

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R075-23

October 30, 2023

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

AUTHORITY: § 1, NRS 459.3818 and 459.3829.

A REGULATION relating to the Chemical Accident Prevention Program; removing the requirement that an owner or operator submit two copies of the complete application for a permit to construct a new process which involves hazardous substances or explosives; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Environmental Commission to adopt regulations establishing a program for the prevention of accidental releases of chemicals. (NRS 459.3818) This program is commonly known as the Chemical Accident Prevention Program, or C.A.P.P. (NAC 459.952-459.95528) Existing law also requires the Commission to adopt regulations establishing the requirements for the issuance of a permit to commence construction or operation of a new process involving hazardous substances or explosives. (NRS 459.3829) Existing regulations require an owner or operator of a facility involving hazardous substances or explosives to obtain a permit from the Division of Environmental Protection of the State Department of Conservation and Natural Resources before commencing the construction of a new process subject to C.A.P.P. (NAC 459.95345) To obtain a permit, under existing regulations, an owner or operator must submit a complete application along with two copies of the complete application to the Division. (NAC 459.953451) This regulation removes the requirement that two copies of the complete application be submitted to the Division.

Section 1. NAC 459.953451 is hereby amended to read as follows:

459.953451 1. To obtain a permit to construct a new process subject to C.A.P.P., an owner or operator of a new process must submit to the Division a complete application for a permit to construct . ~~{and two copies of the complete application.}~~ The Division shall determine which

elements of the application, if any, will be reviewed at the site where the new process will be located.

2. An application for a permit to construct a new process must be made on a form prescribed by the Division and include:

(a) Registration for the process that includes:

- (1) The information required by NAC 459.9535;
- (2) A summary of the hazard assessment conducted pursuant to NAC 459.95364 to 459.95376, inclusive;
- (3) The name, address and telephone number of the person submitting the plans;
- (4) An overview of the project that includes a description of:
 - (I) The process;
 - (II) The hours of operation during which the process will be operated;
 - (III) The estimated number of personnel, for each shift, who will be working on the process, including, without limitation, personnel in operations, personnel in maintenance, office staff, contract personnel and any other personnel;
 - (IV) The modes, frequency and hours of transportation of the incoming and outgoing raw materials and products;
 - (V) The scope of the construction; and
 - (VI) The schedule for the project; and
- (5) Information concerning the inspectors of the construction required pursuant to NAC 459.953461;
- (b) A coordinated emergency response plan document developed pursuant to NAC 459.9544 and 459.95442;

(c) Information concerning the process and safety process hazard analysis required pursuant to NAC 459.953455;

(d) Documents, specifications and calculations required pursuant to NAC 459.953457, 459.953459 and 459.95346; and

(e) A copy of the conditional use permit issued pursuant to NRS 278.147.

3. Documents, specifications and calculations submitted pursuant to NAC 459.953457, 459.953459 and 459.95346 must:

(a) Be stamped or sealed in accordance with chapter 625 of NRS, and any regulations adopted pursuant thereto, by the engineer who has responsible charge of the document, specification or calculation; and

(b) Include a table of contents or cover sheet that complies with the requirements of chapter 625 of NRS and any regulations adopted pursuant thereto.