



Fact Sheet

Chemical Accident Prevention Program (CAPP) Regulatory Amendment: Fee Revision for Permit Applications and Annual Fees – Overview

Introduction

The NDEP CAPP Program is proposing a regulatory change to amend its fee schedule.

The change seeks to update the Program's approach to how fees are assessed, and to increase the fees across the regulated industry to reflect inflation with workload and resources required to implement NDEP's CAPP Program.

Ultimately, the change will allow the CAPP Program to respond to present and future challenges in the regulated industry, to continue to provide effective regulatory oversight of activities involving the handling of hazardous substances by minimizing the risk of chemical accidents, and to maintain a vibrant economy in Nevada.

Overview

The Nevada Division of Environmental Protection – Bureau of Air Pollution Control – Chemical Accident Prevention Program (CAPP) is proposing an amendment to the fee schedule and regulations. Fee increases will ensure CAPP can continue to perform its statutory requirements including permitting, annual inspections of facilities, and appropriate staffing and staff development. The fees were last increased almost 20 years ago. Without the fee increase, revenue will not balance with program expense projections.

The new fee schedule is proposed to be effective when the regulation is passed with the annual fees being effective July 1, 2023.

Major Changes

CAPP is proposing to change the following:

- An increase of the annual registration fee per the consumer price index to account for inflation since the last fee change.
- An increase of the permitting hourly rate fee per the consumer price index to account for inflation since the last fee change.
- An increase of the investigation fee per the consumer price index to account for inflation since the last fee change.
- A new fee for Confidentiality Determinations.
- A new "Change of Ownership" fee.
- A defined unit of explosives for fee purposes.
- An optional 2% increase to the annual, permitting, and investigation fees each year to avoid large increases in the future.

Overview of Proposed Fee Schedule

Below is an overview of the proposed fees.

Annual Registration Fees

Facility Type	Current Fee Base	Current Fee Cap	Proposed Fee Base	Proposed Fee Cap
Non-Explosives	Base (\$5,600) + \$39/unit	\$35,000	Base (\$8,500) + \$59/unit	\$55,000
Explosives with Ammonium Nitrate and Fuel Oil Mixture	\$5,600	\$35,000	Base (\$8,500) + \$59/unit*	\$55,000
Explosives of other type	\$13,500	\$35,000	Base (\$21,000) + \$59/unit	\$55,000

*Unit defined as 10,000 pounds of explosives with Ammonium Nitrate and Fuel Oil Mixture

Permitting Fees

Fee Type	Current Fee	Proposed Fee
Initial Application	\$5,000	\$7,600
Hourly Fee	\$68	\$103
5 or less Piping and Instrument Diagrams	\$40,000 Cap	Removed*
20 or less Piping and Instrumentation Diagrams	\$50,000 Cap	Removed*
More than 20 Piping and Instrumentation Diagrams	\$50,000 + \$500 cap for additional	Removed*

*Removed to simplify the process and implementation

New Fees

Fee Type	Current Fee	Proposed Fee
Change in ownership	\$0	\$1,000
Confidentiality	\$0	\$1,000