



State Environmental Commission



About the State Environmental Commission (SEC)

The SEC acts on regulatory "Petitions" proposed by the Nevada Division of Environmental Protection (NDEP). These Petitions (i.e., proposed regulations) are initiated to further define existing state law (Nevada Revised Statutes) and or new laws enacted by the Nevada Legislature. Regulatory Petitions may address new or revised environmental standards, mandatory adoptions of certain federal regulations, approval of new expanded and/or reduced permitting fees, incorporation of federal required plans and other functions that are necessary for the proper execution of State laws.

The SEC hears and decides contested cases through appeals. Appeals typically address final decisions made by the Division of Environmental Protection regarding various enforcement actions and permits. The SEC can also ratify air pollution enforcement settlements and it may levy civil penalties in air pollution enforcement actions when no agreement has been reached with the Division of Environmental Protection.

Readers Note: Web pages and Adobe PDF files will open in a new browser window

General Information

- ▶ [SEC Roster](#) (Two page – HTML file)
- ▶ [SEC Overview](#) (Two pages – outlines adoption of regulations, SEC orders & hearings)
- ▶ [SEC Regulatory Petitions](#) (One page – describes permanent, temporary & emergency regs.)
- ▶ [SEC Appeal Hearings - Contested Cases](#) (Two Page synopsis of Appeal Process)
- ▶ [Administrative Rulemaking Guide](#) (84 pages – Office of the Attorney General)

Statutory Authorities

Permanent & Temporary Regulations: — [NRS 233B.063 Submission to Legislative Counsel of proposal to adopt, amend or repeal permanent regulation; duties of Legislative Counsel; adoption of temporary regulation . . .](#)

[NRS 233B.070 Effective date and dissemination of regulation; duties of Secretary of State.](#) 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final draft or revision of a regulation, except as otherwise provided in NRS 233B.0665 or where a later date is specified in the regulation.

2. Except as otherwise provided in NRS 233B.0633, an agency that has adopted a temporary regulation may not file the

temporary regulation with the Secretary of State until 35 day after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of the regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066. . . . 6. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material adopted by reference which is not already filed with the State Library and Archives Administrator, to the State Library and Archives Administrator for use by the public.

Statuary Authorities — Air Pollution Controls

[NRS Chapter 445b Air Pollution Controls](#)

[NRS 445B.200 - 245 \(SEC creation, composition, chairman; quorum\)](#) [NRS 445B.215 Notice of public hearing on regulations of Commission](#). (Notice of the public hearing on a regulation .. given by at least three publications of a notice in newspapers throughout the State, once a week for 3 weeks, commencing at least 30 days before the hearing).

Appeals to the Commission

[NRS 445B.340 Appeals to Commission: Notice of appeal](#). A party aggrieved may file notice of appeal with the Commission within 10 days after the date of notice of action of the Department, except as otherwise provided by law.

[NRS 445B.350 Appeals to Commission: Hearings](#). (Within 20 days after receipt of the notice of appeal provided for in NRS 445B.340, the Commission shall hold a hearing. Notice of the hearing shall be given to all affected parties no less than 5 days prior to the date set for the hearing)

Statuary Authorities - Water Controls

[Chapter 445A Water Controls](#)

[NRS 445A.605](#) (Appeals to Commission: Appealable matters; action by Commission)

[NRS 445A.610](#) (Appeals to Commission: Hearings)

[NRS 445A.690 Violations](#) (Any compliance order is final and is not subject to review unless the person against whom the order is issued, within 30 days after the date on which the order is served, requests by written petition a hearing before the Commission.)

Statuary Authorities - Hazardous Materials

[NRS 459.485 Duties of Commission](#) The Commission shall: (1) Adopt regulations governing systems of hazardous waste management, including the plan for management of hazardous waste in the entire State; and . . .

[NAC 459.9995 Appeal of final decision of State Department of Conservation and Natural Resources.](#) 1. Any person who requests a hearing before the State Environmental Commission concerning a final decision of the State Department of Conservation and Natural Resources pursuant to chapter 459 of NRS may do so by filing a request, within 10 days after notice of the action of the Department, on form 3* with the State Environmental Commission, 333 West Nye Lane, Capitol Complex, Carson City, Nevada 89710.

2. The provisions of NAC 445B.875 to 445B.899, inclusive, apply to a hearing of the State Environmental Commission requested pursuant to subsection 1.

[NRS 459.546 Variances:](#) Conditions and criteria for granting; revocation.

Regulatory Authorities — Nevada Administrative Code (NAC)

Practice Before The State Environmental Commission — [NAC 445B.878](#)

Air Pollution Control — [NAC 445B.890 Request for hearing. \(NRS 233B.050\)](#) Any person requesting a hearing before the Commission concerning a final decision of the Department may do so by filing a request, within 10 days after notice of the action of the Department, on form 3* with the State Environmental Commission, 333 West Nye Lane, Room 138, Carson City, Nevada 89706-0851.

Hazardous Waste — [Variance](#)

Mining Operations — [Appeals](#)

1. Any person aggrieved by: (a) The issuance, denial, renewal, suspension, modification, condition or revocation of a permit; or (b) The issuance, modification or rescission of any other order, by the state department of conservation and natural resources may appeal to the commission.

2. Any person who requests a hearing before the commission concerning a final decision of the department pursuant to chapter 519A of NRS may do so by filing a request, within 10 days after notice of the action of the department, on form 3* with the State Environmental Commission, 333 West Nye Lane, Capitol Complex, Carson City, Nevada 89710.

Other Procedural Requirements

Nevada Administrative Procedure Act

[NRS 233B](#) (Regulations & Contested Cases)

[NAC 233B.010](#) (Form of notice of adoption, amendment or repeal of regulation)

[NRS 233B.061 Proposed regulation:](#) (Public comment, workshop, record of hearing)

[NRS 2333B.066](#) (Informational statement to LCB– adopted regulation)

Nevada Open Meeting Law

[NRS 241](#) – (meetings, notices, copy of materials; other)

[Open Meeting Law](#) (Office of the Attorney General)

[Open Meeting Law Manual](#) (Adobe PDF File - 95 Pages)

[Open Meeting Law - Compliance Check List](#) (Adobe PDF File - 6 Pages)

Other SEC Documentation

▶ [SEC Online Archives](#)

▶ [SEC Historical Background](#) (By Alfred Balitzer, Ph.D.) **NEW!!**

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