

## Amendment No. 100

Senate Amendment to Senate Bill No. 16

(BDR 51-662)

**Proposed by:** Committee on Natural Resources**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of SB16 (§§ 1, 5 and 6).

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend section 1, page 2, by deleting line 3 and inserting:

*“Notwithstanding any provision of NRS 590.700 to 590.920, inclusive, to the contrary, and except as otherwise provided in this section:*

*1. The Division may expend not more than \$250,000 from the”.*

Amend section 1, page 2, by deleting lines 6 through 9 and inserting:

*“involving petroleum, including discharges from a storage tank and discharges from a mobile tank that occur during the transportation of petroleum on roads and highways. If the discharge involving petroleum also involves”.*

Amend section 1, page 2, line 12, after *“material.”* by inserting:

SEG/JRS

Date: 4/4/2005

S.B. No. 16—Authorizes use of money in Fund for Cleaning Up Discharges of Petroleum by State for cleanup of discharges involving petroleum and other discharges under certain circumstances.



*“The Division shall not expend money from the Fund pursuant to this section to clean up discharges involving petroleum from pipelines.”.*

Amend section 1, page 2, between lines 22 and 23, by inserting:

*“3. If the Division expends money pursuant to this section to clean up a discharge involving petroleum, the operator of the tank shall reimburse the Division for his share of the costs for cleaning up the discharge. The Division shall, upon being reimbursed by the operator of the tank pursuant to this subsection, deposit that money in the Fund.*

*4. As used in this section:*

*(a) “Discharge” means any release, leaking or spilling from a tank into water or soil, unless the discharge is authorized by state or federal law.*

*(b) “Operator” means a person who owns, controls or is responsible for the operation of a tank.*

*(c) “Tank” means a storage tank or a mobile tank used to transport petroleum received for sale or use in this State.”.*

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

**“Sec. 2.** NRS 590.515 is hereby amended to read as follows:

590.515 1. In addition to any other regulations it is authorized or required to adopt, the Board shall adopt such other regulations as are reasonably necessary for the:

(a) Protection of the health, welfare and safety of the public and persons using liquefied petroleum gases;

(b) Provision of reasonable and adequate service to those persons using liquefied petroleum gases; and

(c) Regulation of the removal of a tank from a customer's premises and the maximum time allowable between the request and the removal. The Board shall consider the presence of fences or other physical impediments to the removal of the tank in determining reasonable exceptions to the time allowed for removal.

2. All regulations adopted by the Board relating to safety must be in substantial conformity with the generally accepted standards of safety concerning the same subject matter. ~~[The Board shall adhere to the following conditions in this regard:~~

~~—(a) The regulations]~~ ***Regulations adopted by the Board*** relating to safety in the storage, distribution, dispensing, transporting and utilization of LPG in this State and in the manufacture, fabrication, assembly, sale, installation and use of LPG systems, containers, apparatus or appliances must be just and reasonable and must conform, as nearly as possible, to the standards of the National Fire Protection Association, relating to the design, construction, installation and use of systems, containers, apparatus, appliances and pertinent equipment for the storage, transportation, dispensation and utilization of LPG.

~~[(b) Before any regulations are adopted, the Secretary of the Board shall give at least 10 days' notice to all applicants and licensees under NRS 590.465 to 590.645, inclusive, by mailing an accurate copy of the new, revised or amended regulations which the Board proposes to adopt together with a written notice signed by the Secretary. Any person affected is entitled to appear at the public hearing on the regulation in person and by counsel. A certificate reciting the adoption and the effective date must be signed by the members comprising a majority of the Board. Within 10~~

~~days after the adoption of the regulation the Secretary shall cause to be mailed to each applicant or licensee under NRS 590.465 to 590.645, inclusive, a true and correct copy of the regulation. A facsimile of any member's signature may be used under this paragraph if authorized by the member.]~~

3. In addition, the Board shall adopt regulations which:

(a) Provide for the Board, through its staff, to:

- (1) Respond to inquiries and complaints from persons who use liquefied petroleum gas;
- (2) Assist persons who use liquefied petroleum gas in obtaining liquefied petroleum gas in an emergency; and
- (3) Facilitate the resolution of disputes between licensees and their customers.

➔ The provisions of this paragraph do not impose a duty upon the Board to provide financial assistance to any person.

(b) Provide for the hearing and mediation of complaints filed by persons who use liquefied petroleum gas. Any such hearing must be open to the public, recorded on tape and prior notice thereof must be mailed by the Board to any person who requests to receive notice of such hearings.

(c) Require each licensee to disclose uniformly information which the Board determines is necessary to disseminate to the licensees' customers and prospective customers. The Board may adopt forms for such disclosures, but shall also require each licensee to post its rates and, upon request, disclose by telephone its applicable rates to existing and potential customers who so inquire.”.

Amend the bill as a whole by renumbering sections 4 and 5 as sections 7 and 8 and adding new sections designated sections 5 and 6, following sec. 3, to read as follows:

“**Sec. 5.** NRS 590.850 is hereby amended to read as follows:

590.850 1. Except as otherwise provided in subsection 2, the Division shall collect for deposit in the Fund an annual fee not to exceed \$100, set by the Board, for the registration of each storage tank.

2. No fee is to be collected, and no registration is required, with respect to a storage tank used to store heating oil for consumption on the same premises where the oil is stored, or a storage tank operated by a person not required to pay the fee for petroleum produced in or imported into this state.

3. The operator of a storage tank required to be registered pursuant to this section who fails to register that tank or to pay the annual fee when required shall reimburse the Division for any expense incurred by the Division in cleaning up a discharge from that storage tank and for any discharge of liability to a third person. *If, in cleaning up the discharge from that storage tank, the Division expends money from the Fund in accordance with section 1 of this act, the Division shall, upon being reimbursed by the operator of the storage tank pursuant to this subsection, deposit that money in the Fund.*

**Sec. 6.** NRS 590.870 is hereby amended to read as follows:

590.870 1. The operator of every storage tank, and every person who for compensation puts petroleum into a storage tank, shall report to the Division every discharge from that tank of which he is aware or has reason to believe has occurred. The Division shall undertake or contract for cleaning up the discharge unless the operator or another person is already acting properly to clean it up. If the Division cleans up the discharge, the operator shall reimburse the Division for his share of the costs. *If, in cleaning up the discharge, the Division expends money from the Fund in accordance with*

*section 1 of this act, the Division shall, upon being reimbursed by the operator of the storage tank pursuant to this subsection, deposit that money in the Fund.*

2. Each operator who is required or who chooses to register a tank must, unless the tank has been tested for tightness under the federal standards embodied in 40 C.F.R. § 280.43c since July 1, 1988, test the tank pursuant to those standards before it is eligible for the coverage provided by NRS 590.880 and 590.890.”.

Amend sec. 4, page 3, by deleting lines 5 and 6 and inserting:

“590.920 1. ~~[The]~~ *Except as otherwise specifically provided in section 1 of this act, the provisions of NRS 590.850 to 590.910, inclusive, do not apply to any tank which:*”.

Amend the title of the bill to read as follows:

“AN ACT relating to petroleum products; authorizing the Division of Environmental Protection of the State Department of Conservation and Natural Resources to expend money from the Fund for Cleaning Up Discharges of Petroleum for the cleanup of discharges involving petroleum and other discharges under certain circumstances; providing for the reimbursement of money from the Fund that is expended by the Division; deleting certain provisions that require the Secretary of the Board for the Regulation of Liquefied Petroleum Gas to provide notice to applicants and licensees before the Board adopts regulations; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Makes various changes relating to regulation of petroleum products.

(BDR 51-662)”.

**If this amendment is adopted, the Legislative  
Counsel's Digest will be changed to read as follows:**

**Legislative Counsel's Digest:**

Existing law establishes the Fund for Cleaning Up Discharges of Petroleum against which owners of storage tanks where discharges of petroleum occur may file a claim to recover the costs incurred to clean up the discharge. The Fund is administered by the Division of Environmental Protection of the State Department of Conservation and Natural Resources. (NRS 590.700-590.920)

This bill allows the Division of Environmental Protection to spend not more than \$250,000 each year to pay for the costs incurred by the Division to clean up all discharges that involve petroleum, regardless of whether the discharges are from storage tanks. This bill further allows the Division to expend money to clean up discharges of other hazardous materials if the discharges also involve a cleanup of petroleum. Money from the Fund expended by the Division must be used to augment, not replace, other sources of money for cleaning up discharges of petroleum, unless no money is available from those other sources. If the Division expends money to clean up a discharge involving petroleum, this bill requires the operator of the tank to reimburse the Division for his share of the costs of the clean up.

Existing law requires the Board for the Regulation of Liquefied Petroleum Gas to provide 10 days' notice to licensees and applicants for licenses from the Board before adopting any regulations relating to safety.

This bill eliminates the requirement of providing such notice.