

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: R050-20

Permanent Regulation R050-20:

Nevada Revised Statutes (NRS) 445A.860 establishes the authority of the State Environmental Commission (SEC) to adopt regulations carrying out the provisions of NRS 445A.800 to 445A.955, inclusive.

SPECIFIC CHANGES:

The regulation strikes the word "wet" from the requirement that a professional engineer must use a "wet seal or stamp" before adding his or her signature and date each plan sheet in a submittal to the Bureau of Safe Drinking Water (BSDW). The revised regulation cites the Nevada Board of Engineers' (BOE) regulations for stamping, signing, and submitting projects to a governmental agency.

Need for Regulation:

The use of wet ink stamps for applying the image of an engineer's seal is outdated. By citing BOE regulations, a professional engineer will be allowed to attach an electronically generated seal with the additional option to apply a secure digital signature to each sheet in a plan submitted to BSDW. There have been many professional engineers that have expressed frustration with BSDW's outdated regulation that does not allow for electronic seals and digital signatures. It has been reported to BSDW that it can take hours to wet stamp, sign, and date large engineering plan sets. The amended regulations align with BOE regulations to save engineers time and money when submitting a project for review. Referencing BOE's regulations ensures any future amendments will automatically be effective in BSDW's regulations.

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

On June 11, 2020 NDEP conducted a public workshop on regulation R050-20. Due to COVID-19, the workshop did not have a physical location. Pursuant to the Governor's Directive 006, the meeting was held virtually. A total of approximately Fifty (50) members of the public attended the workshops in total.

Questions from the public during the workshop were addressed by NDEP staff; summary minutes of the workshop are posted on the SEC website at: <https://sec.nv.gov/meetings/july-2020-regulatory-meeting>.

Following the workshop, the SEC held a formal regulatory hearing on July 1, 2020. Due to COVID-19 and the Governor's subsequent Emergency Directive 006, there was no physical location for the meeting and it was held virtually. A public notice for the regulatory meeting and a copy of the proposed regulation were posted at the State Library in Carson City, at NDEP offices located in both Carson City and Las Vegas, at all county libraries throughout the state, and provided to the SEC email distribution list. The public notice was also posted 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 agenda and information where supporting documents could be located were posted at NDEP offices located in both Carson City and Las Vegas, at the Division of Minerals in Carson City, at the Department of Agriculture, on the LCB website, on the Division of Administration website, on the SEC website, and provided to the SEC email distribution list.

The public notice for the proposed regulation was published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the SEC regulatory meeting. Other information about this regulation was made available on the SEC website at: <https://sec.nv.gov/meetings/july-2020-regulatory-meeting>.

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

- (a) Attended July 1, 2020 hearing: 81 (approximately)
- (b) Testified on this Petition at the hearing: 0
- (c) Submitted to the agency written comments: 0

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

Comments were solicited from affected businesses through e-mail, a public workshop and at the July 1, 2020 SEC hearing as noted in number 2 above.

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

The regulation was adopted without changes because it was satisfactory to both the public and the SEC members.

6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

Regulated Business/Industry. There will only be positive economic effects on the regulated business/industry.

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

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

Enforcing Agency. There will be no additional costs 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 adopted amendments do not overlap, duplicate, or conflict with any regulations of other government agencies.

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

The regulation is no more stringent than what is established by federal law.

10. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The regulation does not address fees.