PROPOSED REGULATION OF THE

STATE ENVIRONMENTAL COMMISSION

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STATE ENVIRONMENTAL COMMISSION

P2026-03

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

AUTHORITY: §1, NRS 459.3818

A PERMANENT REGULATION relating to hazardous substances; and providing other matters properly relating thereto.

Section 1. Chapter 459 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this regulation.

Sec. 2. ***"Description of the incident" defined. "Description of the incident" means a written narrative developed by the investigation team that incorporates employee input and all relevant information. The description must identify, at a minimum, the highly hazardous substance released, the specific equipment and procedures involved, the nature and sequence of the event, the immediate response actions taken by employees and emergency responders, and any known or potential impacts on employees' health, public health, or the environment.***

Sec. 3. ***"Electrical classification" defined. "Electrical classification" means comprehensive documentation used to define the hazardous boundaries of a process and the suitability of the equipment within them. This includes (1) a plot plan, elevation drawings, or a sufficiently clear written description that delineates the extent of Class, Division, and Group hazards according to Article 500 of the N.F.P.A. 70, the National Electrical Code, or applicable***

RAGAGEP, and (2) technical documentation for all electrical equipment in those areas that verifies its suitability for use in the designated atmosphere.

Sec. 4. *"External forces evaluation" defined. "External forces evaluation" means an evaluation of the potential impacts of external events on a process, including natural hazards relevant to the location, such as earthquakes, floods, high winds, extreme temperatures, or lightning; human□caused events, such as transportation accidents, off□site industrial incidents, or acts of sabotage; and the loss or interruption of essential utilities or services, including electrical power, water, or process air.*

Sec. 5. *"Facility siting evaluation" defined. "Facility siting evaluation" means an evaluation of the potential impacts of hazardous events such as fires, explosions, and toxic releases across all areas of the facility, with emphasis on the location, design, construction, and occupancy of control rooms, work areas, and other occupied buildings to ensure adequate protection of onsite personnel and critical safety equipment.*

Sec. 6. *"Human factors evaluation" defined. "Human factors evaluation" means an evaluation of how human error, human–machine interfaces, organizational structure factors, workload, fatigue, ergonomics, and the accessibility of equipment for maintenance and operation may impact the safe design, construction, start-up, maintenance, operation, and decommissioning of the process.*

Sec. 7. *"Organizational structure" defined. "Organizational structure" means the personnel or job titles within the organization who are assigned to the development, implementation, and integration of each element of the hazard assessments, prevention programs and emergency response programs.*

Sec. 8. ***"Piping and instrument diagram" defined. "Piping and instrument diagram" means one or more detailed diagrams including a legend sheet for all symbols used, that show all process equipment, piping, and valves; show process instruments; include auxiliary systems and utilities; include instrument designations, equipment names or numbers (including installed spare equipment), and pipe and valve identifications; correspond to the piping and valve specification; correspond to the process flow diagram; include off sheet connectors that match between related diagrams; indicate direction of flow and pipe size; indicate size transitions in piping; include notes describing, as applicable, the material of construction, design temperature, design pressure, thermal duty of heat exchangers, and design capacity and dynamic head of rotating equipment; identify valves as normally open or normally closed, if applicable; identify actuated valves with their failure position; specify set points for switches, alarms, and set pressures for pressure safety valves or other relieving devices; depict vendor and contractor interfaces, including reference to a vendor drawing for details not shown; depict the intended physical sequence of equipment; and include identification of every instrument and its function, including trips, interlocks, and other control logic.***

Sec. 9. ***"Procedures used in a process" defined. "Procedures used in a process" means the standard operating procedures and safe work practices pursuant to NAC 459.95416, the training procedures pursuant to NAC 459.95418, the maintenance procedures pursuant to NAC 459.95421, and the emergency response program procedures pursuant to NAC 459.9544 and NAC 459.95442.***

Sec. 10. ***"Process chemistry" defined. "Process chemistry" means a comprehensive written description which includes the chemistry of the reaction that takes place when the***

product is made, and describes the formation and handling of intermediates, by-products and side reactions that might take place in credible abnormal operations. This includes the relative importance of side reactions and the factors which control them. Critical thermodynamic information such as heat of reaction, dilution, or solution, as well as kinetic data defining rates of reaction, shall also be documented.

Sec. 11. *"Process flow diagram" defined. "Process flow diagram" means one or more diagrams of the process including a legend sheet for all symbols used showing the use, generation, storage or handling of a highly hazardous substance; all major equipment and names or identification numbers (groups of duplicate equipment may be represented by one symbol, if desired); equipment ratings and capacities; control valves; valves required for demonstrating routing for all modes of operation; flow of material from one piece of equipment to another; any bypass and recirculation lines. A process flow diagram shows or cross-references documents which give details of material and energy balance and stream data including, but not limited to, flow, temperature, pressure, enthalpy, density, molecular weight, phase, and composition where applicable.*

Sec. 12. *"R.A.G.A.G.E.P." defined. "R.A.G.A.G.E.P." means Recognized and Generally Accepted Good Engineering Practices which are the basis for engineering, operation, or maintenance activities and are themselves based on established codes, standards, published technical reports or recommended practices or similar documents.*

Sec. 13. *"Root cause" defined. "Root cause" means a fundamental, underlying process-related reason why an incident occurred that identifies a correctable failure(s) in management systems.*

Sec. 14. ***"Safety system" defined. "Safety system" means equipment designed to limit or terminate an incident sequence, thus avoiding a loss event or mitigating its consequences.***

Sec. 15. ***"Staffing level" defined. "Staffing level" means the number of personnel assigned to be present over a given time frame for a process.***

Sec. 16. ***"Technical basis" defined. "Technical basis" means an explanation of the proposed modification, including the reason(s) for performing the work, desired results, technical design, and appropriate implementation instructions.***

Sec. 17. ***"Written" defined. "Written" means a document either in electronic or paper format.***

Sec. 18. NAC 459.95291 is hereby amended to read as follows:

459.95291 "Public receptor" means an off-site:

1. Residence;
2. Institution such as a school***,*** ~~[or]~~ hospital***, or prison***;
3. Industrial, commercial or office building; or
4. Park or recreational area,

➥ that is inhabited or occupied by the public without restriction by the facility, in which the public could be exposed as a result of an accidental release to toxic concentrations, radiant heat or overpressure.

Sec. 19. NAC 459.95292 is hereby amended to read as follows:

NAC 459.95292 "Replacement in kind" means a replacement of ***an item, including, but not limited to*** equipment, instruments, ***substances,*** procedures, ~~[raw materials and processing~~

~~conditions,~~ ***organizational structures, personnel,*** that ***meets*** ~~[satisfy]~~ the design specifications ***for the item it is replacing***.

Sec. 20. NAC 459.9533 is hereby amended to read as follows:

NAC 459.9533 1. The following table sets forth the list of highly hazardous substances and the parameters associated with carrying out C.A.P.P.:

Chemical Name	Alternate Chemical Name	Mixture Description	CAS Number	Threshold Quantity (lbs)	Two Release Quantity (lbs)	Two Release Source note 1	Tox (T) or Flam (F)	Toxic Endpoint (mg/L)
Acetaldehyde	Ethanal		75-07-0	2,500	1,000	1	F	
Acetylene	Ethyne		74-86-2	10,000	1,000	3	F	
Acrolein	2-Propenol		107-02-8	150	1	1 & 2	T	0.0011
Acrylonitrile	2-Propenenitrile		107-13-1	20,000	100	1 & 2	T	0.076
Acrylyl chloride	2-Propenoyl chloride		814-68-6	250	100	2	T	0.00090
Alkylaluminums				5,000	50*	3		
Allyl alcohol	2-Propen-1-ol		107-18-6	15,000	100	1 & 2	T	0.036
Allyl chloride	3-chloropropene		107-05-1	1,000	100	3	T	0.1252
Allylamine	2-Propen-1-amine		107-11-9	1,000	500	2	T	0.0032
Ammonia	Anhydrous Ammonia	Anhydrous	7664-41-7	5,000	100	1 & 2	T	0.14
Ammonia	Ammonia solution Ammonium hydroxide	20 wt% to 44 wt%	7664-41-7	20,000 note 2	1,000	1	T	0.14
Ammonia	Ammonia solution Ammonium hydroxide	concentration greater than 44% ammonia by weight	7664-41-7	10,000 note 2	1,000	1	T	0.14
Ammonium perchlorate			7790-98-9	7,500	75*	3		
Ammonium permanganate			7787-36-2	7,500	75*	3		
Arsenous trichloride			7784-34-1	15,000	1	1 & 2	T	0.010

Chemical Name	Alternate Chemical Name	Mixture Description	CAS Number	Threshold Quantity (lbs)	Two Release Quantity (lbs)	Two Release Source note 1	Tox (T) or Flam (F)	Toxic Endpoint (mg/L)
Arsine	Arsenic Hydride		7784-42-1	100	10	3	T	0.0019
bis(Chloromethyl) Ether	Chloromethyl Ether		542-88-1	100	10	1 & 2	T	0.00025
Boron trichloride			10294-34-5	2,500	100	3	T	0.010
Boron trifluoride			7637-07-2	250	25	3	T	0.028
Boron trifluoride w/Methyl Ether		1:1 ratio	353-42-4	15,000	1,000	2	T	0.023
Bromine			7726-95-6	1,500	500	2	T	0.0065
Bromine chloride			13863-41-7	1,500	10	3	T	0.00472
Bromine pentafluoride			7789-30-2	2,500	100	3	T	0.00715
Bromine trifluoride			7787-71-5	15,000	1000	3	T	0.0025
Bromotrifluor-ethylene			598-73-2	10,000	1,000	3	F	
1,3-Butadiene			106-99-0	10,000	10	1	F	
Butane			106-97-8	10,000	1,000	3	F	
1-Butene			106-98-9	10,000	1,000	3	F	
2-Butene			107-01-7	10,000	1,000	3	F	
Butene			25167-67-3	10,000	1,000	3	F	
2-Butene-cis			590-18-1	10,000	1,000	3	F	
2-Butene-trans			624-64-6	10,000	1,000	3	F	
Butyl hydroperoxide (Tertiary)			75-91-2	5,000	50*	3		
Butyl perbenzoate (Tertiary)			614-45-9	7,500	75*	3		
Carbon disulfide			75-15-0	20,000	100	1 & 2	T	0.16
Carbon oxysulfide	Carbon Oxide Sulfide		463-58-1	10,000	100	1	F	
Carbonyl fluoride			353-50-4	2,500	10	3	T	0.00972

Chemical Name	Alternate Chemical Name	Mixture Description	CAS Number	Threshold Quantity (lbs)	Two Release Quantity (lbs)	Two Release Source note 1	Tox (T) or Flam (F)	Toxic Endpoint (mg/L)
Cellulose nitrate		concentration greater than 12.6% nitrogen	9004-70-0	2,500	25*	3		
Chlorine			7782-50-5	1,500	10	1 & 2	T	0.0087
Chlorine dioxide			10049-04-4	1,000	100	3	T	0.0028
Chlorine monoxide			7791-21-1	10,000	1,000	3	F	
Chlorine pentafluoride			13637-63-3	1,000	10	3	T	0.003
Chlorine trifluoride			7790-91-2	1,000	100	3	T	0.0038
Chlorodiethyl-aluminum	Diethyl-aluminum Chloride		96-10-6	5,000	50*	3		
1-Chloro-2,4-Dinitrobenzene			97-00-7	5,000	50*	3		
Chloroform			67-66-3	20,000	10	1 & 2	T	0.49
Chloromethyl methyl ether			107-30-2	500	10	1 & 2	T	0.0018
Chloropicrin			76-06-2	500	50	3	T	0.00134
Chloropicrin/Methylbromide mix				1,500	500	3	T	0.00078
Chloropicrin/Methylchloride mix				1,500	500	3	T	
1-Chloropropylene			590-21-6	10,000	1,000	3	F	
2-Chloropropylene			557-98-2	10,000	1,000	3	F	
Crotonaldehyde	2-Butenal		4170-30-3	20,000	100	1 & 2	T	0.029
Crotonaldehyde, (E)-	2-Butenal, (E)-		123-73-9	20,000	100	1 & 2	T	0.029
Cumene Hydroperoxide			80-15-9	5,000	10	1		
Cyanogen	Ethanedinitrile		460-19-5	2,500	100	1	F	
Cyanogen chloride			506-77-4	500	10	1	T	0.030
Cyanuric fluoride			675-14-9	100	10	3	T	0.00017

Chemical Name	Alternate Chemical Name	Mixture Description	CAS Number	Threshold Quantity (lbs)	Two Release Quantity (lbs)	Two Release Source note 1	Tox (T) or Flam (F)	Toxic Endpoint (mg/L)
Cyclohexylamine	Cyclohex-animine		108-91-8	15,000	1,000	2	T	0.16
Cyclopropane			75-19-4	10,000	1,000	3	F	
Diacetyl peroxide		concentration greater than 70%	110-22-5	5,000 note 2	50*	3		
Diazomethane			334-88-3	500	10	3		
Dibenzoyl peroxide			94-36-0	7,500	75*	3		
Diborane			19287-45-7	100	10	3	T	0.0011
Dibutyl peroxide (tertiary)			110-05-4	5,000	50*	3		
Dichloro acetylene			7572-29-4	250	10	3		
Dichlorosilane			4109-96-0	2,500	100	3	F	
Diethylzinc			557-20-0	10,000	100*	3		
Difluoroethane			75-37-6	10,000	1,000	3	F	
Diisopropyl peroxydicarbonate			105-64-6	7,500	75*	3		
Dilauroyl peroxide			105-74-8	7,500	75*	3		
Dimethyl sulfide			75-18-3	100	10	3	T	1.27
Dimethylamine		anhydrous	124-40-3	2,500	1,000	1	F	
Dimethyl-dichlorosilane			75-78-5	1,000	500	2	T	0.026
1,1-Dimethylhydrazine			57-14-7	1,000	10	1 & 2	T	0.012
2,2-Dimethylpropane			463-82-1	10,000	1,000	3	F	
2,4-Dinitroanaline			97-02-9	5,000	50*	3		
Epichlorohydrin			106-89-8	20,000	100	1 & 2	T	0.076
Ethane			74-84-0	10,000	1,000	3	F	
Ethyl acetylene	1-Butyne		107-00-6	10,000	1,000	3	F	

Chemical Name	Alternate Chemical Name	Mixture Description	CAS Number	Threshold Quantity (lbs)	Two Release Quantity (lbs)	Two Release Source note 1	Tox (T) or Flam (F)	Toxic Endpoint (mg/L)
Ethyl chloride			75-00-3	10,000	100	1	F	
Ethyl ether			60-29-7	10,000	100	1	F	
Ethyl mercaptan	Ethanethiol		75-08-1	10,000	1,000	3	F	
Ethyl nitrite			109-95-5	5,000	50*	3	F	
Ethylamine	Ethanamine		75-04-7	7,500	100	1	F	
Ethylene	Ethene		74-85-1	10,000	1,000	3	F	
Ethylene fluorohydrin			371-62-0	100	10	2	T	0.0008
Ethylene oxide	Oxirane		75-21-8	5,000	10	1 & 2	T	0.090
Ethylenediamine			107-15-3	20,000	5,000	1 & 2	T	0.49
Ethyleneimine	Aziridine		151-56-4	1,000	1	1 & 2	T	0.018
Fluorine			7782-41-4	100	10	1 & 2	T	0.0039
Formaldehyde		concentration of 37% or greater by weight	50-00-0	1,000 note 2	100	1 & 2	T	0.012
Furan			110-00-9	500	100	1 & 2	T	0.0012
Hexafluoroacetone			684-16-2	5,000	10	3	T	0.0068
Hydrazine			302-01-2	15,000	1	1 & 2	T	0.011
Hydrochloric acid		37% or greater	7647-01-0	15,000 note 2	1,000	3	T	0.030
Hydrofluoric acid		50% or greater	7664-39-3	1,000 note 2	100	1	T	0.016
Hydrogen			1333-74-0	10,000	1,000	3	F	
Hydrogen bromide			10035-10-6	5,000	10	3	T	0.01
Hydrogen chloride		Anhydrous	7647-01-0	5,000	100	3	T	0.030
Hydrogen cyanide	Hydrocyanic acid	Anhydrous	74-90-8	1,000	10	1 & 2	T	0.011

Chemical Name	Alternate Chemical Name	Mixture Description	CAS Number	Threshold Quantity (lbs)	Two Release Quantity (lbs)	Two Release Source note 1	Tox (T) or Flam (F)	Toxic Endpoint (mg/L)
Hydrogen fluoride		Anhydrous	7664-39-3	1,000	100	1 & 2	T	0.016
Hydrogen peroxide		concentration of 52% or greater by weight	7722-84-1	7,500 note 2	1,000	2		
Hydrogen selenide			7783-07-5	150	10	2	T	0.00066
Hydrogen sulfide			7783-06-4	1,500	100	1 & 2	T	0.042
Hydroxylamine			7803-49-8	2,500	25*	3		
Iron, pentacarbonyl			13463-40-6	250	100	2	T	0.00044
Isobutane	1,1-dimethyl ethane		75-28-5	10,000	1,000	3	F	
Isobutyronitrile			78-82-0	20,000	1,000	2	T	0.14
Isopentane			78-78-4	10,000	1,000	3	F	
Isoprene			78-79-5	10,000	100	1	F	
Isopropyl chloride	2 - chloropropane		75-29-6	10,000	1,000	3	F	
Isopropyl chloroformate			108-23-6	15,000	1,000	2	T	0.10
Isopropyl formate			625-55-8	500	100	3	T	0.0014
Isopropylamine			75-31-0	5,000	1,000	3	F	
Ketene			463-51-4	100	10	3	T	0.18
Mercury			7439-97-6	200,000	5,000	3	T	0.0021
Methacrylaldehyde			78-85-3	1,000	500	3	T	0.007
Methacryloyl chloride			920-46-7	150	100	2	T	0.0006
Methacryloyloxyethyl isocyanate			30674-80-7	100	10	3	T	0.00063
Methane			74-82-8	10,000	1,000	3	F	
Methyl acrylonitrile	Meth-acrylonitrile		126-98-7	250	25	3	T	0.0027

Chemical Name	Alternate Chemical Name	Mixture Description	CAS Number	Threshold Quantity (lbs)	Two Release Quantity (lbs)	Two Release Source note 1	Tox (T) or Flam (F)	Toxic Endpoint (mg/L)
Methyl bromide			74-83-9	2,500	500	3	T	0.194
3-Methyl-1-butene	Isopentene		563-45-1	10,000	1,000	3	F	
2-Methyl-1-butene			563-46-2	10,000	1,000	3	F	
Methyl chloride			74-87-3	***10,000*** ~~[15,000]~~	100	1	T	0.82
Methyl chloroformate			79-22-1	500	100	3	T	0.0019
Methyl disulfide			624-92-0	100	10	3	T	0.19
Methyl ether			115-10-6	10,000	1,000	3	F	
Methyl ethyl ketone peroxide	Ethyl methyl ketone peroxide	concentration greater than 60%	1338-23-4	5,000 note 2	10	1		
Methyl fluoroacetate			453-18-9	100	10	3	T	0.00025
Methyl fluorosulfate			421-20-5	100	10	3	T	0.00023
Methyl formate			107-31-3	10,000	1,000	3	F	
Methyl hydrazine			60-34-4	100	10	1 & 2	T	0.0094
Methyl iodide			74-88-4	7,500	100	1	T	0.29
Methyl isocyanate			624-83-9	250	10	1 & 2	T	0.0012
Methyl mercaptan			74-93-1	5,000	100	1 & 2	T	0.049
Methyl thiocyanate			556-64-9	20,000	10,000	2	T	0.085
Methyl vinyl ketone			78-94-4	100	10	2	T	0.00007
Methylamine	Methanamine	Anhydrous	74-89-5	1,000	100	1	F	
2-Methylpropene			115-11-7	10,000	1,000	3	F	
Methyltrichlorosilane			75-79-6	500	50	3	T	0.018
Nickel carbonyl			13463-39-3	150	10	1 & 2	T	0.00067
Nitric acid		80% ***to 94.5% by weight*** ~~[or greater]~~	7697-37-2	15,000 note 2	1,000	1 & 2	T	0.026

Chemical Name	Alternate Chemical Name	Mixture Description	CAS Number	Threshold Quantity (lbs)	Two Release Quantity (lbs)	Two Release Source note 1	Tox (T) or Flam (F)	Toxic Endpoint (mg/L)
Nitric acid		concentration of 94.5% or greater by weight	7697-37-2	500 note 2	50	3	T	0.026
Nitric oxide	Nitrogen oxide		10102-43-9	250	10	1 & 2	T	0.031
Nitroaniline	para Nitroaniline		100-01-6	5,000	50*	3		
Nitrogen dioxide			10102-44-0	250	10	1 & 2	T	0.0282
Nitrogen oxides		NO; NO_2; N_2O_4; N_2O_3	10102-44-0	250	10	3	T	0.0282
Nitrogen tetroxide			10544-72-6	250	10	1	T	0.0564
Nitrogen trifluoride			7783-54-2	5,000	1,000	3	T	0.29
Nitrogen trioxide			10544-73-7	250	10	3	T	0.016
Nitromethane			75-52-5	2,500	25*	3		
Oleum	Fuming sulfuric acid	65 wt% or greater of SO_3	8014-95-7	1,000	500	3	T	0.010
Osmium tetroxide			20816-12-0	100	10	3	T	0.001
Oxygen difluoride	Fluorine monoxide		7783-41-7	100	10	3		
Ozone			10028-15-6	100	10	3		
Pentaborane			19624-22-7	100	10	3	T	0.00026
1,3-Pentadinene			504-60-9	10,000	100	1	F	
Pentane			109-66-0	10,000	1,000	3	F	
1-Pentene			109-67-1	10,000	1,000	3	F	
2-Pentene, (E)-			646-04-8	10,000	1,000	3	F	
2-Pentene, (Z)-			627-20-3	10,000	1,000	3	F	
Peracetic acid	Peroxyacetic acid	concentration greater than 60% acetic acid	79-21-0	1,000 note 2	500	2	T	0.0045

Chemical Name	Alternate Chemical Name	Mixture Description	CAS Number	Threshold Quantity (lbs)	Two Release Quantity (lbs)	Two Release Source note 1	Tox (T) or Flam (F)	Toxic Endpoint (mg/L)
Perchloric acid		concentration greater than 60% by weight	7601-90-3	5,000 note 2	50*	3		
Perchloromethyl mercaptan			594-42-3	150	100	1 & 2	T	0.0076
Perchloryl fluoride			7616-94-6	5,000	100	3	T	0.042
Phosgene	Carbonyl chloride		75-44-5	100	10	1 & 2	T	0.00081
Phosphine	Hydrogen phosphide		7803-51-2	100	10	3	T	0.0035
Phosphorus oxychloride	Phosphoryl chloride		10025-87-3	1,000	500	3	T	0.0030
Phosphorus trichloride			7719-12-2	1,000	500	3	T	0.028
Piperidine			110-89-4	15,000	1,000	2	T	0.022
Propadiene	1,2 Propadiene		463-49-0	10,000	1,000	3	F	
Propane			74-98-6	10,000	1,000	3	F	
Propargyl bromide	3-Bromopropyne		106-96-7	100	10	2	T	0.00003
Propionitrile			107-12-0	10,000	10	1 & 2	T	0.0037
Propyl chloroformate			109-61-5	15,000	500	2	T	0.010
Propyl nitrate			627-13-4	100	25*	3		
Propylene	1 Propene		115-07-1	10,000	1,000	3	F	
Propylene oxide			75-56-9	10,000	100	1 & 2	T	0.59
Propyleneimine			75-55-8	10,000	1	1 & 2	T	0.12
Propyne	1-Propyne		74-99-7	10,000	1,000	3	F	
Sarin			107-44-8	100	10	2	T	0.00006
Selenium hexafluoride			7783-79-1	1,000	1	1	T	0.0016
Silane			7803-62-5	10,000	1,000	3	F	

Chemical Name	Alternate Chemical Name	Mixture Description	CAS Number	Threshold Quantity (lbs)	Two Release Quantity (lbs)	Two Release Source note 1	Tox (T) or Flam (F)	Toxic Endpoint (mg/L)
Stibine	Antimony hydride		7803-52-3	500	10	3	T	0.0026
Sulfur dioxide		Anhydrous	7446-09-5	1,000	100	3	T	0.0078
Sulfur pentafluoride			5714-22-7	250	10	3	T	0.001
Sulfur tetrafluoride			7783-60-0	250	10	3	T	0.0092
Sulfur trioxide	Sulfuric Anhydride		7446-11-9	1,000	100	2	T	0.010
Tellurium hexafluoride			7783-80-4	250	10	3	T	0.0009
Tetrafluoroethylene			116-14-3	5,000	1,000	3	F	
Tetrafluorohydrazine			10036-47-2	5,000	500	3	T	0.0213
Tetramethyl Lead			75-74-1	1,000	100	2	T	0.0040
Tetramethylsilane			75-76-3	10,000	1,000	3	F	
Tetranitromethane			509-14-8	10,000	10	2	T	0.0040
Thionyl chloride			7719-09-7	250	100	3	T	0.0097
Titanium tetrachloride			7550-45-0	2,500	1,000	1 & 2	T	0.020
Toluene 2,4-diisocyanate			584-84-9	10,000	100	1 & 2	T	0.0070
Toluene 2,6-diisocyanate			91-08-7	10,000	100	1 & 2	T	0.0070
Toluene diisocyanate			26471-62-5	10,000	100	1 & 2	T	0.0070
Trichloro (chloromethyl) silane			1558-25-4	100	10	3	T	0.0003
Trichloro (dichlorophenyl) silane			27137-85-5	2,500	500	2	T	0.008
Trichlorosilane			10025-78-2	5,000	500	3	F	
Trifluoro-chloroethylene			79-38-9	10,000	500	3	F	
Trimethoxysilane			2487-90-3	1,500	500	3	T	0.01
Trimethylamine			75-50-3	10,000	100	1	F	

Chemical Name	Alternate Chemical Name	Mixture Description	CAS Number	Threshold Quantity (lbs)	Two Release Quantity (lbs)	Two Release Source note 1	Tox (T) or Flam (F)	Toxic Endpoint (mg/L)
Trimethylchlorosilane			75-77-4	10,000	500	2	T	0.050
Vinyl acetate monomer			108-05-4	15,000	1,500	3	T	0.26
Vinyl acetylene			689-97-4	10,000	1,000	3	F	
Vinyl chloride			75-01-4	10,000	1	1	F	
Vinyl ethyl ether			109-92-2	10,000	1,000	3	F	
Vinyl fluoride			75-02-5	10,000	1,000	3	F	
Vinyl methyl ether			107-25-5	10,000	1,000	3	F	
Vinylidene chloride			75-35-4	10,000	100	1	F	
Vinylidene fluoride			75-38-7	10,000	1,000	3	F	

Table Notes:

Note 1: For Two Release Source Column: 1 = RQ as listed in 40 C.F.R. Part 302; 2 = RQ as listed in 40 C.F.R. Part 355; 3 = Two Release Quantity as determined in "Technical Basis Document for C.A.P.P. Two Release Quantities and Toxic Endpoints."

Note 2: The threshold quantity must be applied to the fraction of the chemical in the actual mixture.

* These substances must be involved in a fire or explosion to qualify as a release pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NAC 459.95323.

2. Except as otherwise provided in subsection 3, a substance must be classified as an explosive if the substance is classified as division 1.1, 1.2, 1.3, 1.4 or 1.5 in column 3 of the Table of Hazardous Materials in 49 C.F.R. § 172.101, which is adopted by reference pursuant to NAC 459.95528.

3. The list of explosives as classified pursuant to subsection 2 excludes those substances described in 18 U.S.C. § 845(a).

4. If a substance:

(a) Is listed as a highly hazardous substance pursuant to subsection 1; and

(b) Is also classified as an explosive pursuant to subsection 2 which is not excluded pursuant to subsection 3,

➥ the substance must be treated as a highly hazardous substance for the purposes of NAC 459.952 to 459.95528, inclusive, if the substance is present in the process in excess of the threshold quantity set forth for the substance pursuant to subsection 1.

Sec. 21. NAC 459.95332 is hereby amended to read as follows:

NAC 459.95332 The owner or operator of a facility that has a process which is subject to C.A.P.P. shall:

1. Register annually with the Division pursuant to NAC 459.95348, 459.9535 and 459.95354;

2. Pay the annual fees pursuant to NAC 459.95334 if the facility contains one or more processes and does not have explosives manufacturing operations;

3. Pay the annual fees pursuant to NAC 459.953345 if the facility contains one or more explosives manufacturing operations;

4. Develop a management system pursuant to NAC 459.95341;

5. Conduct a hazard assessment pursuant to NAC 459.95364 to 459.95376, inclusive;

6. Develop and implement a prevention program pursuant to NAC 459.95412 to 459.95435, inclusive;

7. Develop and implement an emergency response program pursuant to NAC 459.9544 and 459.95442; ~~[and]~~

8. Provide information to the Division in advance of an inspection pursuant to subsection 2 of NAC 459.9552~~[.]~~***; and***

9. Notify the Division, in a manner prescribed by the Division, of any accidental release meeting the definition of NAC 459.95211 within 24 hours of the incident discovery. The notification must include the name of the facility, the highly hazardous substance released, immediate actions taken to stop and/or mitigate the release, and the name and phone number of the facility personnel who can be contacted for more information.

Sec. 22. NAC 459.95334 is hereby amended to read as follows:

NAC 459.95334 ~~[Effective July 1, 2024.]~~

1. Except as otherwise provided in NAC 459.953345 and 459.95335, the owner or operator of a facility that contains one or more processes and does not have an explosive manufacturing operation shall pay the fee required by subsections 1 and 2 of NRS 459.3824 before July 31 of each year.

2. The amount of this annual fee for each facility will equal the sum of:

(a) A base fee that is established pursuant to subsection 4; and

(b) A graduated fee that is established pursuant to subsection 5.

3. Except as otherwise provided in subsection 6, the total annual fee required by this section must not exceed $55,000 for a facility.

4. Except as otherwise provided in subsection 6, the amount of the annual base fee that is authorized pursuant to subsection 1 of NRS 459.3824 is $8,500.

5. Except as otherwise provided in subsection 6, the amount of the annual graduated fee that is authorized pursuant to subsection 2 of NRS 459.3824 is $59 per unit of highly hazardous substance at a facility. A unit of highly hazardous substance is equal to the total amount of the highly hazardous substance present at a facility, divided by the corresponding threshold quantity set forth in subsection 1 of NAC 459.9533 for that highly hazardous substance.

6. For the fiscal year beginning on July 1, 2025, and for each fiscal year thereafter, the Director shall increase each fee set forth in subsections 3, 4 and 5 by an amount that is equal to 2 percent of the fee for the immediately preceding fiscal year. The Director may, during any fiscal year, suspend an increase in a fee specified in this subsection.

7. The Director shall post on the Internet website of the Division the fees required pursuant to this section that are applicable for each fiscal year.

Sec. 23. NAC 459.953345 is hereby amended to read as follows:

NAC 459.953345 ~~[Effective July 1, 2024.]~~

1. Except as otherwise provided in NAC 459.95335, an owner or operator of a facility that has an explosives manufacturing operation shall pay to the Division an annual fee before July 31, as prescribed in this section.

2. If the explosives manufacturing operation includes only the combining of ammonium nitrate and fuel oil mixture, except as otherwise provided in subsection 6, the owner or operator of the facility of which the operation is a part shall pay to the Division an annual base fee of $8,500 and an annual graduated fee of $59 per unit of explosives at the facility.

3. If the explosives manufacturing operation includes any other type of explosives

manufacturing, except as otherwise provided in subsection 6, the owner or operator of the facility of which the operation is a part shall pay to the Division an annual base fee of $21,000 and an annual graduated fee of $59 per unit of explosives at the facility. A unit of explosives is equal to the total amount of explosives present at the facility, divided by 10,000 pounds.

4. If a facility that has an explosives manufacturing operation also has a highly hazardous substance in a process in excess of the threshold quantity set forth for that highly hazardous substance in subsection 1 of NAC 459.9533, the owner or operator of the facility shall pay, in addition to the fees set forth in this section, the graduated fee set forth in subsection 5 of NAC 459.95334 and is exempt from the base fee set forth in subsection 4 of NAC 459.95334.

5. Except as otherwise provided in subsection 6, the total annual fee required by this section must not exceed $55,000 at any facility.

6. For the fiscal year beginning on July 1, 2025, and for each fiscal year thereafter, the Director shall increase each fee set forth in this section by an amount that is equal to 2 percent of the fee for the immediately preceding fiscal year. The Director may, during any fiscal year, suspend an increase in a fee specified in this subsection.

7. The Director shall post on the Internet website of the Division the fees required pursuant to this section that are applicable for each fiscal year.

Sec. 24. NAC 459.95348 is hereby amended to read as follows:

NAC 459.95348 1. The owner or operator shall:

(a) Complete annually a single registration form covering all processes subject to C.A.P.P.;

(b) Submit the annual registration pursuant to subsection 6 to the Division on or before

June 21 of each year; and

(c) Certify the annual registration pursuant to NAC 459.95337.

2. The registration must reflect the maximum quantity of all highly hazardous substances and explosives on-site between June 1 of the previous year and May 31 of the current year.

~~[3. Except as otherwise provided in this subsection, before starting a new process, the owner or operator shall submit a registration form covering all the processes subject to C.A.P.P., including the new process, at least 90 days before introducing the highly hazardous substance or explosive into the facility. An owner or operator does not need to submit a registration form pursuant to this subsection to include a new process in his or her registration if the owner or operator has submitted an application for a permit to construct for the new process pursuant to NAC 459.953451.]~~

~~[4.]~~***3.*** If a facility is or becomes subject to the provisions of subparagraph (2) of paragraph (a) of subsection 1 of NAC 459.95323, the owner or operator shall submit the registration pursuant to subsection 6 not later than 90 days after the provisions of subparagraph (2) of paragraph (a) of subsection 1 of NAC 459.95323 take effect.

~~[5.]~~***4.*** If the State Environmental Commission amends a threshold quantity or mixture concentration of a substance or adds a new substance to the table of highly hazardous substances set forth in subsection 1 of NAC 459.9533 and a facility has a process that uses the new substance or that uses the substance in an amount that exceeds the amended threshold quantity or mixture of concentration, the owner or operator shall, not later than 90 days after the effective

date of the regulation which contains the addition or amendment, submit to the Division registration for the process in accordance with subsection 6.

~~[6.]~~***5.*** A complete registration consists of:

(a) Information about the facility as set forth in NAC 459.9535;

(b) A summary of the accident history in accordance with NAC 459.95354;

(c) The status of any recommendation of the process hazard analysis developed pursuant to subsection 8 of NAC 459.95414 that was unresolved when the registration for the previous year was submitted;

(d) Such other information that may be required by the Division; and

(e) Certification as set forth in NAC 459.95337.

Sec. 25. NAC 459.9537 is hereby amended to read as follows:

NAC 459.9537 1. The owner or operator shall estimate the population within a circle that has its center at the point of the release and a radius that is the equivalent of the distance to the endpoint determined pursuant to NAC 459.95364. ***Population shall include residential population.*** ~~[In making the estimation of the population, the owner or operator shall take into account t]~~ ***T***he presence of institutions~~[, such as]~~ ***(***schools, hospitals, prisons***)***, parks and recreational areas, and major commercial, office, and industrial buildings ~~[within the circle.]~~ ***shall be noted in the hazard assessment.***

2. The owner or operator may use the *R.M.P. Guidance for Off-Site Consequence Analysis*, which is adopted by reference pursuant to NAC 459.95528, to calculate the values required in this section.

3. The owner or operator may use the most recent census data or any other updated

information to estimate the population potentially affected.

4. The owner or operator shall estimate the population to two significant digits.

5. The owner or operator shall maintain at his or her facility the current estimate of population made pursuant to this section.

Sec. 26. NAC 459.95412 is hereby amended to read as follows:

NAC 459.95412 1. The owner or operator of a facility with a process that is subject to C.A.P.P. shall compile written information concerning process safety before conducting a process hazard analysis required pursuant to NAC 459.95414. ***The process safety information shall include information pertaining to the hazards of the highly hazardous substances or explosives used or produced by the process, information pertaining to the technology of the process, and information pertaining to the equipment in the process.***

2. The information concerning process safety must include, without limitation, information pertaining to:

(a) The hazards of the highly hazardous substances or explosives, including, without limitation:

(1) Toxicity information;

(2) Permissible exposure limits;

(3) Physical data;

(4) Reactivity data;

(5) Corrosivity data;

(6) Thermal and chemical stability data; and

(7) The foreseeable hazardous effects of inadvertent mixing of different materials.

➥ ~~[Material s]~~ ***S***afety data sheets that satisfy the requirements of 29 C.F.R. § 1910.1200(g) may be used to comply with this requirement to the extent they contain the information required by this paragraph.

(b) The technology of the process, including, without limitation:

(1) A block flow diagram or simplified process flow diagram;

(2) The process chemistry;

(3) The maximum intended inventory;

(4) The safe upper and lower limits for any applicable process variable, including, without limitation, temperature, pressure, flow and composition; and

(5) An evaluation of the consequences of deviations.

(c) The equipment in the process, including, without limitation:

(1) The materials of construction;

(2) Piping and instrument diagrams;

(3) Electrical classification;

(4) The design of the relief system and the basis for the design;

(5) The design of the ventilation system;

(6) Design codes and standards that were employed;

(7) The material and energy balances for processes that were built after May 26, 1992; and

(8) The safety systems, such as interlocks, detection or suppression systems.

3. The owner or operator shall evaluate processes and equipment for conformance to applicable codes, standards and good engineering practices and document that the processes and equipment comply with ***R.A.G.A.G.E.P*** ~~[recognized and generally accepted good engineering practices]~~.

4. For existing processes and equipment designed and constructed in accordance with codes, standards or practices that are no longer in general use, the owner or operator shall determine and document that the equipment is designed, maintained, inspected, tested and operating in a safe manner.

Sec. 27. NAC 459.95414 is hereby amended to read as follows:

NAC 459.95414 1. The owner or operator shall perform an initial process hazard analysis on a process that is subject to C.A.P.P. before introducing highly hazardous substances or explosives to the process.

~~[2. An owner or operator may use a process hazard analysis that was previously completed to comply with NRS 459.380 to 459.3874, inclusive, or 29 C.F.R. § 1910.119(e) to satisfy the requirement to perform an initial process hazard analysis provided that the analysis reflects the current process.~~

~~3. The owner or operator shall obtain the approval of the Division concerning the methodology of the process hazard analysis before conducting the analysis.~~

~~4.]~~***2.*** The owner or operator shall select one or more of the following methodologies as required by the complexity of the process:

(a) A "what if" analysis;

(b) A checklist;

(c) A "what if" analysis combined with a checklist;

(d) A hazard and operability study;

(e) A failure mode and effects analysis;

(f) A fault tree analysis; or

(g) An appropriate equivalent methodology.

~~[5.]~~***3.*** When preparing a process hazard analysis, an owner or operator shall consider:

(a) The hazards of the process;

(b) Any previous incident that had a likely potential for catastrophic consequences, including, without limitation, near misses or accidental releases;

(c) The engineering and administrative controls that are applicable to the hazards and their interrelationships, including, without limitation, the appropriate application of detection methodologies such as process monitoring, control instrumentation with alarms or detection hardware;

(d) The consequences of a failure of engineering and administrative controls; ***and***

~~[(e) The siting of the facility;~~

~~(f) The human factors; and~~

~~(g)]~~***(e)*** A qualitative evaluation of a range of the possible safety and health effects of a failure of controls.

~~[6.]~~***4.*** ~~[If not evaluated as part of the process hazard analysis pursuant to subsections 1 to 5, inclusive, a]~~ ***A*** separate, dedicated hazard analysis, utilizing a checklist or other appropriate method, must be conducted to evaluate:

(a) Human factors;

(b) Facility siting; and

(c) External forces.

~~[7.]~~ ***5.*** The owner or operator shall conduct the process hazard analysis with a team with expertise in engineering and process operations. The team must consist of two or more persons and include at least:

(a) One member who has experience and knowledge specific to the process being evaluated; and

(b) One member who is knowledgeable in the methodology for the specific process hazard analysis being used.

~~[8.]~~ ***6.*** The owner or operator shall:

(a) Promptly evaluate the findings and recommendations of the team formed pursuant to subsection 7;

(b) Determine and document a course of action based on the evaluation;

(c) Develop a written schedule of when the actions are to be completed;

(d) Complete the actions as soon as possible and document each such completion; and

(e) Communicate the actions to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations or actions.

~~[9.]~~ ***7.*** At least once every 5 years after the completion of the initial process hazard

analysis, a team that satisfies the requirements of subsection 7 shall update and revalidate the process hazard analysis to ensure that the process hazard analysis is consistent with the current process.

~~[10.]~~***8.*** A process hazard analysis must be updated and revalidated using a team meeting the requirements of subsection 7 and pursuant to the procedures set forth in NAC 459.9549 to 459.955, inclusive.

~~[11.]~~***9.*** An owner or operator shall retain ~~[a]~~ ***the*** process hazard ~~[analysis]~~ ***analyses*** and ~~[an]~~ updates ~~[and]~~ ***or*** revalidation***s*** for each process subject to this section, as well as any documented resolution of recommendations described in subsection 8, for the life of the process.

Sec. 28. NAC 459.95416 is hereby amended to read as follows:

NAC 459.95416 1. The owner or operator of a facility with a process that is subject to C.A.P.P. shall develop and implement written operating procedures for that process which:

(a) Are consistent with the process safety information developed pursuant to NAC 459.95412; and

(b) Provide clear instructions for safely conducting such a process.

2. The operating procedures must include:

(a) Steps for each operating phase, including, without limitation, steps for:

(1) The initial start-up;

(2) Normal operations;

(3) Temporary operations;

(4) An emergency shutdown, including, without limitation, a description of

the conditions under which an emergency shutdown is required and the assignment of responsibility for a shutdown to a qualified operator;

(5) Emergency operations;

(6) A normal shutdown; and

(7) Start-up following a turnaround or an emergency shutdown.

(b) Operating limits, including, without limitation:

(1) The consequences of a deviation; and

(2) The steps required to correct or avoid a deviation.

(c) Safety and health considerations, including, without limitation:

(1) The properties of, and hazards presented by, the chemicals used in the process;

(2) The precautions that are necessary to prevent exposure, including, without limitation, engineering controls, administrative controls and personal protective equipment;

(3) Control measures to be taken if physical contact or airborne exposure occurs;

(4) Quality control for raw materials;

(5) Control of hazardous chemical inventory levels; and

(6) Any special or unique hazards.

(d) A description of the safety systems and their functions.

3. The owner or operator shall:

(a) Ensure that the operating procedures are readily accessible to employees who work in or maintain an applicable process;

(b) Review the operating procedures as often as necessary to ensure that they reflect current operating practice, including, without limitation, any ***management of change reviews conducted pursuant to NAC 459.95423*** ~~[change to a process that may result from a change in process chemicals, technology or equipment]~~;

(c) Certify annually that the operating procedures are current and accurate; and

(d) Develop and implement safe work practices for employees and contractor~~[s]~~ ***employees*** to provide for the control of:

(1) Hazards during a lockout or tagout;

(2) Hazards during a confined space entry;

(3) Hazards while opening the equipment or piping associated with a process;

(4) Entrance into the facility by maintenance, contractor, laboratory or other support personnel; and

(5) Any other hazards that may be encountered.

Sec. 29. NAC 459.95418 is hereby amended to read as follows:

NAC 459.95418 The owner or operator of a facility with a process that is subject to C.A.P.P.:

1. Shall~~[, except as otherwise provided in subsection 2,]~~ ensure that each employee who is operating a process or will operate a process is trained in an overview of the process and in the operating procedures created pursuant to NAC 459.95416. Such training must include, without limitation, training in:

(a) The layout of the plant;

(b) The location of equipment and instruments;

(c) The specific safety and health hazards;

(d) Emergency operations, including, without limitation, procedures for an emergency shutdown;

(e) Safe work practices that are applicable to the job tasks of the employee; and

(f) The program for the management of changes developed and implemented pursuant to NAC 459.95423, including instruction on how to recognize activities that are not replacement in kind.

~~[2. May, in lieu of providing the training required pursuant to subsection 1, certify in writing that an employee who was operating a process on May 26, 1992, possesses the required knowledge, skills and abilities to carry out the duties and responsibilities safely as specified in the operating procedures.~~

~~3.]~~***2.*** Shall provide an employee with refresher training at least once every 3 years, and more often if it is determined after consultation with the employees who operate the process to be necessary, to ensure that the employee understands and adheres to the current operating procedures of the process.

~~[4.]~~***3.*** May provide employees with any combination of classroom and field training, including, without limitation, on-the-job training. Training must, at a minimum, follow a predefined syllabus or checklist to ensure that each employee receives training which is essential to his or her job performance. On-the-job training, if it is the only method employed, does not satisfy the requirements of this subsection unless it follows a predefined syllabus or checklist.

~~[5.]~~***4.*** Shall ascertain that each employee who operates a process has received and understood the training required pursuant to this section.

~~[6.]~~ ***5.*** Shall prepare records that include, without limitation:

(a) The identity of the employee;

(b) The date of training;

(c) The substance of the training provided on that date; and

(d) The means used to verify that the employee understood the training, including, without limitation, any test records from such verification.

Sec. 30. NAC 459.95421 is hereby amended to read as follows:

NAC 459.95421 1. The owner or operator of a facility with a process subject to C.A.P.P. shall:

(a) Establish and implement written procedures to ensure the ongoing integrity of the equipment listed in subsection 2;

(b) Provide each employee who is involved in maintaining the ongoing integrity of the equipment listed in subsection 2 with:

(1) An overview of the process that uses the equipment and the potential hazards of the process;

(2) Training in the procedures that are applicable to the job tasks of the employee to ensure that the employee can perform the job tasks in a safe manner; and

(3) Training in the program for the management of changes developed and implemented pursuant to NAC 459.95423, including instruction on how to recognize activities that are not replacement in kind;

(c) Perform inspections and tests on process equipment listed in subsection 2;

(d) Ensure that the procedures for inspection and testing follow ***R.A.G.A.G.E.P.***

~~[recognized and generally accepted good engineering practices]~~;

(e) Ensure that the inspections and tests of the equipment are performed:

(1) In the frequency required by good engineering practices and consistent with any applicable recommendations from the manufacturer of the equipment; or

(2) More frequently if determined to be necessary by previous experience in operating the equipment;

(f) Document each inspection and test that has been performed on the equipment, including, without limitation, documentation of:

(1) The date of the inspection or test;

(2) The name of the person who performed the inspection or test;

(3) The serial number or other identifier of the equipment on which the inspection or test was performed;

(4) A description of the inspection or test performed; and

(5) The results of the inspection or test;

(g) Correct any deficiencies in the equipment that are outside the acceptable limits which are described by the process safety information developed pursuant to NAC 459.95412 before using the equipment again***, or in a safe and timely manner when necessary means are taken to assure safe operation***;

(h) In the construction of new processes and equipment, ensure that the equipment, as fabricated, is suitable for the process for which it will be used;

(i) Perform appropriate checks and inspections to ensure that equipment is installed properly and consistent with design specifications and instructions from the manufacturer; and

(j) Ensure that maintenance materials, spare parts and equipment are suitable for the process for which they will be used.

2. This section applies to:

(a) Pressure vessels and storage tanks;

(b) Piping systems, including, without limitation, piping components such as valves;

(c) Relief and vent systems and devices;

(d) Emergency shutdown systems;

(e) Controls, including, without limitation, monitoring devices and sensors, alarms and interlocks; ~~[and]~~

(f) Rotating equipment~~[.]~~***; and***

(g) Buildings, structures and equipment that affect a process.

Sec. 31. NAC 459.95423 is hereby amended to read as follows:

NAC 459.95423 The owner or operator of a facility with a process that is subject to C.A.P.P. shall:

1. Establish and implement written procedures to manage changes, other than a replacement in kind, to:

(a) Chemicals, technology, equipment and procedures that are used in a process; ~~[and]~~

(b) Buildings, structures and equipment that affect a process; ***and***

(c) Prevention Programs and Emergency Response Programs;

2. Evaluate the impact of changes to organizational structure or staffing levels on the implementation of the prevention program and the emergency response program;

3. Ensure that the procedures established pursuant to subsection 1 require that the

following considerations are addressed before one of the changes described in subsection 1 occur and that the procedures specify the criteria for review and approval of each of the following considerations:

(a) The technical basis for the proposed change;

(b) The impact of change on safety and health;

(c) Whether any modifications to***, or the development of,*** ~~[operating]~~ procedures ***that are used in a process*** will be necessary;

(d) The time necessary to make the proposed change; and

(e) The requirements for authorization for the elements of the proposed change;

4. Inform and train for the change any employee who is involved in the operation of the process that is affected by the change and any maintenance or contract employee whose job tasks will be affected by the change before the start-up of the process or of the affected part of the process; and

5. Update:

(a) The process safety information required pursuant to NAC 459.95412; and

(b) The ~~[operating]~~ procedures ***prior to start-up of the process*** ~~[or practices required pursuant to NAC 459.95416]~~.

6. Establish and implement written procedures for replacement in kind if the change does not meet the requirement of Subsection 1 above.

Sec. 32. NAC 459.95427 is hereby amended to read as follows:

NAC 459.95427 ***Compliance audits.*** ~~[Evaluation and documentation of compliance.]~~

1. The owner or operator of a facility with a process that is subject to C.A.P.P. shall:

(a) Certify at least once every 3 years that a~~[n]~~ ***compliance audit*** ~~[evaluation]~~ has been performed of whether adequate procedures and practices as required pursuant to NAC 459.95412 to 459.95442, inclusive, have been developed and implemented;

(b) ***Develop*** ~~[Create]~~ a report of the findings of the ***compliance audit*** ~~[evaluation]~~ made pursuant to paragraph (a);

(c) Promptly determine and document an appropriate response to ***each of the findings*** ~~[any deficiency that is]~~ discovered during the ***compliance audit*** ~~[evaluation]~~;

(d) Document that ***each of the findings*** ~~[any deficiency]~~ discovered during the ***compliance audit have*** ~~[evaluation has]~~ been corrected; and

(e) Retain the two most recent ***compliance audit*** reports.

2. The ***compliance audit shall*** ~~[evaluation must]~~ be conducted by at least one person who is knowledgeable in the process.

Sec. 33. NAC 459.95429 is hereby amended to read as follows:

NAC 459.95429 The owner or operator of a facility with a process that is subject to C.A.P.P. shall:

1. Investigate ***every*** ~~[any]~~ incident that resulted in, or could reasonably have resulted in, a catastrophic release and take corrective action to prevent recurrence of the incident.

2. Initiate the investigation of the incident as promptly as possible, but not later than 48 hours after the incident.

3. Establish a team to investigate the incident. The team must consist of two or more persons and include at least:

(a) One person who is knowledgeable in the process involved, including, without limitation, a contract employee if his or her work was involved in the incident; and

(b) ***Other persons with*** ~~[One person who possesses]~~ appropriate knowledge and experience to investigate and analyze the incident thoroughly.

4. Prepare an incident report at the conclusion of the investigation which must include, at a minimum:

(a) The date of the incident;

(b) The date the investigation of the incident began;

(c) A description of the incident;

(d) The factors that contributed to the incident; and

(e) Recommendations resulting from the investigation.

5. Establish a system to address and resolve the findings and recommendations of the incident report promptly.

6. Document any ***resolutions*** ~~[solutions]~~ and corrective actions taken.

7. Ensure that the incident report is reviewed with all affected personnel whose job tasks are relevant to the findings of the incident report, including, without limitation, contract employees where applicable.

8. Retain the incident report for 5 years.

Sec. 34. NAC 459.95433 is hereby amended to read as follows:

NAC 459.95433 The owner or operator of a facility with a process that is subject to C.A.P.P. shall:

1. Issue a hot work permit for hot work conducted on or near a process;

2. Document in the permit:

(a) That the fire prevention and protection requirements in 29 C.F.R. § 1910.252(a) are implemented before beginning hot work;

(b) The dates which are authorized for hot work; and

(c) The object on which hot work is to be performed; and

3. Keep the permit on file ***for three years after the*** ~~[until]~~ completion of the hot work ***operations***.

Sec. 35. NAC 459.95435 is hereby amended to read as follows:

NAC 459.95435 1. The owner or operator of a facility with a process that is subject to C.A.P.P. shall:

(a) When selecting a contractor, obtain and evaluate information regarding the safety performance and programs of the contractor;

(b) Inform the contractor of known potential fire, explosion or toxic release hazards related to the work of the contractor and to the process on which he or she is working;

(c) Explain to the contractor the applicable provisions of NAC 459.9544 and 459.95442;

(d) Develop and implement safe work practices consistent with NAC 459.95416; and

(e) Periodically evaluate the performance of the contractor in ***fulfilling their obligations as specified in*** ~~[satisfying the requirements of]~~ subsection 2.

2. The contractor shall:

(a) Ensure that each of the contractor's employees who will work on the process is trained in the work practices necessary to perform his or her job safely;

(b) Ensure that each of the contractor's employees who will work on the process is

instructed in:

(1) The known potential fire, explosion or toxic release hazards related to his or her job and the process on which he or she is working; and

(2) The applicable provisions of the emergency action plan;

(c) Document that each of the contractor's employees who will work on the process has received and understood the training required pursuant to this subsection;

(d) Prepare a record that contains:

(1) The identity of the employee;

(2) The date of training; and

(3) The means used to verify that the employee understood the training;

(e) Ensure that each of the contractor's employees who works on the process follows the safety rules of the facility, including, without limitation, the safe work practices required pursuant to NAC 459.95416; and

(f) Advise the owner or operator of any unique hazards presented by or found during the work of an employee.

3. This section:

(a) Applies to contractors who perform maintenance or repair, turnaround, major renovation, or specialty work on or adjacent to a process.

(b) Does not apply to contractors who provide incidental services that do not influence process safety, including, without limitation, janitorial work, food and drink services, laundry, delivery or other supply services.

Sec. 36. NAC 459.9549 is hereby amended to read as follows:

NAC 459.9549 1. The revalidation of a process hazard analysis that is required pursuant to NAC 459.95414 must:

(a) Confirm pursuant to NAC 459.95496, 459.95498 and 459.955 that the analysis is valid for the current process;

(b) Determine the status of recommendations from the previous process hazard analysis; and

(c) Satisfy the requirements of NAC 459.95414.

2. The owner or operator may perform a new process hazard analysis in lieu of revalidating a previous analysis, if:

(a) The process hazard analysis satisfies the requirements of NAC 459.95414; and

(b) All the supporting information, including, without limitation, the process safety information, ***hazard assessment,*** operating procedures, training program, mechanical integrity program and emergency response program reflect current operations.

Sec. 37. NAC 459.95496 is hereby amended to read as follows:

NAC 459.95496 1. A revalidated process hazard analysis must reflect current process safety information required pursuant to NAC 459.95412. The owner or operator shall document specifically how the accuracy of the process safety information was validated.

2. A revalidated process hazard analysis must reflect the current hazard assessment. ***The owner or operator shall document how the accuracy of the hazard assessment was validated.***

Sec. 38. NAC 459.955 is hereby amended to read as follows:

NAC 459.955 1. All incidents that had the potential for, or actually resulted in, a release, fire or explosion involving a highly hazardous substance or explosive must be considered by the ~~[person or]~~ team conducting a revalidation of a process hazard analysis.

2. The revalidation of the analysis must include, without limitation:

(a) A review of the recommendations that were made as a result of the investigation; and

(b) Confirmation that the recommendations are being implemented in a timely manner.

3. If a deficient element of a prevention program was a contributing factor to an incident, the ~~[person or]~~ team conducting the revalidation shall make recommendations to correct the deficiency.

Sec. 39. NAC 459.9552 is hereby amended to read as follows:

NAC 459.9552 1. The Division shall conduct a site inspection pursuant to this section at least once per year for each facility registered pursuant to NAC 459.95348.

2. The Division may request information from the owner or operator of the facility in advance of any inspection related to compliance with any C.A.P.P. requirement. The Division may require that any information submitted pursuant to this subsection be certified pursuant to NAC 459.95337.

3. Except as otherwise provided in subsection 4, during a site inspection, the Division shall:

(a) Evaluate whether the facility is in compliance with the requirements of ***NAC 459.95332; and*** ~~[its:~~

(1) ~~Prevention program;~~

(2) ~~Emergency response program; and~~

(3) ~~Hazard assessment; and~~]

(b) Validate information submitted by the owner or operator of the facility.

4. The Division is not obligated to perform the evaluation pursuant to paragraph (a) of subsection 3 in its entirety on an annual basis, but may fulfill the requirements of paragraph (a) of subsection 3 over multiple inspections, prioritizing the order of the evaluation by perceived program deficiencies and potential hazard.

5. The Division must document the inspection results in a written report. The report must include, without limitation:

(a) The name of the facility, dates of inspection and the names of facility personnel present;

(b) Processes reviewed and hazardous materials involved;

(c) The findings and conclusions of the inspection; and

(d) The corrective actions required of the owner or operator of the facility.

6. Copies of the report prepared pursuant to subsection 5 must:

(a) Be placed in the facility file, which must be available for public review; and

(b) Be sent to the owner or operator of the facility.

Sec. 40. NAC 459.95521 is hereby amended to read as follows:

NAC 459.95521 1. The Division may investigate an accident occurring in connection with a process that involves one or more highly hazardous substances or explosives at a facility which results in an uncontrolled emission, fire or explosion and which presents or presented an imminent and substantial danger to the health of the employees of the facility, the

public health or the environment, to determine the cause of the accident if the owner or operator of the facility:

(a) Is unwilling to commence and has not commenced an investigation of the accident in a timely manner; or

(b) Is not capable of conducting an investigation and has not retained persons who have expertise to conduct an investigation of the accident.

2. Except as otherwise provided in subsection 3, before the Division commences an investigation of an accident, the Division must provide written notice to the owner or operator:

(a) Defining the scope of the investigation;

(b) Citing the Division's authority and the reasons pursuant to subsection 1 for conducting the investigation;

(c) Providing an explanation of how the Division's costs will be recovered; and

(d) Informing the owner or operator that if the owner or operator fails to commence an investigation of the accident within 24 hours after receiving the written notice, the Division will commence its investigation of the accident and begin accruing costs.

3. The provisions of subsection 2 do not preclude the Division from commencing its investigation immediately if the Division determines that time is of the essence in gathering data.

4. The decision by the Division to conduct an investigation pursuant to this section does not relieve the owner or operator of the obligation to investigate pursuant to NAC 459.95429.

5. Except as otherwise provided in subsection 6, the Division shall accrue costs for the investigation and invoice the owner or operator the following amounts:

(a) For activities conducted by personnel of the Division, except as otherwise provided in

subsection 7, the amount of $103 per hour;

(b) For activities conducted by contractors, an amount equal to the cost to the Division; and

(c) Such other amounts as are necessary for the Division to recover all costs incurred by the Division in conducting the investigation.

6. In no event may the total amount invoiced by the Division pursuant to subsection 5 for an investigation exceed the total costs incurred by the Division in conducting the investigation.

7. For the fiscal year beginning on July 1, 2024, and for each fiscal year thereafter, the Director shall increase the hourly rate set forth in subsection 5 by an amount that is equal to 2 percent of the hourly rate for the immediately preceding fiscal year. The Director may, during any fiscal year, suspend an increase in a rate specified in this subsection.

8. The Director shall post on the Internet website of the Division the hourly rate set forth in subsection 5 that is applicable for each fiscal year.

9. An investigation conducted by the Division pursuant to this section shall be deemed complete when, to the satisfaction of the Division:

(a) The direct cause of the accident and each contributing cause or potential cause of the accident has been identified;

(b) Each root cause of the accident, or each potential root cause, has been identified;

(c) The remedial steps to prevent recurrence of the accident have been identified; and

(d) The remedial steps so identified have been implemented.

10. As used in this section:

(a) "Direct cause of the accident" means the condition or event that resulted in the accident.

(b) "Expertise to conduct an investigation" means having technical or operational knowledge plus knowledge of investigative techniques to make a determination of the direct, contributing and root causes of an accident.

(c) "In a timely manner" means to start the investigation process with a formally defined investigation team within 48 hours after the accident.

(d) "Is not capable of conducting an investigation" means that the owner or operator does not have the expertise to conduct an investigation within the group of employees and contractors of the owner or operator.

~~[(e) "Root cause of the accident" means a condition or event that, if corrected, would prevent recurrence of the accident.]~~

Sec. 41. NAC 459.95334 and NAC 459.953345 are hereby repealed.

TEXT OF REPEALED SECTIONS

NAC 459.95334 Annual fee. [Effective through June 30, 2024.]

1. Except as otherwise provided in NAC 459.953345 and 459.95335, the owner or

operator of a facility that contains one or more processes and does not have an explosive manufacturing operation shall pay the fee required by subsections 1 and 2 of NRS 459.3824 before July 31 of each year.

2. The amount of this annual fee for each facility will equal the sum of:

(a) A base fee that is established pursuant to subsection 4; and

(b) A graduated fee that is established pursuant to subsection 5.

3. The total annual fee required by this section must not exceed $45,000 for a facility.

4. The amount of the annual base fee that is authorized pursuant to subsection 1 of NRS 459.3824 is $7,050.

5. The amount of the annual graduated fee that is authorized pursuant to subsection 2 of NRS 459.3824 is $49 per unit of highly hazardous substance at a facility. A unit of highly hazardous substance is equal to the total amount of the highly hazardous substance present at a facility, divided by the corresponding threshold quantity set forth in subsection 1 of NAC 459.9533 for that highly hazardous substance.

NAC 459.953345 Annual fees for facility with explosives manufacturing operation. [Effective through June 30, 2024.]

1. Except as otherwise provided in NAC 459.95335, an owner or operator of a facility that has an explosives manufacturing operation shall pay to the Division an annual fee before July 31, as prescribed in this section.

2. If the explosives manufacturing operation includes only the combining of ammonium

nitrate and fuel oil mixture, the owner or operator of the facility of which the operation is a part shall pay to the Division an annual base fee of $7,050 and an annual graduated fee of $49 per unit of explosives at the facility.

3. If the explosives manufacturing operation includes any other type of explosives manufacturing, the owner or operator of the facility of which the operation is a part shall pay to the Division an annual base fee of $17,250 and an annual graduated fee of $49 per unit of explosives at the facility. A unit of explosives is equal to the total amount of explosives present at the facility, divided by 10,000 pounds.

4. If a facility that has an explosives manufacturing operation also has a highly hazardous substance in a process in excess of the threshold quantity set forth for that highly hazardous substance in subsection 1 of NAC 459.9533, the owner or operator of the facility shall pay, in addition to the fees set forth in this section, the graduated fee set forth in subsection 5 of NAC 459.95334 and is exempt from the base fee set forth in subsection 4 of NAC 459.95334.

5. The total annual fee required by this section must not exceed $45,000 at any facility.