

Secretary of State
Filing Data

**For Filing Administrative
Regulations**

For Emergency
Regulations Only

Effective Date

Expiration Date

Governor's Signature

State Environmental Commission

Classification Proposed Adopted By Agency Temporary Emergency Permanent

Brief description of action: Regulation R005-08: Secondary Containment for Underground Storage Tanks: This regulation amends existing provisions governing storage tanks defined under the Nevada Administrative Code (NAC 459.9921 to 459.999). The regulation requires the use of secondary containment with leak detection on all new or replaced underground storage tanks and piping regulated under Subtitle I of the Resource Conservation and Recovery Act and Nevada Revised Statutes (NRS 459.800 to 459.856). The regulation is based on requirements developed by the US Congress in the Energy Policy Act of 2005. The regulation also creates a requirement for under-dispenser containment at motor vehicle fuel dispensers connected to a regulated underground storage tank. This requirement applies only to dispensers of motor vehicle fuel.

The requirements for containment do not apply to repairs that are meant to restore an underground tank, pipe, or dispenser to operating condition. The regulation also contains an exemption from secondary containment for systems that are not within 1,000 feet of any existing community water system or any existing potable drinking water well

Authority citation other than 233B: §§1-12, NRS 459.826 and 459.830.

Notice date: February 15, 2008

Hearing date: March 18, 2008