

LCB File No. T032-99

ADOPTED TEMPORARY REGULATION OF THE STATE  
ENVIRONMENTAL COMMISSION

(Effective April 15, 1999)

Petition 1999-06

EXPLANATION - Matter in *italics* is new; matter in brackets [ ]

AUTHORITY: NRS 459.470 AND 459.475

**Section 1.** NAC 445A.347 is hereby amended to read as follows:

1. Any person who owns or operates a facility or his designated agent shall notify the[:]

[(a) Division of emergency management of the department of motor vehicles and public safety as soon as possible after he has knowledge of a release described in subsection 2 that involves his facility. The notice must be by telephone at (775) 687-4240 during normal working hours or at (775) 687-5300 after normal working hours.]

[(b)] Director as soon as possible after he has knowledge of such a release, but not later than the end of the first working day after the release. The notice must be by telephone at 800-992-0900, extension 4670 or (775) 687-4670.

2. The following are subject to the notice requirements of subsection 1:

(a) A release in a quantity equal to or greater than that which is required to be reported to the National Response Center pursuant to 40 C.F.R. Part 302.

(b) A release consisting of any quantity of pollutants, hazardous waste, as defined in NRS 459.430, or contaminants, as defined in NRS 445A.325, and the pollutant, hazardous waste or contaminant is not listed in 40 C.F.R. § 302.4.

(c) A release consisting of a petroleum product:

(1) Which is released to the soil or other surfaces of land in a quantity greater than 25 gallons; or

(2) Discovered on or in the ground water or in at least 3 cubic yards of soil during excavation of soil, subsurface exploration, monitoring of ground water or any other subsurface activity.

END OF TEMPORARY PETITION 1999-06

**INFORMATIONAL STATEMENT**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY  
ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066  
TEMPORARY PETITION 1999-06  
STATE ENVIRONMENTAL COMMISSION**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 445A. This temporary regulation deals with amendments to the water pollution control program.

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

**Petition 1999-06**, was noticed three (3) times: March 10, March 16 and March 25, 1999 as a temporary regulation in the Las Vegas Review Journal and the Reno Gazette-Journal newspapers. Regulatory workshops were held on March 29, 1999 in Las Vegas, March 31, 1999 in Elko and April 2, 1999 in Carson City. The regulation was adopted on April 9, 1999 by the State Environmental Commission. No testimony was received regarding this regulation. One written comment was received from the Office of Emergency Management (Exhibit 9) at the public hearing during adoption of the regulation. The comment requested that the Environmental Commission remove the Office of Emergency Management from the regulations for spill reporting. The public was also mailed the notice of intent and agenda through the Environmental Commission's mailing list. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 extension 3117, or writing to the Commission at 333 W. Nye Ln., Room 138, Carson city, Nevada 89706-0851.

**2. The number of persons who:**

<b>(a) Attended each hearing;</b>	<b>70</b>
<b>(b) Testified at each hearing:</b>	<b>0</b>
<b>(c) Submitted to the agency written comments</b>	<b>1</b>

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

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. See above statement for dates of the public notices. No oral testimony was received that opposed or supported the regulation. No written testimony was received from businesses on this regulation. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

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

The permanent regulation was adopted by the State Environmental Commission on April 9, 1999 with no amendment proposed for the regulation.

**5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be state separately, and each case must include:**

- (a) Both adverse and beneficial effects; and
- (b) Both immediate and long-term effects.

The proposed temporary regulation is not anticipated to have any significant adverse short or long term economic impact on Nevada businesses. The proposed regulation should make it easier for affected businesses to comply by simplifying the requirements for reporting spills. The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public.

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

There is no additional cost to the agency for enforcement.

**7. 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 regulations do not overlap or duplicate any regulations of another state or local governmental agency.

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

The regulations are no more stringent than federal regulations.

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

There will be no additional fees, nor will there be an increase in fees associated with this regulation.

**END OF FILING STATEMENT FOR 1999-06 TEMPORARY**