

ADOPTED REGULATION OF THE STATE

ENVIRONMENTAL COMMISSION

LCB File No. R063-15

Effective October 27, 2015

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §1, NRS 445A.425, 445A.660 and 459.485.

A REGULATION relating to hazardous substances; revising provisions relating to providing notification to the Director of the State Department of Conservation and Natural Resources of certain releases of hazardous substances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Environmental Commission to adopt regulations relating to water quality, discharges into the waters of the State and hazardous waste management. (NRS 445A.425, 445A.660, 459.485) This regulation amends existing provisions concerning notification of the Director of the State Department of Conservation and Natural Resources of releases of hazardous substances to provide that the Director may be notified of the release of hazardous substances through an online reporting system, by fax or by telephone if the release of the hazardous substance is required to be reported within 1 working day.

Section 1. NAC 445A.3475 is hereby amended to read as follows:

445A.3475 Any notice of a release of a hazardous substance required to be provided to the Director ~~{pursuant}~~ :

1. Pursuant to NAC 445A.347 ~~{or}~~ *may be:*

(a) Provided via the online reporting system available at the Internet website

<http://www.ndep.nv.gov>;

(b) Faxed to (775) 687-8335; or

(c) Provided by telephone at (888) 331-6337, for in-state telephone calls, or (775) 687-9485, for in-state or out-of-state telephone calls.

2. Pursuant to NAC 445A.3473 must be provided by telephone at (888) 331-6337, for in-state telephone calls, or (775) 687-9485, for in-state or out-of-state telephone calls.

Permanent Regulation - Informational Statement

A Regulation Relating to the Bureau of Corrective Actions

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

State Environmental Commission (SEC) LCB File No: R063-15

Regulation R063-15:

Nevada Administrative Code (NAC) 445A.3475 establishes the means of notifying the Director of a release of a hazardous substance pursuant to NAC 445A.347 or 445A.3473.

SPECIFIC CHANGES:

Amend NAC 445A - WATER CONTROLS to allow notification of incidents or releases of hazardous substances not applicable to NAC 445A.3473 by an online reporting system at www.ndep.nv.gov or by facsimile at (775) 687-8335.

Currently, all spill reporting must be completed by telephone, only. This amendment allows for interactive online reporting for releases that are not significant.

1. Need for Regulation:

Online reporting of non-significant incidents and releases provides a more streamlined, efficient, and effective reporting system for the Division and for Users. The Division identified **less than 10%** of the 514 reported incidents or releases of regulated substances as significant in 2014. Online submission is extremely efficient: once the User completes and submits the online report form, it is automatically emailed directly to the Duty Officer and Program Manager who will be able to route it to the appropriate agency and directly upload the information into the current database. This system allows for first person reporting which will result in more accurate spill reports.

This adopted regulation also fulfills the online reporting requirement set forth in Senate Bill No. 236:

AN ACT relating to governmental administration; requiring a state agency to make available on an Internet website maintained by the state agency certain forms of the state agency in a format which allows the form to be completed, downloaded and saved electronically and submitted securely to the state agency via the Internet; authorizing a state agency to provide a copy of certain records to any other state agency upon request; and providing other matters properly relating thereto.

Additionally, online submission may increase the amount of spill reports by creating a more convenient means of reporting for Users and increasing reporter anonymity.

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 October 8, 2015 NDEP conducted a public workshop on proposed draft Regulation R063-15. The workshop was held in Carson and video conferenced to Las Vegas. The Carson City workshop was located at the Bryan Building located at 901 S. Stewart Street.

Five (5) members of the public attended the workshop in Carson City.

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: http://www.sec.nv.gov/main/hearing_1015.htm .

Following the workshop, the SEC held a formal regulatory hearing on October 14, 2015 at the Nevada Legislative Building located at 401 South Carson Street, Room 2135. A public notice for the regulatory meeting was posted at the meeting location, at the State Library in Carson City, at the Office of the Division of Environmental Protection in Las Vegas, at the Division of Minerals in Carson City, at the Department of Wildlife, on the LCB website, on the Division of Administration website and on the SEC website.

Copies of the agenda, the public notice, and the proposed permanent regulation R063-15 were also made available at all public libraries throughout the state as well as to individuals on the SEC mailing 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: http://www.sec.nv.gov/main/hearing_1015.htm .

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

- (a) Attended October 14, 2015 hearing: 21 (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 October 14, 2015 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 was 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 regulation will have no economic effect on Regulated Businesses/Industries.

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

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

There is no additional cost to the Division for enforcement of the regulation.

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 revisions to NAC 445A do not overlap or duplicate any regulations of other state or 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 does not address fees.