



March 30, 2009

Certified – Return Receipt Requested

Irene Vogel, CEO
Greater Las Vegas Association of Realtors
1750 E. Sahara Ave
Las Vegas, NV 89104

Re: Certification of Individual Sewage Disposal Systems (ISDS) in Clark County, Nevada

Dear Ms. Irene Vogel:

On February 26, 2009 the Southern Nevada District Board of Health (SNDBOH) adopted the Southern Nevada Health District (SNHD) revised *Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management* (94 pages) pursuant to Nevada Revised Statute (**NRS**) **444.650**. Section 4 of the revised Regulations restricts the certification of individual sewage disposal systems (also known as septic systems) to the Health Authority (SNHD):

4.1 The Health Authority shall be the sole entity within its jurisdiction that provides official certification for permitted individual sewage disposal systems.

The Board found that the Regulations are designed to protect and promote the public health and safety, and it therefore orders compliance within Clark County, Nevada. The certification of septic systems protects potential home buyers and lenders. SNHD conducts onsite inspections of the property and documents compliance issues if they exist. Furthermore, the ISDS Hearing Officer Process in **Section 19.8** gives SNHD enforcement capability as it relates to the provisions in the Regulations:

19.8.4 Upon the Hearing Officer(s) finding a violation has occurred, the Hearing Officer(s) shall levy such penalty, and require corrective action as he deems appropriate to the violation, subject to the following penalties per NRS 444.635:

19.8.4.1 For a first offense, at least \$500 but not more than \$5,000, per day;

19.8.4.2 For a second offense, at least \$1,000 but not more than \$5,500, per day;

19.8.4.3 For a third offense, at least \$1,500 but not more than \$6,000, per day;

19.8.4.4 For any subsequent offense, at least \$500 more than the most recent previous penalty levied by the Hearing Officer, per day.

We hope this correspondence has addressed the requirements and regulatory role of SNHD as it relates to the certification of properties serviced by septic systems for lending agencies / real estate transactions. We anticipate the cooperation of the Greater Las Vegas Association of Realtors as we seek "to protect and promote the health, the environment and the well-being of Southern Nevada residents and visitors." Please notify your members of the aforementioned requirements in **Section 4** of the Regulations. We have included a copy for your perusal. You may download the complete copy of the Regulations from the SNHD website at: http://www.southernnevadahealthdistrict.org/download/environmental_health/sewage-regs.pdf. Please do not hesitate to contact us at (702) 759 - 0660 if you have questions or concerns. Thank you for your attention.

Sincerely,

ENVIRONMENTAL HEALTH DIVISION

Adrian E. Brown, E.I.
Environmental Health Engineer I
Septic System Program

Daniel LaRubio, Jr. P.E., R.E.H.S
Environmental Health Engineer/Supervisor
Septic System Program

AEB/DPL:ba

Attachment: **Section 4 – Certification of Individual Sewage Disposal Systems**, SNHD Regulations Governing ISDS

Southern Nevada District Board of Health

REGULATIONS GOVERNING INDIVIDUAL SEWAGE DISPOSAL SYSTEMS AND LIQUID WASTE MANAGEMENT

ADOPTED JULY 24, 1984 | AMENDED APRIL 28, 1994

REVISED FEBRUARY 26, 2009



Southern Nevada Health District
625 Shadow Lane
P.O. Box 3902
Las Vegas, NV 89127
(702) 759-0588

Environmental Health Division | Engineering and Plan Review Section
Individual Sewage Disposal Systems Program
(702) 759-0660

SOUTHERN NEVADA HEALTH DISTRICT

REGULATIONS GOVERNING INDIVIDUAL SEWAGE DISPOSAL SYSTEMS AND LIQUID WASTE MANAGEMENT

WHEREAS, the Southern Nevada Health District (SNHD) has been established by the County of Clark and the cities of Las Vegas, North Las Vegas, Henderson, Mesquite, and Boulder City as the public health authority for those entities, and pursuant to Nevada Revised Statutes (NRS) Chapter 439; has jurisdiction over all public health matters in the health district; and

WHEREAS, the Southern Nevada District Board of Health (Board) is the governing body of the SNHD, and is authorized to adopt regulations to regulate sewage disposal and liquid waste management in the interest of the public health, and to protect and promote the public health and safety in the geographical area subject to the jurisdiction of the health district; and

WHEREAS, the Board finds that individual sewage disposal systems and liquid waste management impacts the public health, and finds that it is necessary to adopt Southern Nevada Health District Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management to regulate the construction, operation and servicing of septic tanks and soil absorption systems, or other sewage treatment systems, and liquid waste management; and

WHEREAS, the Board finds that the following Regulations are designed to protect and promote the public health and safety, it does therefore publish, promulgate and order compliance within Clark County, Nevada with the substantive and procedural requirements hereinafter set forth.

INTENT AND SCOPE

Intent The purpose of these Regulations is to protect and promote the public health, safety, and environment through preventative measures and timely correction of public health and environmental issues relating to individual sewage disposal systems and liquid waste management.

Scope These Regulations establish definitions; set standards for the location, design, construction, operation, and maintenance of individual sewage disposal systems; provide for the issuance, modification and revocation of permits.

These Regulations also set standards for liquid waste management, the operation and permitting of liquid waste haulers; provide for the issuance, modification, suspension and revocation of liquid waste hauler permits.

Section 4

CERTIFICATION OF INDIVIDUAL SEWAGE DISPOSAL SYSTEMS (ISDS)

- 4.1 The Health Authority shall be the sole entity within its jurisdiction that provides official certification for permitted individual sewage disposal systems.
- 4.2 The Health Authority shall only provide certification of permitted individual sewage disposal systems (ISDS) in compliance with these Regulations, and water wells logged with the Nevada Division of Water Resources.
- 4.3 The certification of an ISDS and/or water well shall be valid for one (1) year after issuance provided that no changes are made to the property. Certifications shall be null and void if any changes are made to the property, septic system, or water supply.
- 4.4 **ISDS Certification Fee.** Pursuant to NRS 439.360(5) and NRS 439.366(1), the Board adopts by reference the current SNHD Environmental Health Permit Fee Schedule as it applies to individual sewage disposal systems (ISDS). The ISDS certification fee must be paid to the Health Authority prior to scheduling an inspection. The ISDS certification fee shall be non-refundable.
- 4.5 The ISDS certification procedure includes the following requirements:
 - 4.5.1 If the final ISDS construction approval occurred within the last three (3) months to date when the certification is requested, a file search fee, according to the current SNHD Environmental Health Fee Schedule, shall be required for the ISDS certification and an onsite inspection will not be required.
 - 4.5.2 If the final construction approval occurred within twelve (12) months to the date when the certification is requested, an onsite inspection of the property is required and the septic tank lid does not have to be removed.
 - 4.5.3 If the final ISDS construction approval is over twelve (12) months to the date when the certification is requested, the septic tank lid must be removed for inspection, that is, first compartment of the septic tank that connects directly to the sewer line from the building. However, if a pumping receipt is submitted to the Health Authority from an approved liquid waste hauler dated within twelve (12) months to the date the certification is requested, then the septic tank lid does **not** have to be removed for inspection.
 - 4.5.4 The Health Authority may request additional information to complete the ISDS certification process.
 - 4.5.5 If the certification is not approved, the re-inspection fee shall be assessed according to the current SNHD Environmental Health Fee Schedule. The re-inspection fee must be paid prior to scheduling another inspection.

4.5.6 If plumbing additions have been made to the property without Health Authority approval, a Tenant Improvement must be approved before any certification is issued.

4.6 The water well certification procedure includes the following requirements:

4.6.1 A copy of the well driller's log approved by the Nevada Division of Water Resources is required, if a copy is not on file with the Health Authority.

4.6.2 The certification fee shall be paid prior to scheduling the inspection of the water well. The certification fee shall be non-refundable.

4.6.3 The Health Authority shall have full access to the well and pump for inspection purposes.

4.6.4 A chemical and bacteriological analysis shall be required for the certification of the well water. This may be done through a private laboratory certified by the Nevada State Health Division. The original test results must be submitted to the Health Authority for review before the certification of the well can be processed.

4.6.5 The water sample tested must meet all the EPA and State of Nevada Safe Drinking Water Standards in order for the well to be certified.

4.6.6 If the certification is not approved, the re-inspection fee shall be according to the current SNHD Environmental Health Fee Schedule. The re-inspection fee must be paid prior to scheduling another inspection.

4.6.7 The Health Authority may request additional information to complete the water well certification process.