

**ADOPTED REGULATION OF THE
STATE EMERGENCY RESPONSE COMMISSION**

LCB File No. R034-00

Effective June 20, 2000

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

AUTHORITY: §§1-4 and 6, NRS 459.740; §§5, 7 and 8, NRS 459.744.

Section 1. Chapter 459 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this regulation.

Sec. 2. *As used in this section, NAC 459.9915, 459.9917 and 459.9919, and sections 3, 4 and 5 of this regulation, unless the context otherwise requires, the words and terms defined in NAC 459.9915 and sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Commission” means the state emergency response commission.*

Sec. 4. *“Extremely hazardous material” has the meaning ascribed to it in NRS 459.7022.*

Sec. 5. *Except as otherwise provided in subsection 2 of NRS 459.744, the commission will charge a person for whom it performs a service or regulatory activity the fees set forth in the following schedule:*

1. For processing a report filed with the commission pursuant to 40 C.F.R. Part 370, Subpart B, except for a report of an extremely hazardous material pursuant to NAC 459.9917\$100

2. For each hour or fraction thereof that an employee, agent, contractor or other designee of the commission spends in responding to a request for information, except for a request for information made pursuant to 40 C.F.R. Part 370, Subpart C..... \$50

Sec. 6. NAC 459.9915 is hereby amended to read as follows:

459.9915 ~~[As used in this section and NAC 459.9917 and 459.9919, “person”]~~ **“Person”**

includes any agency or political subdivision of this state.

Sec. 7. NAC 459.9917 is hereby amended to read as follows:

459.9917 1. The filing fee required pursuant to subparagraph (1) of paragraph (b) of subsection 1 of NRS 459.744 is \$100 for each facility in which extremely hazardous material is stored.

2. The surcharge required pursuant to subparagraph (2) of paragraph (b) of subsection 1 of NRS 459.744 is \$100 per ton for each ton of material stored in excess of 1 ton.

~~[3.—A person may not be required to pay more than \$5,000 annually pursuant to this section.]~~

Sec. 8. NAC 459.9919 is hereby amended to read as follows:

459.9919 1. The filing fee required pursuant to subparagraph (1) of paragraph (c) of subsection 1 of NRS 459.744 is \$100.

2. The surcharge required pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NRS 459.744 is \$100 for each ton of material which is manufactured for transport in this state.

~~[3.—A person may not be required to pay more than \$2,000 annually pursuant to this section.]~~

NOTICE OF ADOPTION

Brenda J. Erdos, Legislative Counsel
Legislative Counsel Bureau - Legal Division
401 South Carson St.
Carson City, NV 89701-4747

RE: Petition 96003 - LCB File R-034-00

Dear Brenda Erdos:

The State Emergency Response Commission met April 20, 2000, to host the hearing for the formal adoption of Nevada Administrative Codes with LCB Petition Number 96003, File R-034-00.

The hearing was attended by a SERC quorum. No members of the public were present. Approximately at 3:30 p.m., after conducting other Commission business, the chair, Larry Bennet, as approved by the Commission in a previous meeting, declared the adoption of the regulations as presented.

The first regulation formalizes the collection of fees for reports of hazardous substances stored or manufactured in excess of 10,000 lbs. The second regulation formalizes the service fee for information requests beyond the Emergency Planning and Community Right-to-Know Act (EPCRA) involving storage or manufacture of hazardous materials by facilities in Nevada.

Thank you for your assistance in the process of adoption of these regulations. Please contact me at (775) 687-6973 if you have any questions.

Sincerely,

Elizabeth Ashby
Coordinator

/ea

cc: Co-Chairs
Legislative Committee Chair

INFORMATIONAL STATEMENT

LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066 PETITION 96003 LCB FILE R-034-00

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 459.

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

Petition R-034-00 was posted in all county libraries, sent through postal service to all addresses on the State Emergency Response Commission's (SERC) mailing list, posted at the Las Vegas airport, Nevada Department of Transportation (Carson City), Department of Motor Vehicles and Public Safety (Carson City), State Fire Marshal's office, mailed to all Local Emergency Planning Committees and SERC members. SERC's office did not receive any comments, documentation is available by calling (775) 687-6973 or at the SERC's office located at 107 Jacobsen Way, Carson City, NV 89711.

- 2. The number of persons who:**

- 1) Attended each hearing: 15
- 2) Testified at each hearing: 0
- 3) Submitted to the agency written comments: 0

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

Comments were solicited by direct mail to interested persons subscribing to the SERC's mailing list. SERC did not receive any comments, documentation is available by calling (775) 687-6973 or at SERC's office located at 107 Jacobsen Way, Carson City, NV 89711.

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

With no comments received, the permanent regulations were adopted at the State Emergency Response Commission's meeting of April 20, 2000, without changes.

- 5. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

- 1) Both adverse and beneficial effects: The proposed regulations are expected to have not adverse effects on the public or regulated community.
 - 2) Both immediate and long-term effects. There is no estimated economic immediate or long-term effect on the public or the regulated businesses.
- 6. The estimated cost to the agency for enforcement of the adopted regulation.** SERC estimates no additional cost to the agency for enforcement of this regulation.
- 7. 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 do not duplicate other state or government agency regulations.
- 8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provision.**
The provisions in the regulations follow the federal regulation and are not more stringent.
- 9. 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 regulations formalize fees applicable through the NRS 459.740, and 459.744. The regulations do not include increases to the existing fees. The funding collected is used for the training, planning and equipment of first responders in the hazardous materials field.