PROPOSED TEMPORARY REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

Petition 1999-06

EXPLANATION - Matter in ***italics*** is new; matter in brackets **[ ]** is material to be omitted.

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 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 (702) 687-4240 during normal working hours or at (702) 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 ([702]*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 445.143, 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 TEMPORY PETITION 1999-06