

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: R126-24P

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

1. Need for Regulation

Revisions to Nevada Administrative Code 459.9991 - 459.99939 are being proposed to align the current use of the Fund for Brownfield Projects (Fund) with the terms and conditions that have been entered into with U.S. Environmental Protection Agency on administration and eligible uses of the funding.

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 hybrid (in-person and virtual) public workshop for R126-24P on May 15, 2024. The public was invited to participate in person in the Bryan Building at 901 South Stewart Street in Carson City, Nevada, as well as at the NDEP offices at 375 East Warm Springs Road in Las Vegas, Nevada. The workshop was held to present the substance of, and receive public comment on, the proposed regulation. Thirty-four 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 Corrective Actions' email distribution list.

The Legislative Counsel Bureau published its draft, R126-24P, in the Nevada Register on August 1, 2024. The Division accepted written comments on R126-24I and R126-24P for 30 days ending on May 22, 2024. The Division did not receive any verbal questions concerning R126-24I and/or R126-24P during the public workshop or the official comment period. The Division did receive one written comment outside of the designated comment period. This comment related to the exclusion of air concentration Regional Screening Levels from the regulations. A copy of this comment and the agency's response is included. A summary of the workshop, including public comment and bureau response, is also included on the NDEP website as well as the SEC website.

The SEC held a hybrid regulatory hearing on March 19, 2025, to consider possible action on R126-24P. The SEC posted its public notice, which included a link¹ and instructions to access R126-24P 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 March 19, 2025, hearing: 38 (approximately)

(b) Testified on this Petition at the hearing: 2

1. Jeff Collins, on behalf of the Nevada Division of Environmental Protection
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2. Dave Friedman, 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 March 19, 2025, 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-march-19-2025>

The Commissioners unanimously adopted R126-24P 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: These regulations have no direct effect on the regulation of business. The goal of the Fund is to spur revitalization and redevelopment of Brownfield properties for the purpose of mitigating hazardous materials potentially detrimental to public health and removing blight.

Beneficial effects include community redevelopment and revitalization, as well as reduction of potential sources of environmental contamination.

Immediate and long-term effects are the same in terms of removing blight and redeveloping unused or under-used properties in a community.

Public: The proposed amendments will have a positive economic effect on the public through the enhancement of community appearance, redevelopment of vacant and dilapidated properties, and an increase in jobs through new business development.

No adverse economic effect on the public is expected. Beneficial economic effects include enhancement of community appearance, redevelopment of vacant and dilapidated properties, and an increase in jobs through new business development.

Immediate and long-term effects are the same in terms of removing blight, reducing potential risk from environmental exposure of hazardous materials and subsequent positive health outcomes, and redeveloping unused or under used properties in a community.

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

Enforcing Agency. The regulations provide the framework under which NDEP has implemented and administers the Fund for Brownfield Projects and do not impose functions on the agency that it does not already perform. These regulations also include no enforcement provision and therefore there is no estimated cost 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 proposed regulations do not overlap or duplicate other state or federal regulations.

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

Not applicable.

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.

R126-24P does not provide for any new fees or increases to existing fees.