

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: R061-23P

The Nevada State Environmental Commission (SEC) offers the following informational statement in compliance with Nevada Revised Statute (NRS) 233B.066.

1. Need for Regulation

R061-23 proposes to amend Nevada Administrative Code (NAC) 445B by adding a new section that pertains to notifications made by the agency to the public about events where the ambient air quality standards may be exceeded and about the potential health hazards associated with these events. These notifications will include information about how the public can mitigate their impact on air quality and participate in regulatory efforts to improve air quality.

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.

The Division held one hybrid (in-person and virtual) public workshop for R061-23P on September 28, 2023. The public was invited to participate in person in the Bryan Building at 901 South Stewart Street in Carson City, Nevada. The workshop was held to present the substance of, and receive public comment on, the proposed regulation. Twenty-one members of the public and regulated industry attended the workshop either in-person or virtually.

The Legislative Counsel Bureau published its draft, R061-23P, in the Nevada Register on October 13, 2023. The Division accepted written comments on R061-23I and R061-23P up to September 28, 2023. The Division did not receive any written comments and/or questions concerning R061-23I or R061-23P.

The SEC held a hybrid regulatory hearing on December 5, 2023, to consider possible action on R061-23P. The SEC posted its public notice, which included a link¹ and instructions to access R061-23P and pertinent documents and information supporting the regulation, for the regulatory meeting at the State Library in Carson City, at

¹ <https://sec.nv.gov/meetings/sec-regulatory-meeting-december-5-2023>

Division offices located in both Carson City and Las Vegas, at all county libraries throughout the state, and to the SEC email distribution list. The SEC also posted the public notice 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 SEC also published the public notice in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the SEC regulatory meeting.

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

- (a) Attended December 5, 2023, hearing: 58 (approximately)
- (b) Testified on this Petition at the hearing: 1

- 1. Andrew Tucker, on behalf of the Nevada Division of Environmental Protection
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- (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 one public workshop and at the December 5, 2023, 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 Commissioners unanimously adopted R061-23P without change because the public and the SEC were satisfied with the proposed regulation.

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

Regulated Business/Industry. The regulatory amendments in R061-23P are expected to have no economic impact on regulated businesses.

Public. The regulatory amendments in R061-23P are expected to have no economic impact on the public.

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

Enforcing Agency. The regulatory amendments proposed in R061-23P are not expected to result in any additional costs to the Division.

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 proposed amendments in R061-23P do not overlap or duplicate other state or 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 regulatory amendments in R061-23P are not 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.

R061-23P does not impose any new or increased fees.