

SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION REVIEW FORM #1 ALL BOARDS

(Required by *Nevada Revised Statutes* [NRS] [232B.230](#))

INSTRUCTIONS

- Save the form to your personal computer. Please do not change the format of the form as it complies with the [Web Content Accessibility Guidelines](#) to make content more accessible to users in general and to a wider range of people with disabilities.
- Fill in the content control or text box for each item requested. If an item does not apply to your board, commission, or entity, please state "Not Applicable."
- Save the completed form to your personal computer.
- When submitting additional documents, identify the electronic name clearly and in the order you want them presented to the Subcommittee.
- Email the saved form and any additional documents in **PDF format** to Patrick Guinan, Chief Principal Policy Analyst, Research Division, Legislative Counsel Bureau (LCB), at pguinan@lcb.state.nv.us. For any questions, contact Mr. Guinan at (775) 684-6825.

REQUIRED INFORMATION TO BE SUBMITTED BY ALL BOARDS, COMMISSIONS, OR ENTITIES

1. Board, commission, or entity name

(Identify the statutory name of the board, commission, or entity.)

Perfluoroalkyl and Polyfluoroalkyl Substance Working Group or PFAS Working Group

2. Members' names with expiration date of term and number of vacancies

(List the names of the current members and the expiration date of each member's term; contact information is not necessary. Indicate the number of vacancies and the length of time the vacancy has existed.)

Assembly Bill 97 (2021), now NRS 459.686, required the formation of a working group to study issues relating to environmental contamination arising from perfluoroalkyl and polyfluoroalkyl substances (PFAS) in Nevada. The law stated that the working group "must be composed of representatives of interested state and local public agencies, labor organizations, community organizations and trade associations."

The PFAS Working Group welcomed participation from all interested individuals and included representatives from:

- Academia (UNR, UNLV, DRI)
- Aviation (Clark County Dept. of Aviation, Reno – Tahoe Airport Authority)
- Certified Environmental Managers

- Certified Drinking Water/Wastewater Operators (from 9 of 17 counties)
- County Government (CCWRD, CCRFCD, SNHD, WCHD, WRWC)
- Contractors (Broadbent, GHD, Resource Concepts, Inc.)
- Environmental Groups (Sierra Club, Nevada Conservation League)
- Federal Agencies (DoD, USGS)
- Labor Organizations (Nevada Mining Assoc., PFFN)
- Laboratory Community (Eurofins, DRI)
- Municipal Government (SNWA, TMWA)
- Nevada Air National Guard
- State Agencies (NDEP, NDOT, NDOA, DCNR, DHHS)
- Trade Groups (Air & Waste Mgmt., American Chem Council, Nv Water Env. Assoc., NvRWA, Western States Petroleum Assoc.)

Membership did not necessitate formal appointment, and there were no specified membership terms. The PFAS Working Group had defined tasks (see #15, below), and the resulting PFAS Action Plan was completed June 30, 2022, with a copy delivered to the Legislature. The PFAS Working Group has not had a reason to meet since completion of the defined activities.

3. Physical address

(Identify the physical location of the board, commission, or entity [note whether the location is a state department or agency; indicate that address].)

Nevada Division of Environmental Protection
901 S. Stewart Street, Suite 4001
Carson City, Nevada 89701

4. Mailing address

(Identify the mailing address of the board, commission, or entity.)

Nevada Division of Environmental Protection
901 S. Stewart Street, Suite 4001
Carson City, Nevada 89701

5. Website address

(Identify the URL for your website with a live link.)

<https://ndep.nv.gov/water/pfas-in-nevada/pfas-action-plan>

6. Website developer

(State the name of the developer of your website. If it was not developed by the Division of Enterprise Information Technology [IT] Services [formerly known as DoIT], Department of Administration, indicate whether Enterprise IT Services approved the website.)

The website was built using an approved contracted vendor (KPS3) to design the templates used by the content management system. The contract is still current and is approved by Enterprise IT Services. The website content however is now managed directly by NDEP staff.

7. Executive director's name and contact information

(Regardless of the title of the position, provide contact information for the person responsible for the operations of the board, commission, or entity.)

Not applicable

8. Staff members' names, including titles and full-time or part-time status

(Provide each employee's name, title, and employment status.)

Staff to the Working Group were provided by the Nevada Division of Environmental Protection (NDEP) from several programs, most heavily from the Bureau of Safe Drinking Water.

9. Days and hours of operation

(Provide the days and hours the office of the board, commission, or entity is open to the public and the availability of its staff.)

The PFAS Working Group was formed and managed by NDEP. NDEP offices are open to the public Monday through Friday from 8:00am to 5:00pm.

10. Created by what authority

(Cite the section or sections of NRS creating the board, commission, or entity.)

NRS 459.686

11. Authority to adopt regulations (NRS) and citation to Nevada Administrative Code (NAC)

(Cite the sections of NRS that authorize or require the board, commission, or entity to adopt regulations and the sections of NAC that contain your regulations.)

The PFAS Working Group does not have express authority to adopt regulations.

12. Five regulations most recently adopted, date of adoption, and any deadlines for adoption

(List the last five regulations by LCB File number adopted by the board, commission, or entity; the date of adoption; and any deadlines for adoption pursuant to statute.)

Not applicable.

13. Required regulations that have not been adopted with deadlines for adoption

(If a section of NRS or a bill passed by the Legislature requires the adoption of regulations and the board, commission, or entity has not adopted the regulations yet, list the regulations and cite the statute pursuant to which the adoption of the regulations is mandated.)

Not applicable.

14. Governing structure of the board, commission, or entity pursuant to statute

(Provide a brief description of the governing structure; a copy of the organizational chart is requested later on the form.)

The PFAS Working Group was formed without a formal governing structure, as it was established with the specific goal of studying issues related to PFAS, resulting in the development of the PFAS Action Plan. It is NDEP's understanding that the intention was for the working group to be dissolved once its objective was completed.

15. Duties of the board, commission, or entity

(Either summarize the duties or cite the specific sections of NRS that set forth the duties.)

NRS 459.686(2) outlines the duties of the working group as follows:

- (a) Evaluate the potential for environmental contamination in this State resulting from perfluoroalkyl and polyfluoroalkyl substances;
- (b) Determine the location of potentially significant discharges or releases of perfluoroalkyl and polyfluoroalkyl substances in this State;
- (c) Determine the potential sources of exposure to perfluoroalkyl and polyfluoroalkyl substances for residents of this State;
- (d) Compile information relating to existing federal, state and local actions to monitor, contain and clean up environmental contamination resulting from perfluoroalkyl and polyfluoroalkyl substances; and
- (e) Develop recommendations for state and local action to monitor, contain and clean up environmental contamination resulting from perfluoroalkyl and polyfluoroalkyl substances.

16. Objectives and programs of the board, commission, or entity

(Provide a brief description of each of the objectives and programs.)

Same response as #15.

17. Itemized list of services offered by the board, commission, or entity

(Provide a list of services offered to the public by the board, commission, or entity.)

Not applicable.

18. Dates of the immediately preceding six meetings

(List the dates of the last six meetings and include the online location where the minutes can be found [preferably an active link].)

[June 2, 2022](#) – virtual meeting

[April 27, 2022](#) – virtual meeting

[April 22, 2022](#) – virtual meeting

[March 16, 2022](#) – virtual meeting

[March 9, 2022](#) – virtual meeting

[January 26, 2022](#) – virtual meeting

19. Where are meetings of the board, commission, or entity held?

(Provide the address of the meeting site.)

PFAS Work Group members were not all local; therefore, virtual-only workgroup meetings were used to allow for the most efficient and equitable participation.

20. Do members of the public have to be present at the meeting site to participate, or are teleconferencing and videoconferencing offered?

The PFAS Working Group was open to any interested people or stakeholders (see #2, above) and all meetings were virtual. It is NDEP's understanding that the intention was for the working group to be dissolved once its objective was completed and no future meetings are anticipated.

21. Statutory tax exemptions, abatements, or money set aside for the board, commission, or entity

(Cite each section of NRS that provides for such an exemption, abatement, or set-aside; budget information is requested later on the form.)

NDEP received no money set aside for the PFAS Working Group.

22. The manner in which the board, commission, or entity is funded

(Describe all sources of funding including appropriations, fees, grants, interest income, or other sources of revenue.)

Not applicable. Members of the working group served without compensation, per NRS. NDEP managed the working group with existing resources.

23. Required public forms that are not available on the website of the board, commission, or entity

(List all forms that are not available electronically to the public, but which are required to comply with a program or service of the board, commission, or entity.)

Not applicable.

24. Recommendations for consolidation with another board, commission, or entity

(Is there a recommendation for consolidation with another similar board, commission, or entity? If so, which board, commission, or entity would be the surviving entity? If there is a recommendation for consolidation, list the services also provided by the other board, commission, or entity.)

Not applicable.

25. Overlap or duplication of duties or work product

(Identify any other entity whose duties or responsibilities replicate those of this entity.)

The required study of issues related to PFAS, as identified in NRS 459.686.2, do not duplicate other state statutes, regulations, duties or work products. In general, NDEP is federally delegated to implement the federal Safe Drinking Water Act, the federal Clean Water Act and the federal Resource Conservation and Recovery Act, for which PFAS is a growing area of activity and regulation. NDEP has used the information collected and produced by the PFAS Working Group in the PFAS Action Plan to aid planning and implementation of ongoing activities in this area.

26. Improved efficiency

(Are there areas where this board, commission, or entity could benefit from improved workflow, mechanics, or other efficiencies?)

Not applicable.

27. Effectiveness in accomplishing the objectives, programs, and purposes of the board, commission, or entity

(Provide an assessment of the board, commission, or entity's effectiveness in meeting its objectives and programs; provide information that is relevant to the response.)

As discussed elsewhere herein, the PFAS Working Group fulfilled the requirements of NRS 459.686, culminating in the completion and release of the 2022 PFAS Action Plan. https://ndep.nv.gov/uploads/water-pfas/FINAL_PFAS_Action_Plan.pdf The studies and data gathering identified in NRS 459.686 have been completed and the "[Development of] recommendations for state and local action to monitor, contain and clean up environmental contamination resulting from perfluoroalkyl and polyfluoroalkyl

substances" (NRS 459.686(2)(e)) are specifically included in Section 6 of the document linked above. All components of this statute have been completed.

28. Recommended statutory changes necessary to carry out objectives and programs

(Summarize any recommended statutory changes needed by the board, commission, or entity to carry out its objectives and/or programs.)

No statutory changes are expected regarding the operations of the working group formed in 2021 under AB 97 (2021)/NRS 459.686, except for the sunset of the workgroup upon fulfilling statutory obligations. Since the project concluded in June 2022, the working group has not found any cause to reconvene.

ADDITIONAL INFORMATION TO BE SUBMITTED BY ALL BOARDS, COMMISSIONS, OR ENTITIES

Submit the following information in PDF format via email to Patrick Guinan, Chief Principal Policy Analyst, Research Division, LCB, at pguinan@lcb.state.nv.us, and clearly identify the electronic name of the document (A, B, C, et cetera) when submitted:

- A. The operating budget of the board, commission, or entity for the 2023–2024 Biennium.

Not applicable to the PFAS Working Group.

- B. A statement setting forth the income and expenses of the board, commission, or entity for at least three years immediately preceding the date on which the board, commission, or entity submits this form, including the balances of any fund or account maintained by or on behalf of the board, commission, or entity. This statement should include all sources of income for the board, commission, or entity and expenditures by category, along with current balances of each fund or account.

Not applicable to the PFAS Working Group.

- C. The most recent legislative audit, or other audit, of the board, commission, or entity and any efficiency studies or constituent or staff surveys conducted in the past three years. Audits conducted by the legislative auditor may be referenced by number (i.e., LA10 11), as they are available on the Legislature's website. Copies of all other requested documents must be submitted.

Not applicable to the PFAS Working Group.

- D. Any reports required to be filed with the Legislative or Executive Branches over the past three years. If the report is on the Legislature's website, you may refer to it by number. Otherwise, please provide a copy of the report. Also, note whether any reports were filed late or whether any reports required by statute have not been filed.

Not applicable to the PFAS Working Group.

- E. A copy of the organizational chart showing the governing structure of the board, commission, or entity and its staff.

Not applicable to the PFAS Working Group.

- F. A copy of the most recent strategic plan of the board, commission, or entity. Indicate the effective date of the plan and the achievement of any goals set out in the plan.

Not applicable to the PFAS Working Group.