

**ADOPTED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R030-11

Effective October 26, 2011

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

AUTHORITY: §1, NRS 459.485 and 459.550.

A REGULATION relating to hazardous waste; eliminating a requirement for biennial reporting by generators of hazardous waste; and providing other matters properly relating thereto.

Section 1. NAC 444.8675 is hereby repealed.

TEXT OF REPEALED SECTION

444.8675 Biennial reports by generators of hazardous waste. (NRS 459.485, 459.550)

1. A generator shall submit to the Director a report for the hazardous waste generated during odd-numbered years no later than March 1 of the next following even-numbered year.
2. The biennial report must contain the information requested on the appropriate form supplied by the Division.
3. A generator shall retain a copy of each of his or her biennial reports for at least 3 years after the report became due. The period required for the retention of each such report is

automatically extended during the course of any unresolved action for enforcement regarding the generator or as requested by the Director.

4. As used in this section, “generator”:

(a) Has the meaning ascribed to it in 40 C.F.R. § 260.10; and

(b) Includes a person who has given notice that he or she is a generator of hazardous waste and holds an active identification number issued pursuant to 40 C.F.R. § 262.12.

Permanent Regulation - Filing Statement

Legislative Review of Adopted Regulations as Required
by Administrative Procedures Act, NRS 233B.066 & 233B.0603.10(f)

Nevada Division of Environmental Protection
Bureaus of Waste Management
State Environmental Commission (SEC)
LCB File No: R030-11

R030-11: Petition R030-11: This regulation deletes NAC 444.8675 which requires all holders of an active US EPA identification number (regardless of generator status) to file a biennial hazardous waste report with the Nevada Division of Environmental Protection. Deletion of this regulation would result in a modest burden reduction for small quantity generators of hazardous waste in Nevada (i.e., for those who would no longer be required to report). Adoption of this regulation would also make the State requirement for biennial hazardous waste reporting consistent with Federal regulations.

Of note, large quantity generators of hazardous waste as well as transfer, storage, and disposal facilities will still be required to submit the biennial hazardous waste report. The Nevada Division of Environmental Protection (NDEP) is required to receive, review and relay hazardous waste biennial report data only for large quantity generators and transfer/storage/disposal facilities to EPA Region IX, as a condition of maintaining Nevada's hazardous waste program grant with US EPA.

1. A description of how public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary.

The NDEP held a regulatory workshop for this regulation on September 14, 2011. The workshop was held in Carson City and videoconferenced to Las Vegas. At these meetings, the NDEP solicited comment on the proposed regulation. About 15 individuals attended the workshop. Minutes are available on the SEC web site at http://www.sec.nv.gov/main/hearing_1011.htm , see agenda item #6.

Following the workshops, the SEC held a regulatory hearing on October 5, 2011. The hearing was held in Reno at the Nevada Dept. of Wildlife, 1100 Valley Road. A public notice and agenda for the SEC regulatory hearing was posted at the meeting location, at the State Library in Carson City, and at the Offices of the Division of Environmental Protection in Carson City and Las Vegas. Copies of the agenda, the public notice, and the proposed permanent regulation were also made available to all public libraries throughout the state as well as to individuals on the SEC mailing lists.

The public notice for the permanent regulation was published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the SEC regulatory hearing. Other information about the regulation was made available on the SEC website at: http://sec.nv.gov/main/hearing_1011.htm

2. The number of persons who attended the SEC Regulatory Hearing:

- (a) Attended June 16, 2011 hearing: 20 (approx.)
- (b) Testified on this Petition at the hearing: 1 (1 NDEP)
- (c) Submitted to the agency written comments: 1

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses and responded to through e-mail and telephone exchanges, and the public workshops indicated in number 1 above.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

No changes were made to the regulation. The regulation was adopted by the SEC as presented. The permanent regulation was not changed.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There will be no additional costs to the agency for enforcement of the proposed regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

This regulation does not duplicate any other federal, state or local regulation.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

The regulation is not more stringent than any federal regulation or guidance.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The regulation does not address fees.