

**PROPOSED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

**LCB FILE NO. R136-24I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 06/20/2024**

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STATE ENVIRONMENTAL COMMISSION**

**P2024-18**

**JUNE 18, 2024**

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

AUTHORITY: NRS 445A.300 – 445A.730

A PERMANENT REGULATION relating to water pollution control; and providing other matters properly relating thereto.

**Section 1.** NAC 445A.9692 is hereby amended to read as follows:

NAC 445A.9692 1. The installation of a holding tank system, *including vault toilets and temporary holding tanks*, for domestic sewage requires a permit. *Except as otherwise provided in subsection 7, the* ~~[The]~~ Division or other administrative authority may issue a permit for a site that meets all of the following conditions:

- (a) The site cannot be approved for installation of a standard subsurface disposal system.
- (b) A public or community sewerage system is not available or expected to be available within 5 years after completion of the site.

*(c) The proposed on-site sewage disposal system is anticipated to be used for more than 5 years.*

~~[(e)]~~ *(d)* The holding tank is intended to serve a county, state or national park, or an occasional-use facility, including, without limitation, a county fair or rodeo, or the holding tank is under the control of a city or other legal entity authorized to construct, operate and maintain a public or community sewerage system.

~~[(e)]~~ *(e)* The projected daily sewage flow is not more than 500 gallons, unless otherwise allowed by the Division or other administrative authority.

~~[(e)]~~ *(f)* The setbacks required pursuant to [NAC 445A.965](#) can be met.

~~[(e)]~~ *(g)* Only domestic sewage will be discharged into the holding tank.

2. At all times that a holding tank permitted pursuant to this section is being used, the holder of the permit must maintain a service contract with a septic tank pumping contractor who has been issued a permit under [Chapter 444](#) of NAC to provide regular inspection and pumping of the holding tank.

3. Except as otherwise provided in subsections 5, ~~[and]~~ 6, *and 7* a holding tank for which a permit is issued pursuant to this section must comply with the following requirements:

- (a) Plans and specifications for each proposed holding tank *and standard vault toilet designs and specifications* must be submitted to the Division or other administrative authority for review and approval.

- (b) Each tank must:

- (1) Have a minimum liquid capacity of 2,000 gallons and;

- (2) Comply with the tank standards established by the Division;
- (3) Be located and designed to facilitate the removal of its contents by pumping;
- (4) Be equipped with both an audible and a visual alarm, placed in locations acceptable to the Division or other administrative authority, to indicate when the tank is 75 percent full;
- (5) Have no overflow vent at an elevation lower than the overflow level of the lowest fixture served; and
- (6) Be designed for anti-buoyancy if test-hole examination or other observations indicate that seasonally high groundwater may float the tank when empty.

***(c) No more than two holding tanks may operate in series.***

4. An application for a permit for installation of a holding tank must include:

- (a) A copy of a contract with a septic tank pumping contractor who has been issued a permit under [Chapter 444](#) of NAC that requires the tank to be inspected and pumped at regular intervals or as needed and the contents to be treated in a manner and at a facility approved by the Division or other administrative authority; and
- (b) Evidence that the *permittee* ~~[owner or operator]~~ of the proposed treatment facility will accept the pumpings for treatment.

5. **Temporary** ~~[Portable]~~ holding tanks may be temporarily placed at the site of limited-duration events, including, without limitation, construction projects, **for 180 days** if the following requirements are met:

- (a) The tank must be owned and serviced by a septic tank pumping contractor who has been issued a permit under [chapter 444](#) of NAC.
- (b) Tank placement and use must comply with all applicable local planning, building and health requirements.

~~[(e) Only domestic sewage may be discharged into the tank.]~~

~~[(d)]~~ **(c)** The tank must be maintained in a sanitary manner to prevent a health hazard or nuisance.

~~[(e)]~~ **(d)** The tank must not be buried, unless approved by the Division or other administrative authority.

~~[(f)]~~ **(e)** The tank may not be used to service a dwelling, a recreational vehicle or any other structure having sleeping accommodations, except that a tank may be used on a construction site to serve a contractor's job shack or night watchman's trailer.

***(f) No more than two temporary holding tanks may operate in series and the combined liquid capacity of the holding tanks must be less than 15,000 gallons.***

6. In addition to the provisions of subsection 5, a **temporary** ~~[portable]~~ holding tank that is temporarily placed **for 180 days** pursuant to that subsection must meet the following standards:

- (a) Tank capacity must not exceed 1,000 gallons unless approved by the Division or other administrative authority.
- (b) The tank must be watertight and have no overflow vent lower than the overflow level of the lowest fixture served.
- (c) The tank must be structurally sound and made of durable, noncorrosive materials.
- (d) The tank must be designed and constructed to provide a secure, watertight connection with the sewer pipe for any building to which the tank is connected.
- (e) The tank must be marked with the name and phone number of the septic tank pumping contractor who has been issued a permit under [Chapter 444](#) of NAC and

who is responsible for maintaining the tank.

7. *In a county whose population is 700,000 or more, the Division may issue a permit for a site that meets all the following conditions:*
- (a) The site owner is developing a non-residential property that will use waters of the Colorado River distributed by the Southern Nevada Water Authority (SNWA), or one of the member agencies of the SNWA, and the owner can show that they have sought but not been provided a waiver by the General Manager of the SNWA for installation of a standard subsurface disposal system in accordance with the Conservation of Colorado River Act Section 38.4, as amended by Section 29 of Assembly Bill 220 of the 82<sup>nd</sup> (2023) Session.*
  - (b) A public or community sewerage system is not currently available; however, such public or community sewerage system is expected to be available within five (5) years after certificate of occupancy for development of the site.*
  - (c) The applicable sewer agency or site developer has completed engineering design, has secured project funding for expansion of the public or community sewerage system, and contracts are progressing for system expansion to serve the site.*
  - (d) The site owner or developer has designed and has commenced construction of the necessary on-site and off-site infrastructure to allow connection to the public or community sewerage system, once such system is operational.*
  - (c) The proposed on-site sewage holding tank system is anticipated to be used for a period not to exceed five (5) years.*
  - (d) The on-site holding tank system will be properly abandoned in a manner such as removal or filling with sand within ninety (90) days of the facility's connection to a municipal sewer collection system.*
  - (e) The projected daily sewage flow is not more than 20,000 gallons, unless otherwise allowed by the Division.*
  - (f) The provisions of subsection 3 of this section apply with the exception that the tank volume may be permitted that will have over 2,000 gallons liquid capacity but no more than 45,000 gallons combined liquid capacity of the holding tanks at the site.*
  - (f) The setbacks required pursuant to NAC 445A.965 can be met.*
  - (g) Only domestic sewage will be discharged into the holding tank.*
  - (h) This subsection expires on December 31, 2030 and all holding tanks constructed under this provision must be connected to a public or community sewerage system by that date.*