 **of this act**, unless the context otherwise requires, the words and terms defined in  
12 NRS 445A.315 to 445A.420, inclusive, have the meanings ascribed to them in  
13 those sections.

14       **Sec. 12.** NRS 445A.425 is hereby amended to read as follows:

15       445A.425 1. Except as specifically provided in NRS 445A.625 to  
16 445A.645, inclusive, the Commission shall:

17       (a) Adopt regulations carrying out the provisions of NRS 445A.300 to  
18 445A.730, inclusive, **and section 10 of this act**, including standards of water  
19 quality and amounts of waste which may be discharged into the waters of the State.

20       (b) Adopt regulations providing for the certification of laboratories that  
21 perform analyses for the purposes of NRS 445A.300 to 445A.730, inclusive, **and**  
22 **section 10 of this act** to detect the presence of hazardous waste or a regulated  
23 substance in soil or water.

24       (c) Adopt regulations controlling the injection of fluids through a well to  
25 prohibit those injections into underground water, if it supplies or may reasonably be  
26 expected to supply any public water system, as defined in NRS 445A.840, which  
27 may result in that system's noncompliance with any regulation regarding primary  
28 drinking water or may otherwise have an adverse effect on human health.

29       (d) Advise, consult and cooperate with other agencies of the State, the Federal  
30 Government, other states, interstate agencies and other persons in furthering the  
31 provisions of NRS 445A.300 to 445A.730, inclusive **+**, **and section 10 of this act.**

32       (e) Determine and prescribe the qualifications and duties of the supervisors and  
33 technicians responsible for the operation and maintenance of plants for sewage  
34 treatment.

35       2. The Commission may by regulation require that supervisors and  
36 technicians responsible for the operation and maintenance of plants for sewage  
37 treatment be certified by the Department. The regulations may include a schedule  
38 of fees to pay the costs of certification. The provisions of this subsection apply only  
39 to a package plant for sewage treatment whose capacity is more than 5,000 gallons  
40 per day and to any other plant whose capacity is more than 10,000 gallons per day.

41       3. In adopting regulations, standards of water quality and effluent limitations  
42 pursuant to NRS 445A.300 to 445A.730, inclusive, **and section 10 of this act**, the  
43 Commission shall recognize the historical irrigation practices in the respective river  
44 basins of this State, the economy thereof and their effects.

45       4. The Commission may hold hearings, issue notices of hearings, issue  
46 subpoenas requiring the attendance of witnesses and the production of evidence,  
47 administer oaths and take testimony as it considers necessary to carry out the  
48 provisions of this section and for the purpose of reviewing standards of water  
49 quality.

50       5. As used in this section, "plant for sewage treatment" means any facility for  
51 the treatment, purification or disposal of sewage.

1       **Sec. 13.** Chapter 116 of NRS is hereby amended by adding thereto a new  
2 section to read as follows:

3       1. *Notwithstanding the provisions of NRS 444.650 and sections 2 to 8,*  
4 *inclusive, of this act, the governing documents of an association may prohibit or*  
5 *restrict the use of a graywater system within the common-interest community.*

6       2. *If the governing documents of an association do not prohibit or restrict*  
7 *the use of a graywater system within the common-interest community, the use of*  
8 *a graywater system within the common-interest community must comply with the*  
9 *provisions of NRS 444.650 and sections 2 to 8, inclusive, of this act.*

10       3. *As used in this section, "graywater system" has the meaning ascribed to*  
11 *it in section 4 of this act.*

12       **Sec. 14.** ~~Notwithstanding the provisions of section 8 of this act, the State~~  
13 ~~Board of Health shall adopt the regulations required pursuant to section 8 of this act~~  
14 ~~on or before October 1, 2014.~~ **(Deleted by amendment.)**