

LCB File No. R087-00

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

**NEVADA STATE ENVIRONMENTAL COMMISSION
NOTICE OF PUBLIC HEARING**

Petition 2000-08 (LCB File R-087-00) proposes to permanently modify NAC 459 by amendments to NAC 459.95334 to increase fees currently assessed under the Chemical Accident Prevention Program (CAPP). The regulation provides for an increase in annual fees for the period until June 30, 2001 and then again on July 1, 2001.

Businesses will see an increase in annual program fees. The program audits conducted by Chemical Accident Prevention Program (CAPP) staff have been beneficial to many businesses, particularly small businesses. The immediate effect of the increased fee would be increased operating cost. The long-term effects would ultimately manifest themselves as lower accident rates. The adoption of the amendment is not anticipated to have direct economic impact on the public. The proposed regulations do not overlap or duplicate any regulations of another state or local governmental agency. The regulations are no more stringent than federal regulations. There is no additional cost to the agency for enforcement. The fees generated by this increase will fund two engineers and a half time clerical to implement the chemical accident program regulations for 39 regulated facilities. The fees as amended will result in approximately \$275,000 annually being collected from regulated clients.

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Petition 2000-08

EXPLANATION - Matter in *italics* is new; matter in brackets ~~{}~~ that is ~~stricken~~ is to be omitted.

Authority: NRS 459.3824

Section 1. NAC 459.95334 is hereby amended to read as follows:

1. Effective upon filing of this regulatory amendment with the secretary of state, through June 30, 2001, inclusive:

(a) ~~{1.}~~ An owner or operator shall pay the fee required by subsections 1 and 2 of NRS 459.3824 before July 31 of each year.

(b) ~~{2.}~~ The amount of this annual fee for each facility will equal the sum of:

(1) ~~{(a)}~~ A base fee that is established pursuant to subsection 3; and

(2) ~~{(b)}~~ A graduated fee that is established pursuant to subsection 4.

(c) ~~{3.}~~ The amount of the annual base fee that is authorized pursuant to subsection 1 of NRS 459.3824 is:

(1) ~~{(a)}~~ If the facility has a process that is subject to the tier A program or tier B program level 3, **\$3,600** ~~[\$3,100]~~.

(2) ~~{(b)}~~ If the facility has a process that is subject to the tier B program level 2 and no process that is subject to the tier A program or tier B program level 3, \$2,000.

(3) ~~{(c)}~~ If the facility has a process that is subject to the tier B program level 1 and no process that is subject to the tier A program or tier B program level 2 or 3, \$250.

(d) ~~{4.}~~ The amount of the annual graduated fee that is authorized pursuant to subsection 2 of NRS 459.3824 is **\$18.00** ~~[\$10.50]~~ per unit of substance at a facility. A unit of substance is the greater of:

(1) ~~{(a)}~~ The total amount of a tier A substance that is present at a facility divided by the tier A threshold quantity for the substance that is listed in NAC 459.9533; or

(2) ~~{(b)}~~ The total amount of a tier B substance that is present at a facility divided by the tier B threshold quantity for the substance that is listed in NAC 459.9533.

2. Effective July 1, 2001:

(a) An owner or operator shall pay the fee required by subsections 1 and 2 of NRS 459.3824 before July 31 of each year.

(b) The amount of this annual fee for each facility will equal the sum of:

(1) A base fee that is established pursuant to subsection 3; and

(2) A graduated fee that is established pursuant to subsection 4.

(c) The amount of the annual base fee that is authorized pursuant to subsection 1 of NRS 459.3824 is:

(1) If the facility has a process that is subject to the tier A program or tier B program level 3, \$4,100.

(2) If the facility has a process that is subject to the tier B program level 2 and no process that is subject to the tier A program or tier B program level 3, \$2,000.

(3) If the facility has a process that is subject to the tier B program level 1 and no process that is subject to the tier A program or tier B program level 2 or 3, \$250.

(d) The amount of the annual graduated fee that is authorized pursuant to subsection 2 of NRS 459.3824 is \$23.00 per unit of substance at a facility. A unit of substance is the greater of:

(1) The total amount of a tier A substance that is present at a facility divided by the tier A threshold quantity for the substance that is listed in NAC 459.9533; or

(2) The total amount of a tier B substance that is present at a facility divided by the tier B threshold quantity for the substance that is listed in NAC 459.9533.