

Permanent Regulation - Informational Statement

A Permanent Regulation Related to Environmental Programs

Legislative Review of Adopted Permanent Regulations as Required
by Administrative Procedures Act, NRS 233B.066

State Environmental Commission Permanent No: R133-24P

The Nevada State Environmental Commission (SEC) offers the following informational statement in compliance with Nevada Revised Statute (NRS) 233B.066.

1. Need for Regulation

NDEP identified the proposed regulatory amendments during a review of the regulations with staff and the regulated community, which meet the requirements of Executive Order 2023-003. The proposed amendments streamline, clarify, and improve the regulations to provide for the welfare of the State without unnecessarily inhibiting economic growth.

2. A description of how public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary.

The Division held a preliminary public workshop on March 29, 2023, to solicit comments on this proposed regulatory amendment. The Division also held one hybrid (in-person and virtual) public workshop for R133-24P on September 26, 2024. The public was invited to participate in person in the Bryan Building at 901 South Stewart Street in Carson City, Nevada. The workshop was held to present the substance of, and receive public comment on, the proposed regulation. Fifteen members of the public and regulated industry attended the workshop either in person or virtually. The proposed regulations were also distributed to the Bureau of Safe Drinking Water's email distribution list.

The Legislative Counsel Bureau published its draft, R133-24P, in the Nevada Register on September 17, 2024. The Division accepted written comments on R133-24I and R133-24P for 30 days ending on October 11, 2024. The Division received one verbal comment in support of the proposed regulatory changes and one verbal clarifying question concerning R133-24I and/or R133-24P during the public workshop. A summary of the workshop, including public comment and bureau response, is included on the NDEP website as well as the SEC website.

The SEC held a hybrid regulatory hearing on November 19, 2024, to consider possible action on R133-24P. The SEC posted its public notice, which included a link¹ and instructions to access R133-24P and pertinent documents and information supporting the regulation, for the regulatory meeting at the State Library in Carson City, at Division offices located in both Carson City and Las Vegas, at all county libraries throughout the state, and to the SEC email distribution list. The SEC also posted the public notice at the Division of Minerals in Carson City, at the Department of Agriculture, on the LCB website, on the Division of Administration website, and on the SEC website.

The SEC also published the public notice in the Las Vegas Review Journal and Reno Gazette Journal newspapers once per week for three consecutive weeks prior to the SEC regulatory meeting.

3. The number of persons who attended the SEC Regulatory Hearing:

- (a) Attended November 19, 2024, hearing: 37 (approximately)
- (b) Testified on this Petition at the hearing: 2

- 1. Andrea Seifert, on behalf of the Nevada Division of Environmental Protection
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- 2. Brendon Grant, on behalf of the Nevada Division of Environmental Protection
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- (c) Submitted to the agency written comments: none

4. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses through one public workshop and at the November 19, 2024, SEC hearing as noted in number 2 above.

5. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

¹ <https://sec.nv.gov/meetings/sec-meeting-november-19-2024>

The Commissioners unanimously adopted R133-24P without change because the public and the SEC were satisfied with the proposed regulation.

6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

Regulated Business/Industry: There are no economic impacts to businesses associated with this action in the short- or long-term.

Public: There are no adverse or economic impacts on the public associated with this action in the short- or long-term.

7. The estimated cost to the agency for enforcement of the adopted regulation.

Enforcing Agency. The proposed regulations do not impose additional functions or costs on the agency.

8. 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.

The proposed amendments in R133-24P remove similar language to criteria found in the US Environmental Protection Agency's regulation in CFR § 141.23(j)(i), which is adopted by reference in NAC 445A.4525. As NDEP adopts the regulation for determining compliance with drinking water standards by reference, removing similar yet non-identical language reduces confusion in determining compliance.

NAC 445A.6681 currently duplicates other federal (Occupational Safety and Health Administration) and state (Division of Industrial Relations of the Department of Business and Industry) agencies' laws and regulations. Since BSDW does not have regulatory authority over these laws and regulations, BSDW is requesting to remove this regulation.

9. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

The regulatory amendments in R133-24P are not more stringent than what is established by federal law.

10. 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.

R133-24P does not address fees.