

**FORM FOR PETITIONING THE STATE ENVIRONMENTAL COMMISSION FOR
ADOPTION, FILING AMENDMENTS OR REPEAL OF COMMISSION
REGULATIONS.**

Form #1

1. Name, Address, telephone number, date of petition, representative capacity and signature of petitioner, authorized individual, officer or attorney.

*John B. Walker
Executive Secretary
State Environmental Commission
901 South Stewart Street, Suite 4001
Carson City, Nevada, 89701*

2. Specific type of petitioner (individual, partnership, corporation, government agency, or other) and the exact occupation or business, including a description of the occupation or business if necessary.

State Commission

3. Exact and specific nature of changes sought, including delineation of the regulations, statutory provisions of Commission decisions involved. May include a statement of the written term or substance of the proposed regulatory action, or a description of the subjects and issues involved.

This regulation (R132-11) relates to the rules of practice before the State Environmental Commission (NAC445b.875). The regulation would authorize the Commission to conduct a prehearing conference to address certain issues relating to an appeal hearing before the Commission. In addition, the regulation would:

- *Require each party in an appeal hearing to provide the Commission and the other parties notice of certain witnesses and copies of certain exhibits;*
- *Provide guidelines for the admission and consideration of evidence by the Commission at an appeal hearing;*
- *Establish the grounds for an appeal to the Commission and require that form 3 contain certain information.*

The regulation would further authorize the Commission to dismiss certain hearing requests and appeals; require the parties to an appeal hearing to file certain briefs, as well as establish the qualifications for an attorney who represents a party before the Commission.

4. A statement of the need for and purpose of the proposed regulations.

The regulation is designed to reduce the time and resources to conduct appeals by the Commission. The regulations will also reduce future backlogs of outstanding appeals by allowing the Commission (after appropriate notice) the authority to dismiss appeals where no action has been taken for over a year.

5. A statement of the:

- (a) Estimated economic effect of the regulation on the business which it is to regulate;
 - (1) Both adverse and beneficial effects; and
 - (2) Both immediate and long-term effects; and
- (b) Estimated economic effect on the public;
 - (1) Both adverse and beneficial effects; and
 - (2) Both immediate and long-term effects; and
- (c) Estimated cost by the agency for enforcement of the proposed regulation.

By clarifying the standard of review, defining procedures for briefs and addressing the admission of evidence during appeal hearings, the proposed regulation would streamline the appeal process for all parties including permittees (Nevada business), interveners as well as the Nevada Division of Environmental Protection.

There will be no addition costs to the Commission for enforcement of the provision contained in this regulation.

6. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

Not Relevant to this regulation

7. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions. The statement must include the specific citation of the federal statute or regulation requiring such adoption.

Not Relevant to this regulation

8. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.