

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: R121-19

Permanent Regulation R121-19:

Nevada Revised Statutes (NRS) 445A.425 establishes the authority of the State Environmental Commission (SEC) to adopt regulations carrying out the provisions of NRS 445A.300 to 445A.730, inclusive.

SPECIFIC CHANGES:

NDEP amended NAC 445A, specifically, regulations pertaining to wastewater operator certification and plants for sewage treatment classification (NAC 445A.2862; NAC 445A.2866; NAC 445A.2868; NAC 445A.287; NAC 445A.289; and NAC 445A.2912). NDEP also revised requirements to obtain restricted certification and renewal of those restricted certifications and to revise the initial education required to test for certification.

1. Need for Regulation:

The Nevada SEC required the review of the Wastewater Operator Certification program after the passage of the updated regulations In May of 2018. The review of the program found areas for improvement with Restricted Certifications and the education requirements required for testing. Restricted certifications are renewable and the Initial education requirements for certification have been lowered due to considerations of the annual contact hours that are now required. A renewal fee for restricted certification was added. Language for fees, renewals, and decertification was added and amended to provide clarification.

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.

On February 4, 7, & 10, 2020 NDEP conducted public workshops on regulation R121-19. The workshops were held in Carson City, Las Vegas, and Elko. A total of approximately thirty-three (33) members of the public attended the workshops, in total.

Monday February 10, 2020 1:30 PM – 3:30 PM Grant Sawyer Bldg., RM 1100 555 E. Washington Avenue Las Vegas, NV 89122	Friday February 7, 2020 10:00 AM– 12:00 PM Bryan Building, 2 nd Floor Tahoe Room 901 S. Stewart Street Carson City, Nevada 89701	Tuesday, February 4, 2020 1:00 PM– 3:00 PM 1751 College Ave. City Council Chambers Elko, Nevada
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Questions from the public presented at the workshop were addressed by NDEP staff; summary minutes of the workshop are posted on the SEC website at: <https://sec.nv.gov/meetings/july-2020-regulatory-meeting>.

Following the workshop, the SEC held a formal regulatory hearing on July 1, 2020. Due to COVID-19 and the Governor’s subsequent Emergency Directive 006, there was no physical location for the meeting and it was held virtually. A public notice for the regulatory meeting and a copy of the proposed regulation were posted at the State Library in Carson City, at NDEP offices located in both Carson City and Las Vegas, at all county libraries throughout the state, and provided to the SEC email distribution list. The public notice was also posted 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 agenda and information where supporting documents could be located were posted at NDEP offices located in both Carson City and Las Vegas, at the Division of Minerals in Carson City, at the Department of Agriculture, on the LCB website, on the Division of Administration website, on the SEC website, and provided to the SEC email distribution list.

The public notice for the proposed regulation was published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the SEC regulatory meeting. Other information about this regulation was made available on the SEC website at: <https://sec.nv.gov/meetings/july-2020-regulatory-meeting>.

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

- (a) Attended July 1, 2020 hearing: 81 (approximately)
- (b) Testified on this Petition at the hearing: 0
- (c) Submitted to the agency written comments: 0

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 e-mail, public workshops and at the July 1, 2020 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.

The regulation was adopted without change because the public and the SEC members were satisfied with the proposed amendments.

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

Regulated Business/Industry. The amendments will have no economic impact on regulated business or industry.

Public. The regulation will have no economic impact on the public.

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

Enforcing Agency. There will be no additional costs to 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 adopted amendments do not overlap, duplicate or conflict with any regulations of other government agencies.

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 regulation is no 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.

The regulation changes will provide an opportunity to renew restricted certifications. The renewal fee is \$70 every 2 years. The new fee will compensate for the time and resources that will be required to review renewals of restricted certificates for education and Continuing Education Units (CEU) requirements.