

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; providing that state and local governmental agencies must not require a permit for or prohibit the collection and application of graywater for a single-family residence that meets certain requirements; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law requires the State Board of Health to adopt regulations concerning
2 residential individual systems for the disposal of sewage, which are effective except
3 in health districts in which district boards of health have adopted such regulations.
4 (NRS 444.650)

5 **Section 1** of this bill requires the State Board of Health to adopt regulations
6 concerning systems for the collection and application of graywater for a single-
7 family residence, which also are effective except in health districts in which district
8 boards of health have adopted regulations concerning such systems.

9 **Section 1** also provides that the regulations adopted by the State Board of
10 Health or a district board of health must not require a person to obtain a permit for
11 the application of graywater for a single-family residence which meets certain
12 requirements and that local governments may not prohibit such application.

13 **Section 2** of this bill provides that a system for the collection and application of
14 graywater for a single-family residence is not a residential individual system for
15 disposal of sewage.

16 **Section 3** of this bill provides that the State Environmental Commission may
17 not require a person to obtain a permit for the application of graywater for a single-
18 family residence that meets the requirements for exemption from a local permit.



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
2 thereto a new section to read as follows:

3 1. *The State Board of Health shall adopt regulations*
4 *concerning systems for the collection and application of graywater*
5 *for a single-family residence. Those regulations are effective*
6 *except in a health district in which a district board of health has*
7 *adopted regulations concerning systems for the collection and*
8 *application of graywater for a single-family residence in that*
9 *district.*

10 2. *Regulations concerning systems for the collection and*
11 *application of graywater for a single-family residence must not*
12 *require a person to obtain a permit for applying less than 250*
13 *gallons per day of graywater originating from a single-family*
14 *residence for household gardening, composting or landscape*
15 *irrigation if:*

16 (a) *The distribution system for the graywater provides for*
17 *overflow into the sewer system or an on-site wastewater treatment*
18 *and disposal system;*

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

21 (c) *The graywater system is located outside the boundaries of a*
22 *floodplain;*

23 (d) *The graywater is vertically separated from and at least 5*
24 *feet above the groundwater table;*

25 (e) *All piping for the graywater is clearly identified as*
26 *containing nonpotable water;*

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

29 (g) *The graywater is applied in a manner that minimizes the*
30 *potential for contact with people or domestic pets;*

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

34 (i) *The graywater is not sprayed;*

35 (j) *The graywater is not discharged into a natural watercourse;*
36 *and*

37 (k) *The use of the graywater complies with the provisions of*
38 *NRS 445A.300 to 445A.730, inclusive, and section 3 of this act*
39 *and any regulations adopted pursuant to those provisions.*

40 3. *A district board of health which adopts regulations*
41 *concerning systems for the collection and application of graywater*
42 *for a single-family residence shall consider and take into account*



1 *the geological, hydrological and topographical characteristics of*
2 *the area within its jurisdiction.*

3 *4. Regulations concerning systems for the collection and*
4 *application of graywater for a single-family residence must not*
5 *conflict with the provisions of NRS 445A.300 to 445A.730,*
6 *inclusive, and section 3 of this act and any regulations adopted*
7 *pursuant to those provisions.*

8 *5. A board of county commissioners of a county, the*
9 *governing body of a city or the town board or board of county*
10 *commissioners having jurisdiction over the affairs of a town shall*
11 *not prohibit the application of graywater that meets the*
12 *requirements of subsection 2.*

13 *6. As used in this section:*

14 *(a) "Graywater" means wastewater that:*

15 *(1) Is collected separately from sewage;*

16 *(2) Originates from a clothes washer or a bathroom tub,*
17 *shower or sink; and*

18 *(3) Does not contain industrial chemicals, hazardous*
19 *wastes or wastewater from toilets, kitchen sinks or dishwashers.*

20 *(b) "Single-family residence" means a parcel or other unit of*
21 *real property or unit of personal property which is intended or*
22 *designed to be occupied by one family with facilities for living,*
23 *sleeping, cooking and eating.*

24 **Sec. 2.** NRS 444.650 is hereby amended to read as follows:

25 444.650 1. The State Board of Health shall adopt regulations
26 to control the use of a residential individual system for disposal of
27 sewage in this State. Those regulations are effective except in health
28 districts in which a district board of health has adopted regulations
29 to control the use of a residential individual system for disposal of
30 sewage in that district.

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

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

38 4. As used in this section ~~“residential”~~ :

39 *(a) "Graywater" has the meaning ascribed to it in section 1 of*
40 *this act.*

41 *(b) "Residential individual system for disposal of sewage"*
42 *means an individual system for disposal of sewage from a parcel of*
43 *land, including all structures thereon, that is zoned for single-family*
44 *residential use. The term does not include a system for the*



1 *collection and application of graywater for a single-family*
2 *residence.*

3 *(c) "Single-family residence" has the meaning ascribed to it in*
4 *section 1 of this act.*

5 **Sec. 3.** Chapter 445A of NRS is hereby amended by adding
6 thereto a new section to read as follows:

7 *1. The Commission shall not require a person to obtain a*
8 *permit for the application of graywater that meets the*
9 *requirements of subsection 2 of section 1 of this act.*

10 *2. As used in this section, "graywater" has the meaning*
11 *ascribed to it in section 1 of this act.*

12 **Sec. 4.** NRS 445A.310 is hereby amended to read as follows:

13 445A.310 As used in NRS 445A.300 to 445A.730, inclusive,
14 *and section 3 of this act*, unless the context otherwise requires, the
15 words and terms defined in NRS 445A.315 to 445A.420, inclusive,
16 have the meanings ascribed to them in those sections.

17 **Sec. 5.** NRS 445A.425 is hereby amended to read as follows:

18 445A.425 1. Except as specifically provided in NRS
19 445A.625 to 445A.645, inclusive, the Commission shall:

20 (a) Adopt regulations carrying out the provisions of NRS
21 445A.300 to 445A.730, inclusive, *and section 3 of this act*,
22 including standards of water quality and amounts of waste which
23 may be discharged into the waters of the State.

24 (b) Adopt regulations providing for the certification of
25 laboratories that perform analyses for the purposes of NRS
26 445A.300 to 445A.730, inclusive, *and section 3 of this act* to detect
27 the presence of hazardous waste or a regulated substance in soil or
28 water.

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

36 (d) Advise, consult and cooperate with other agencies of the
37 State, the Federal Government, other states, interstate agencies and
38 other persons in furthering the provisions of NRS 445A.300 to
39 445A.730, inclusive **H**, *and section 3 of this act.*

40 (e) Determine and prescribe the qualifications and duties of the
41 supervisors and technicians responsible for the operation and
42 maintenance of plants for sewage treatment.

43 2. The Commission may by regulation require that supervisors
44 and technicians responsible for the operation and maintenance of
45 plants for sewage treatment be certified by the Department. The



1 regulations may include a schedule of fees to pay the costs of
2 certification. The provisions of this subsection apply only to a
3 package plant for sewage treatment whose capacity is more than
4 5,000 gallons per day and to any other plant whose capacity is more
5 than 10,000 gallons per day.

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

11 4. The Commission may hold hearings, issue notices of
12 hearings, issue subpoenas requiring the attendance of witnesses and
13 the production of evidence, administer oaths and take testimony as it
14 considers necessary to carry out the provisions of this section and
15 for the purpose of reviewing standards of water quality.

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



