

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.

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)

~~Sections 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.

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

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

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

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

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

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

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

16 **Sec. 6.** ~~1. “Residential individual system for the disposal of sewage”~~
 17 ~~means an individual system for the disposal of sewage from a parcel or other unit~~
 18 ~~of real property or unit of personal property, including all structures thereon, that~~
 19 ~~is zoned for use by single family residences.~~
 20 ~~2. The term does not include a graywater system.] (Deleted by~~
 21 ~~amendment.)~~

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

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

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

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

- 35 (1) *The reasonable potential for return flow to a river system or a lake;*
 36 (2) *A requirement for return flow of effluent to a river system; or*
 37 (3) *An existing alternative program for recycled water;*

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

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

1 3. Notwithstanding any regulations adopted pursuant to this section or NRS
2 444.650, in any area of the State where the use of a graywater system is otherwise
3 prohibited for a single-family residence, a person who owns, leases or occupies a
4 single-family residence that uses a residential individual system for the disposal
5 of sewage may apply to obtain a permit for the use of a graywater system for that
6 single-family residence.

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

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

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

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

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

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

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

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

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

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

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

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

28 ~~(k)~~ (j) The use of the graywater complies with the provisions of NRS
29 445A.300 to 445A.730, inclusive, and section 10 of this act and any regulations
30 adopted pursuant to those provisions.

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

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

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

39 444.650 1. The State Board of Health shall adopt regulations to control the
40 use of a residential individual system for *the* disposal of sewage in this State. Those
41 regulations are effective except in health districts in which a district board of health
42 has adopted regulations to control the use of a residential individual system for *the*
43 disposal of sewage in that district.

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

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

50 ~~4. As used in this section, "residential individual system for disposal of~~
51 ~~sewage" means an individual system for disposal of sewage from a parcel of land,~~
52 ~~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.)**