

STATE BOARD TO REVIEW CLAIMS

MEETING OF AUGUST 23, 1995
Carson City and Las Vegas, Nevada

ITEM: V

SUBJECT: Public hearing for the consideration of an amendment relating to NAC Chapter 590.730(1) of the State Petroleum Fund regarding a modification to the annual tank registration fee.

DISCUSSION: Senate Bill 121, which was adopted by the 1995 Nevada Legislature, included a provision which allows the State Board to Review Claims to increase the annual tank registration fee to \$100 [NRS 590.850(1)]. The annual registration fee, as established by NAC 590.730(1), is \$50 per tank per year, and is due on October 1 of each year.

This Resolution includes amended language to NAC 590.730(1) which would increase the registration fee to \$100 per year, beginning October 1, 1996. This date of implementation is recommended by the Nevada Division of Environmental Protection because the bills have already been distributed [pursuant to NAC 590.730(2)] to collect the fees that are due on October 1, 1995.

Requiring a revised fee to be effective for all registrations beginning on October 1, 1995, would require a second billing notice to all tank owners. Such a notice would not be distributed until after amended language is codified by the Secretary of State's office. Codification occurs within 75 days of the Board's adoption of a regulation, unless changes are made by the Board or by the Legislative Counsel Bureau.

RECOMMENDATION: Adoption of Resolution No. 95-022 as proposed.

STATE BOARD TO REVIEW CLAIMS

RESOLUTION NO. 95-022

Resolution to Amend NAC Chapter 590.730
Modifying the Annual Tank Registration Fee

Whereas, the State Board to Review Claims (hereinafter referred to as the Board) Finds:

1. NRS 590.850 was amended by the 1995 Legislative session (SB 121) to read (Section 1):

"Except as otherwise provided in subsection 2, the division shall collect for deposit in the fund an annual fee not to exceed ~~\$50~~ \$100, set by the board, for the registration of each storage tank."

2. NAC 590.730(1) currently requires the remittance of a \$50 annual registration fee on or before October 1 of each year.
3. Attachment "A", which is made a part of this Resolution, contains proposed amended language to NAC 590.730(1) which would increase the annual registration fee to \$100 per tank beginning on October 1, 1996.
4. Public notices of this proposed amendment were distributed pursuant to the requirements specified by NRS 233B.0603. Notices were also published on July 24, 1995, August 2, 1995, and August 14, 1995 in the *Elko Daily Free Press*, *The Las Vegas Review Journal*, and in *The Reno Gazette Journal* on July 24, August 2, and August 14, 1995. A copy of the Public notice is included in Attachment "B" of this Resolution.

THEREFORE BE IT RESOLVED:

That the Board adopt the proposed amendment to NAC 590 as contained in Attachment "A" of this Resolution.

I, John Haycock, Chairman, do hereby certify that the foregoing is a full, true, and correct copy of a Resolution adopted by

the Nevada State Board to Review Claims on August 23, 1995.

John Haycock, Chairman
State Board to Review Claims

Attachment

ATTACHMENT "A"

STATE BOARD TO REVIEW CLAIMS
PROPOSED PERMANENT REGULATION

August 23, 1995

AUTHORITY: NRS 590.830

590.730 Annual registration of storage tanks: letters of coverage

Section 1. Nac 590.730 is hereby amended to read as follows:

590.730 1. Except as otherwise provided in this subsection, each operator of a registered storage tank shall, on or before October 1 of each year, pay a fee for registration in the amount of [~~\$50~~] \$100 and submit an application for registration to the division in the form prescribed by the board. An application for registration is not required from an operator who has filed with the division Form 7530-1, "Notification for Underground Storage Tanks," adopted by the United States [Environment] *Environmental* Protection Agency. *This amendment shall be effective for all registrations on and after October 1, 1996.*

Proposed Regulatory language of the Petroleum Claims Board as submitted to the Legislative Counsel Bureau-Legal Division for the purpose of drafting permanent language to the administrative code pursuant to NRS 233B.063. Matter in *italics* is new. Matter in **brackets** [] is material to be omitted.

ATTACHMENT "B"

NOTICE OF PUBLIC HEARING

State Board to Review Claims
(Petroleum Fund)

The State Board to Review Claims (Petroleum Fund) will hold a public hearing via video conferencing **beginning at 9:30 a.m. on Wednesday, August 23, 1995, at the Legislative Building, 401 S. Carson St., Room 227, Carson City, Nevada and at the Legislative Counsel Bureau, Director's Office & Administrative Division, Las Vegas State Office Building, 555 E. Washington St., Room 4400, Las Vegas, Nevada.** The purpose of this hearing is to consider action on a proposed regulation amendment relating to NAC 590.730 of the State Petroleum Fund.

Description and Need:

The proposed amendment would allow the Board to Review Claims to increase the annual petroleum fund tank registration fee from \$50 to \$100. Current annual revenues into the Petroleum Fund are less than the recommended levels of reimbursements. The regulatory change is needed to generate additional annual revenues to the Petroleum Fund to help match the level of reimbursement.

Estimated Economic Effect on Business:

Storage tank Owner/Operators (O/O) currently remit a \$50 per tank fee to register their storage tanks in the Petroleum Fund. Registration in the State Petroleum Fund (and payment of the fee) is an optional mechanism to comply with the Federal Financial Responsibility requirements. The proposed regulation change would increase the registration fee by \$50 for a total annual fee of \$100 per tank for those O/O's who elect to register their tanks in the Petroleum Fund. Although O/O's will be responsible for a higher registration fee, the increased fee will generate estimated annual revenues of \$220,000. These monies will be used to reimburse corrective action expenses.

The proposed regulation would not take affect for O/O's who register their storage tanks until the 1997 registration year and beyond. (Registrations are in effect from October 1 of one year through September 30 of the following year. The 1997 Registration year begins October 1, 1996.)

Estimated Cost to the Nevada Division of Environmental Protection (NDEP):

NDEP currently administers the State Petroleum Fund and collects the annual registration fee. The agency will not incur additional expenses to collect the additional fee.

Overlapping Regulations:

There are no regulations of other state or local government agencies which the proposed regulation overlaps or duplicates.

Interested persons who may be affected by, or want to comment on, the proposed amendment should appear at the public hearing to submit oral testimony and evidence. Those wishing to testify for more than five minutes should submit their request, in writing, to the Board to Review Claims, c/o Sheri Gregory, NDEP, Capitol Complex, 333 West Nye Lane, Carson City, Nevada, 89710, by August 16, 1995.

Comments, data, views, or arguments may also be submitted in written form to the Board to Review Claims, c/o Eric J. Taxer, NDEP, Capitol Complex, 333 West Nye Lane, Carson City, Nevada, 89710. Information should be submitted no later than August 10, 1995, to be included in the Board folders.

Copies of the proposed regulation amendment to be considered will be available for inspection after July 20, 1995, at 123 West Nye Lane, Room 208, Carson City Nevada and at 555 E. Washington St., Suite 4300, Las Vegas, Nevada. Copies will be mailed upon request.

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Board to review claims in care of Sheri Gregory, Capitol Complex, 333 West Nye Lane, Carson City, Nevada, 89710, facsimile (702) 687-5856, or by calling (702) 687-4670, extension 3047, no later than August 14, 1995.

Copies of this public notice have been posted at the Legislative Building in Carson City and at the Legislative Counsel Bureau in Las Vegas, all county libraries in Nevada, the State Library in Carson City, the Clark County Commission Chambers in Las Vegas, the Washoe County Commission Chambers in Reno, and at the offices of the Department of Conservation and Natural Resources in Carson City and Las Vegas.

November 24, 1999

LAS VEGAS REVIEW JOURNAL
PO BOX 70
LAS VEGAS NV 89101

RE: NOTICE OF PUBLIC HEARING

Gentlemen:

Please publish the enclosed Notice of Public Hearing from the State Petroleum Board to Review Claims on the following dates:

July 24, 1995
August 2, 1995
August 14, 1995

If you cannot publish it on the dates specified, please contact me at (702) 687-4670, extension 3047. Also, please send the proof of publication and billing to:

Eric J. Taxer, P.E.
UST/LUST/Claims Branch
NDEP
Capitol Complex
Carson City, NV 89710

Thank you for your attention to this matter.

Sincerely,

Sheri L. Gregory
UST/LUST/Claims Branch
Bureau of Corrective Actions

slg

November 24, 1999

RENO GAZETTE JOURNAL
PO BOX 22000
RENO NV 89520-2000

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UST/LUST/Claims Branch
NDEP
Capitol Complex
Carson City, NV 89710

Thank you for your attention to this matter.

Sincerely,

Sheri L. Gregory
UST/LUST/Claims Branch
Bureau of Corrective Actions

slg

November 24, 1999

ELKO DAILY FREE PRESS
3720 IDAHO STREET
ELKO NV 89801

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Thank you for your attention to this matter.

Sincerely,

Sheri L. Gregory
UST/LUST/Claims Branch
Bureau of Corrective Actions

slg

November 24, 1999

MR LORNE MALKIEWICH
LEGISLATIVE COUNSEL
LEGAL DIVISION
LEGISLATIVE COUNSEL BUREAU
CAPITOL COMPLEX
CARSON CITY NV 89710

RE: BOARD TO REVIEW CLAIMS PETROLEUM FUND, PETITION

Dear Mr. Malkiewich:

The Board to Review Claims, Nevada Petroleum Fund, is submitting to the Legislative Counsel Bureau a petition for the purpose of drafting permanent regulatory language, pursuant to NRS Section 233B.065.

Enclosed is the draft language that will be presented to the Board to Review Claims at its August 23, 1995, meeting. An early review of the proposed regulation is being requested pursuant to NRS Section 233B.0681.

Please contact me at 687-4670, extension 3036, if you have any questions or if I can provide you with additional information.

Sincerely,

Eric J. Taxer, P.E.
Supervisor
UST/LUST/Claims Branch
Bureau of Corrective Actions

EJT:slg

cc/enc: See Page 2

Lorne Malkiewich
Legislative Counsel Bureau
November 24, 1999
Page 2

cc/enc: Lew Dodgion, NDEP

Allen Biaggi, NDEP
Jim Najima, NDEP
David Cowperthwaite, NDEP
Bill Frey, Deputy Attorney General

John Haycock, Haycock Distributing, 715 W. Bonanza Road, Las Vegas, NV 89106

Peter Krueger, NV Petroleum Marketing Association, P.O. Box 12431, Reno, NV 89510

Pat Eklund (H-W-4), U.S. EPA, 75 Hawthorne St., San Francisco, CA 94105-3901

Greg Moss, American Consulting Engineers Council of Nevada, Government Environmental Subcommittee c/o Sea Engineers, 950 Industrial Way, Sparks NV 89431

Peggy Pound, American Consulting Engineers Council of Nevada, Government Environmental Subcommittee, c/o Converse Environmental, 4670 S. Polaris Avenue, Las Vegas NV 89103-5615

Rob Miller, Broadbent and Associates, Inc. 1000 Bible Way, Suite 57 Reno NV 89502

Bob Broadbent, Broadbent and Associates, Inc., 833 Nevada Highway, Suite 4, Boulder City, NV

Joe McGinley, Steffen Robertson and Kirsten, 1755 East Plumb Lane Suite 241 Reno NV 89502

Matthew J. Novak, Kleinfelder, 6850 South Paradise Road, Las Vegas, NV, 89119

Dave McNinch, Washoe County District Health Department, PO Box 11130, Reno NV 89520

Steve Henke, Clark County Health District, PO Box 4426, Las Vegas NV 89127