

**Staff Report**  
**Board Meeting Date: December 18, 2025**

**DATE:** December 1, 2025

**TO:** District Board of Health

**FROM:** David Kelly, Environmental Health Specialist Supervisor  
775-846-6623, [dakelly@nnph.org](mailto:dakelly@nnph.org)

**SUBJECT:** Review, discussion, and possible adoption of the Business Impact Statement regarding proposed revisions to the District Board of Health Regulations Governing Sewage, Wastewater, and Sanitation, with a finding that the revised regulations do not impose a direct and significant economic burden on businesses or citizens; nor do the revised regulations directly restrict the formation, operation, or expansion of a business; and set a public hearing for the possible adoption of the proposed revisions to the Regulations for January 22, 2026, at 1:00 p.m.

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**SUMMARY**

The District Board of Health must adopt any revisions to the District Board of Health Regulations Governing Sewage, Wastewater, and Sanitation (Regulations). Per NRS 237. Business Impact Statements “must be considered by the governing body at its regular meeting preceding any regular meeting held to adopt” the proposed revisions.

**District Health Strategic Priorities supported by this item:**

- 2. Healthy Environment:** Create a healthier environment that allows people to safely enjoy everything Washoe County has to offer.

**PREVIOUS ACTION**

The District Board of Health last approved revisions to the Regulations on May 23, 2013.

**BACKGROUND**

The current version of the Regulations was adopted in 2013. Over the last decade, the Land Development program has received a lot of feedback from industry about ways to improve the regulations and simplify regulations for contractors. Additionally, issues arising from single source product for currently allowed septic technologies (engineered sand filters) have become an immediate concern as the source is no longer available. The number of septic technologies available to allow for alternatives to the single source product have multiplied but currently are not allowed in Washoe County without an expensive and lengthy process. Those two reasons, along with clarification and clean-up of old language are the primary reasons for the update.

The proposed revision to the Regulations modifies the language in several sections to the regulations. Below is a summary of the main revisions that are being proposed:

**ENVIRONMENTAL HEALTH SERVICES**

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- Clean up of historical parceling language that governs septic density within Washoe County. Current language was confusing for many people, and the revision clarifies that the desired septic density within Washoe County is no less than one (1) acre per septic, the intent of the regulations since 2001.
- Allows for standard mitigation practices for crossings of small watercourses and drainages without a variance. The mitigation allowed in the proposed language has been approved 100% of the time by the Sewage, Wastewater, and Sanitation Advisory Board (SWS Board) – the proposed language removes the need to go through the variance process.
- Allow alternative septic technologies other than a sand filter to be used in high groundwater areas, provide those technologies have been certified to NSF 245 denitrification standard.
- Opens up media options for standard systems. The septic industry has created many options outside of standard drain rock over the last decade. Removes shredded tires as an option due to concern over potential to contaminate groundwater.
- Allows for additional qualified professionals to conduct or oversee percolation testing with Washoe County. Will allow for increased options for property owners and potentially reduced costs.
- Memorializes practice of having unique situations recorded to property to inform potential buyers.
- Makes some needed changes to the SWS Board, including eliminating non necessary “alternates”.
- Other clarifications of existing septic regulation and policy.

A list of all the original changes with rationale and a final draft copy of the redlined version of the proposed revisions are attached can be found at: [Septic Systems & Liquid Waste](#).

Staff engaged in extensive outreach to inform industry and property owners of the proposed changes. In addition to the proposed regulations being published on the NNPH website since August 5, 2025, the following steps were taken:

- When the draft Regulations were posted on August 5, three stakeholder groups were contacted directly and provided a copy for review. The three stakeholder groups included the SWS Board, engineers that frequently submit septic designs in Washoe County, and contractors that are involved with the installation of septic systems in the County.
- On October 2, 2025, a press release was put out regarding the proposed revisions. Along with it going to media outlets, the release was sent to all email addresses within the Washoe County Community Services database. There were just under 700 contractor emails that received the release notice.
- Emails were also sent to all engineers and realtors working within Washoe County through their respective Boards.
- On October 3, 2025, postcards were sent out to the approximately 18,000 owners of property served by septic.
- All correspondence included links to proposed regulations on the website as well as ways to provide feedback/ask questions, including public workshop dates. The website also included rationale for each change and an online feedback option. There were 12 total responses received. The responses from the online feedback are attached (note that first response is a test response).

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- On October 13 and 20, 2025, two public workshops were held. The workshops were attended by 65 and 35 property owners, engineers, installers, and realtors. NNPH staff kept notes on topics and concerns as they were brought forward. Those bullet points are attached.

Feedback received was positive in general. Based on the feedback, a few additional proposed changes were made. The changes were made to the redlined draft Regulations and were posted on the website in the first week of December along with a guide on the additional changes. A separate list of the final changes made based on public feedback with the rationale is attached. No changes other than legal counsel edits will be incorporated.

There were two areas that NNPH received feedback on. Primary feedback was that some property owners did not like the language that clarified the intent to maintain a septic density of one (1) septic system per acre, which has been the policy of NNPH since 2001. Those owners' concerns were easily offset by numerous other property owners who felt that maintaining reduced septic density was in the interest of protecting their own well water quality. Secondly, NNPH received one (1) concern from a contractor who expressed some concerns, in particular that repair areas required to be available at time of construction and recording of agreements to the property where requirements were too onerous. Neither of those aspects of the regulations are new, the proposed language simply clarifies long standing practices of NNPH which have not generated much negative feedback over the years they have been in place.

A Business Impact Statement has been prepared in accordance with NRS 237.090 and is attached for reference.

### **FISCAL IMPACT**

There is no fiscal impact from the Board adopting the Business Impact Statement for the proposed revisions to the Regulations.

### **RECOMMENDATION**

Staff recommends the District Board of Health approve and adopt the Business Impact Statement for the proposed revisions to the District Board of Health Regulations Governing Sewage, Wastewater, and Sanitation, with a finding that the revised regulations do not impose a direct and significant economic burden on businesses or citizens; nor do the revised regulations directly restrict the formation, operation, or expansion of a business; and set a public hearing for the possible adoption of the proposed revisions to the Regulations for January 22, 2026, at 1:00 p.m.

### **POSSIBLE MOTION**

Should the Board agree with the recommendation, a possible motion would be:

“Move to approve and adopt the Business Impact Statement for the proposed revisions to the District Board of Health Regulations Governing Sewage, Wastewater, and Sanitation, with a finding that the revised regulations do not impose a direct and significant economic burden on businesses or citizens; nor do the revised regulations directly restrict the formation, operation, or expansion of a business; and set a public hearing for the possible adoption of the proposed revisions to the Regulations for January 22, 2026, at 1:00 p.m.”