

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: R062-23P

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

1. Need for Regulation

R062-23 proposes to repeal the regulations for the administration and enforcement of the Alternative Fuels Program codified in Nevada Administrative Code (NAC) 486A.010 to NAC 486A.250, inclusive.

On May 29, 2019, Senate Bill 42 repealed NRS 486A.010 to 486A.200. The repealed statutes provided the statutory authority to administer the Alternative Fuels Program pursuant to NAC 486A.010 to NAC 486A.250, inclusive. NDEP is proposing to repeal NAC 486A.010 to NAC 486A.250, inclusive. Repealing these regulations would resolve the inconsistency between regulatory requirements and statutory authority, and prevent confusion.

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 R062-23P 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, R062-23P, in the Nevada Register on October 18, 2023. The Division accepted written comments on R062-23I and R062-23P up to September 28, 2023. The Division did not receive any written comments concerning R062-23I and/or R062-23P; however, there was one question from the public during the public workshop asking for the reason for the repeal.

The SEC held a hybrid regulatory hearing on December 5, 2023, to consider possible action on R062-23P. The SEC posted its public notice, which included a link¹ and instructions to access R062-23P and pertinent documents and information supporting the regulation, for the regulatory meeting at the State Library in Carson City, at 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:

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
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701
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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 R062-23P without change because the public and the SEC were satisfied with the proposed regulation.

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

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 program has been defunct since the statutory authority was repealed, so the proposed amendments will not have an economic impact on businesses, the public, or any governmental agency.

Public. The program has been defunct since the statutory authority was repealed, so the proposed amendments will not have an economic impact on businesses, the public, or any governmental agency.

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

Enforcing Agency. The regulatory amendments proposed in R062-23P 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 R062-23P 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 R062-23P are 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.

Not applicable; the proposed amendments do not provide for any new fees or increases to existing fees.