

**PROPOSED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

**LCB FILE NO. R130-24I**

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by the agency submitted on 06/17/2024**

**PROPOSED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION  
P2024-03  
June 17, 2024**

Action Levels for Contaminated Sites

**Sec. 1. NAC 445A.2272 is hereby amended to read as follows:**

**NAC 445A.2272 Contamination of soil: Establishment of action levels.** (NRS 445A.425)

1. For the purposes of NAC 445A.22695 to 445A.2271, inclusive, the action level for soil must be established at the following levels:

(a) The background concentration or volume of a hazardous substance, hazardous waste or a regulated substance set forth in:

(1) The permit issued to the owner or operator by the Division; or

(2) A study approved by the Division.

(b) The presence of a hazardous substance, hazardous waste or a regulated substance in the soil at an appropriate level of concentration that is based on the protection of the waters of the State, public health and safety for all identified routes of exposure and the environment. The appropriate level of concentration must be determined by the Division using the ~~[Integrated Risk Information System, adopted by the Environmental Protection Agency, as it existed on October 3, 1996.]~~ *United States Environmental Protection Agency approved standards and methodology for development of Regional Screening Levels adopted by reference in NAC 445A.2272 (3)*, or any other equivalent method or peer-reviewed source of information chosen by the Division.

2. Except as otherwise provided in this subsection, if more than one action level for soil may be established using the criteria set forth in paragraph (b) of subsection 1, the most restrictive action level must be used. In no case may the action level be more restrictive than the background concentration of the hazardous substance, hazardous waste or regulated substance.

3. The State Environmental Commission hereby adopts by reference the ~~[Integrated Risk Information System, adopted by the Environmental Protection Agency, as it existed on October 3, 1996. A copy of the system is available on-line through the Internet and may be obtained from an Integrated Risk Information System Representative at (301) 496-6531, free of charge.]~~ *United States Environmental Protection Agency, "Regional Screening Level (RSL) Tables and associated User's Guide." A copy of the RSL Tables and User's Guide is available free of charge at the United States Environmental Protection Agency Risk Assessment, Regional Screening Levels website at the Internet address <https://www.epa.gov/risk/regional-screening-levels-rsls>.*

(Added to NAC by Environmental Comm'n, eff. 10-3-96; A by R189-08, 8-25-2009)

**Sec. 2. NAC 445A.22735 is hereby amended to read as follows:**

**NAC 445A.22735 Contamination of groundwater: Establishment of action levels.** (NRS 445A.425)

1. For the purposes of NAC 445A.22725, 445A.2273 and 445A.2274, the action level for groundwater must be established ~~[at]~~ *for* the following ~~[levels]~~:

(a) The presence of 1/2 inch or more of a petroleum substance that is free-floating on the surface of the water of an aquifer, using a measurement accuracy of 0.01 feet.

(b) The presence of a hazardous substance, hazardous waste or a regulated substance in groundwater at a level of concentration equal to the maximum contaminant level for that substance or waste established pursuant to the ~~[Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and 40 C.F.R. Part 141, as those sections existed on October 3, 1996.]~~ *United States Environmental Protection Agency, “National Primary Drinking Water Regulations” adopted by reference in NAC 445A.22735 (4).*

(c) A level of concentration equal to the background concentration of a hazardous substance, hazardous waste or a regulated substance, if that level of concentration is greater than the maximum contaminant level established pursuant to paragraph (b).

(d) If a maximum contaminant level has not been established for a hazardous substance, hazardous waste or a regulated substance, a level of concentration equal to:

(1) The background concentration of the waste or substance; or

(2) An appropriate level of concentration that is based on the protection of public health and safety and the environment. The appropriate level of concentration must be determined by the Division using the ~~[Integrated Risk Information System,]~~ *United States Environmental Protection Agency, “Regional Screening Level (RSL) Tables and associated User’s Guide,”* adopted by reference in NAC 445A.2272, or an equivalent method approved by the Division.

2. In establishing an action level pursuant to subsection 1, the Division may consider:

(a) The presence of more than one hazardous substance, hazardous waste or regulated substance in the groundwater;

(b) Any potential threat the contamination may pose to sensitive areas of the environment; and

(c) Any other threat or potential threat to groundwater that is specifically related to the site.

3. If more than one action level for groundwater may be established using the criteria set forth in subsection 1, the most restrictive action level must be used.

4. ~~[The Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and 40 C.F.R. Part 141, as those sections existed on October 3, 1996, are hereby adopted by reference. A copy of those sections may be obtained by mail from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800, at a cost of \$30.]~~ *The State Environmental Commission hereby adopts by reference the United States Environmental Protection Agency, “National Primary Drinking Water Regulations” available free of charge at the United States Environmental Protection Agency National Primary Drinking Water Regulations website at the Internet address <https://www.epa.gov/ground-water-and-drinking-water/national-primary-drinking-water-regulations>. A copy of the Regulations may be obtained by mail from the EPA Office of Ground Water and Drinking Water, 1200 Pennsylvania Ave, N.W. (Mail Code 4606M), Washington, DC 20460 or by toll-free telephone at (800) 490-9198.*

(Added to NAC by Environmental Comm’n, eff. 10-3-96)