

**ADOPTED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

**LCB File No. R175-05**

Effective May 4, 2006

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

AUTHORITY: §§1-12 and 14-19, NRS 459.485; §13, NRS 459.485 and 459.550.

A REGULATION relating to hazardous waste; revising the date on which certain regulations are adopted by reference; revising the address of the office of the Division of Environmental Protection of the State Department of Conservation and Natural Resources for purposes of obtaining certain information; and providing other matters properly relating thereto.

**Section 1.** NAC 444.8427 is hereby amended to read as follows:

444.8427 “Facility for community recycling” means a facility for recycling hazardous waste which has a yearly capacity that is not more than twice the amount of the type of hazardous waste proposed to be recycled that is generated within the region in this State in which the facility is or is proposed to be located, as determined by the generation rate contained in the biennial report required by the provisions of 40 C.F.R. § 262.41, as that section existed on July 1, ~~[2003.]~~ *2005*.

**Sec. 2.** NAC 444.84275 is hereby amended to read as follows:

444.84275 “Facility for community storage” means a facility for the storage and consolidation of hazardous waste which has a yearly capacity that is not more than twice the amount of hazardous waste that is generated within the county in which the facility is or is proposed to be located, as determined by the generation rate contained in the biennial report required by the provisions of 40 C.F.R. § 262.41, as that section existed on July 1, ~~[2003.]~~ *2005*.

**Sec. 3.** NAC 444.850 is hereby amended to read as follows:

444.850 As used in NAC 444.850 to 444.8746, inclusive, unless the context otherwise requires:

1. The words and terms defined in NAC 444.8505 to 444.861, inclusive, have the meanings ascribed to them in those sections.

2. Except for the words and terms otherwise defined in NAC 444.8505 to 444.861, inclusive, the words and terms defined in 40 C.F.R. § 260.10, as that section existed on July 1, ~~2003,~~ 2005, have the meanings ascribed to them in that section.

**Sec. 4.** NAC 444.8618 is hereby amended to read as follows:

444.8618 A generator, transporter or facility owner or operator who is required to obtain an EPA identification number pursuant to 40 C.F.R. § 262.12, 263.11, 264.1(j)(1), 264.11 or 265.11 may obtain information relating to the procedure to obtain the identification number and an application by submitting a request in writing to the Division of Environmental Protection, ~~333 West Nye Lane, Room 138,~~ *Bryan State Office Building, 901 South Stewart Street*, Carson City, Nevada ~~89706-0851,~~ *89701-5249*, or by telephone at (775) 687-9481.

**Sec. 5.** NAC 444.8632 is hereby amended to read as follows:

444.8632 1. In addition to the requirements of NAC 444.850 to 444.8746, inclusive, a person who generates, transports, treats, stores, disposes or otherwise manages hazardous waste or used oil shall comply with all applicable requirements of, and may rely upon applicable exclusions or exemptions under, 40 C.F.R. Part 2, Subpart A, Part 124, Subparts A and B, Parts 260 to 270, inclusive, Part 273 and Part 279, as those provisions existed on July 1, ~~2003,~~ 2005, which, except as otherwise modified by NAC 444.86325, 444.8633 and 444.8634, are hereby adopted by reference. The Commission may use federal statutes and regulations that are cited in

40 C.F.R. Part 2, Subpart A, Part 124, Subparts A and B, Parts 260 to 270, inclusive, Part 273 and Part 279 to interpret ~~these~~ *those* sections and parts.

2. The volumes containing ~~these~~ *those* parts may be obtained from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, for the following prices:

- (a) Volume 40 C.F.R. Part 2 ..... \$60
- (b) Volume 40 C.F.R. Part 124 ..... ~~43~~ *45*
- (c) Volume 40 C.F.R. Parts 260 to 265, inclusive ..... 50
- (d) Volume 40 C.F.R. Parts 266 to 299, inclusive ..... ~~47~~ *50*

**Sec. 6.** NAC 444.86325 is hereby amended to read as follows:

444.86325 1. The following sections and parts of Title 40 of the Code of Federal Regulations, and any reference to ~~these~~ *those* sections and parts, are not adopted by reference:

- (a) ~~Sections 2.106(b) and 2.110;~~ *Section 2.101(a)(1)-(10);*
- (b) Sections 124.1(b)-(e), 124.4, 124.5(e), 124.9, 124.10(a)(1)(iv), 124.15(b)(2), 124.16, 124.17(b), 124.18, 124.19 and 124.21;
- (c) Sections 260.1(b)(4)-(6) and 260.20, 260.21 and 260.22;
- (d) Section 261.5(j);
- (e) Part 262, Subpart H;
- (f) Sections 264.1(d), 264.1(f), 264.149, 264.150, 264.301(1), *264.1050(h)*, 265.1(c)(4), 265.149, 265.150 ~~and 265.430;~~ *265.430 and 265.1050(g);*
- (g) Section 266.111;
- (h) Sections 268.5 and 268.6, Part 268, Subpart B, and sections 268.42(b) and 268.44;
- (i) Sections 270.1(c)(1)(i), 270.60(b) and 270.64; and

(j) Sections 279.10(b)(2), 279.10(b)(3), 279.10(c), 279.10(d)(1), 279.42(b)(2), 279.51(b)(2), 279.62(b)(2) and 279.73(b)(2).

2. The following parts and sections of Title 40 of the Code of Federal Regulations are adopted by reference, as revised in this subsection:

(a) Part 124 is adopted with the following exceptions:

(1) Delete all references to appeals to the Administrator in section 124.5(b);

(2) Delete all references to “EPA-issued permits” and insert in its place “permits issued by the Department,” except in sections 124.5(d), 124.10(b) and 124.10(d)(1)(vi);

(3) Delete all references to “when EPA is the permitting issuing authority” and insert in its place “when the Department is authorized to issue a permit,” except in sections 124.5(d), 124.10(b) and 124.10(d)(1)(vi);

(4) Subpart A is adopted solely for the purpose of establishing procedures for permits for the management of hazardous waste, except that all references to “UIC,” “PSD” and “NPDES” are deleted;

(5) Delete all references to “RCRA part B,” “part B RCRA” and “part B” and insert in their place “NRS 459.400 to 459.600, inclusive,” in sections 124.31 and 124.32; and

(6) Delete from sections 124.31(a), 124.32(a) and 124.33(a) the following sentence: “For the purposes of this section only, ‘hazardous waste management units over which EPA has permit issuance authority’ refers to hazardous waste management units for which the State where the units are located has not been authorized to issue RCRA permits pursuant to 40 C.F.R. part 271.”

(b) Section 260.2(a) is adopted except that the Freedom of Information Act, 5 U.S.C. section 552, section 3007(b) of RCRA and EPA regulations implementing the Freedom of Information

Act and section 3007(b) must be replaced with “NRS 459.555 and any regulations adopted pursuant thereto.”

(c) Section 260.33(b) is adopted except that “in the locality where the recycler is located” is deleted.

(d) Section 260.41(a) is adopted except that “or unless review by the Administrator is requested. The order may be appealed to the Administrator by any person who participated in the public hearing. The Administrator may choose to grant or to deny the appeal” is deleted.

(e) Section 261.4(e)(3)(iii) is adopted except that “in the Region where the sample is collected” is deleted.

(f) Section 262.11(c)(1) is adopted except that “, or according to an equivalent method approved by the Administrator under 40 C.F.R. Part 260.21” is deleted.

(g) Sections 262.42(a)(2) and 262.42(b) are adopted except that “for the Region in which the generator is located” is deleted.

(h) Sections 264.18(c) and 265.18 are adopted except that “except for the Department of Energy Waste Isolation Pilot Project in New Mexico” is deleted.

(i) Sections 264.143(h), 264.145(h), 265.143(g) and 265.145(g) are adopted except that “If the facilities covered by the mechanism are in more than one Region, identical evidence of financial assurance must be submitted to and maintained with the Regional Administrators of all such Regions” is deleted.

(j) Sections 264.147(a)(1)(i), 264.147(b)(1)(i) and 265.147(a)(1)(i) are adopted except that “or Regional Administrators if the facilities are located in more than one Region” is deleted.

(k) Section 264.151 is adopted with the following exceptions:

(1) Delete all references to “(of/for) the Regions in which the facilities are located”; and

(2) Delete “an agency of the United States Government” from the second paragraph of the trust agreement.

(l) Part 270 is adopted except that all references to “interim authorization” are deleted.

(m) Section 279.40(c) is adopted except that “unless, under the provisions of § 279.10(b), the hazardous waste/used oil mixture is determined not to be hazardous waste” is deleted.

**Sec. 7.** NAC 444.8633 is hereby amended to read as follows:

444.8633 Except as otherwise provided in NAC 444.8634:

1. Any references in any part of Title 40 of the Code of Federal Regulations to the U.S. Environmental Protection Agency, “United States Environmental Protection Agency,” “Agency,” “EPA Headquarters,” “EPA Region(s)” or “EPA” which have been adopted by reference shall be deemed to mean the “Department” with the following exceptions:

- (a) Any reference to “EPA” identification numbers;
- (b) Any reference to “EPA” hazardous waste numbers;
- (c) Any reference to “EPA” test methods;
- (d) Any reference to “EPA” forms;
- (e) Any reference to “EPA” publications or manuals;
- (f) Any reference to “EPA” guidance;
- (g) Any reference to “EPA” Acknowledgment of Consent; ~~and~~
- (h) Any reference to “EPA” or “Agency” in:

(1) Sections 124.1(f), 124.2(b), 124.6(e) and 124.10(c)(1)(ii);

(2) The provisions of section 124.2(a) defining “Administrator,” “Director,” “EPA,” “permit,” “person” and “Regional Administrator”;

- (3) The provisions of section 260.10 defining “Administrator,” “EPA Region,” “federal agency,” “person” and “Regional Administrator”;
- (4) Part 260, Appendix I;
- (5) Part 261, Appendix IX;
- (6) Section 262.32(b), Part 262, ~~Subpart E,~~ *Subparts E and F, and* the Appendix to Part 262;
- (7) The Note following section 263.10(a);
- (8) Sections 264.11 ~~and 265.11;~~ *264.71, 265.11 and 265.71;*
- (9) Section 268.1(e)(3);
- (10) Sections 270.1(a)(1), 270.1(b), 270.3, 270.5, 270.10(e)(1)-(2), 270.11(a)(3), 270.32(a), 270.32(c), 270.51, 270.72(a)(5) and 270.72(b)(5); and
- (11) The provisions of section 270.2 defining “Administrator,” “approved program or approved State,” “Director,” “Environmental Protection Agency,” “EPA,” “final authorization,” “permit,” “person,” “Regional Administrator” and “state/EPA agreement ~~[.]~~”; *and*
  - (i) *Any reference to “EPA,” “Agency” or “EPA Director of the Office of Solid Waste” in section 262.21 and any subsequent reference to EPA’s oversight of the manifest registry process in Part 262, Subparts C and E.*

2. Any references in any part of Title 40 of the Code of Federal Regulations to the “Regional Administrator” or “Administrator” which have been adopted by reference shall be deemed to mean the “Director” with the following exceptions:

- (a) The provisions of section 124.2(a) defining “Administrator,” “Director,” “interstate agency,” “major facility” and “Regional Administrator”;
- (b) Sections 124.2(b), 124.5(d), 124.6(e) and 124.10(b);

(c) The provisions of section 260.10 defining “Administrator,” “Regional Administrator” and “hazardous waste constituent”;

(d) Section 261.30(b) and Part 261, Appendix IX;

(e) Section 262.12, Part 262, Subpart E ~~§~~ and the Appendix to Part 262;

(f) Sections 263.11 and 264.1(j)(1);

(g) Sections 264.12(a) and 265.12(a);

(h) The provisions of section 270.2 defining “Administrator,” “Director,” “major facility,” “Regional Administrator” and “state/EPA agreement”; and

(i) Sections 270.3, 270.5, 270.10(e)(1)-(2), 270.10(e)(4), 270.10(f)-(g), 270.11(a)(3), 270.14(b)(20), 270.32(b)(2) and 270.51.

3. Any references in any part of Title 40 of the Code of Federal Regulations to the Resource Conservation and Recovery Act, “RCRA,” “Subtitle C of RCRA,” “RCRA Subtitle C” or “Subtitle C” which have been adopted by reference shall be deemed to mean “NRS 459.400 to 459.600, inclusive,” when referring to an operating permit or to the federal hazardous waste program, with the following exceptions:

(a) Any references to a specific provision of the Resource Conservation and Recovery Act, “RCRA,” “Subtitle C of RCRA,” “RCRA Subtitle C” or “Subtitle C”;

(b) The provisions of section 124.2 defining “appropriate act and regulations” and “RCRA”;

(c) The provisions of section 260.10 defining “Act or RCRA”;

(d) Part 260, Appendix I;

(e) Part 261, Appendix IX;

(f) The Appendix to Part 262;

(g) Section 270.1(a)(2); and

(h) The provisions of section 270.2 defining “RCRA” and the provision of section 270.51 defining “RCRA permit.”

4. Following any references in any part of Title 40 of the Code of Federal Regulations to a specific provision of the Resource Conservation and Recovery Act, “RCRA,” “Subtitle C of RCRA,” “RCRA Subtitle C” or “Subtitle C,” which have been adopted by reference, the phrase “or any comparable provisions of NRS 459.400 to 459.600, inclusive, and any regulations adopted pursuant thereto” shall be deemed to be added with the following exceptions:

- (a) Section 270.1(a)(2);
- (b) Section 270.72(a)(5); and
- (c) Section 270.72(b)(5).

5. Any references in any part of Title 40 of the Code of Federal Regulations to the “Department of Transportation” or “DOT” which have been adopted by reference shall be deemed to mean “the Department of Transportation of the United States.”

6. Any references in any part of Title 40 of the Code of Federal Regulations to “state(s),” “authorized state,” “approved state” or “approved program” which have been adopted by reference shall be deemed to mean “Nevada” with the following exceptions:

- (a) The provisions of section 124.2(a) defining “Director,” “interstate agency,” “person” and “state”;
- (b) The provisions of section 260.10 defining “person,” “state” and “United States”;
- (c) Part 262;
- (d) Sections 264.143(e)(1), 264.145(e)(1), 264.147(a)(1)(ii), 264.147(b)(1)(ii), 264.147(g)(2) and 264.147(i)(4);

(e) Sections 265.143(d)(1), 265.145(d)(1), 265.147(a)(1)(ii), 265.147(g)(2) and 265.147(i)(4); and

(f) The provisions of section 270.2 defining “approved program or approved State,” “Director,” “final authorization,” “person” and “state.”

**Sec. 8.** NAC 444.8634 is hereby amended to read as follows:

444.8634 1. Any reference to the following terms in 40 C.F.R. Part 2, Subpart A, shall be deemed to have the meanings ascribed thereto in this section:

(a) “District court of the United States” or “Federal district court” shall be deemed to mean “district court in Nevada”;

(b) “Federal agency” shall be deemed to mean “state agency”;

(c) Except in section ~~2.118(a),~~ **2.105(a)**, Freedom of Information Act, “FOIA,” the “Act” or “5 U.S.C. 552” shall be deemed to mean “NRS 459.555 and any regulations adopted pursuant thereto”;

(d) “Freedom of information officer” shall be deemed to mean the “Administrator of the Division or his designee”;

(e) “General counsel” shall be deemed to mean the “Attorney General of Nevada”;

(f) Any addresses shall be deemed to mean the “Division of Environmental Protection, ~~333 W. Nye Lane, Room 138,~~ **Bryan State Office Building, 901 South Stewart Street**, Carson City, Nevada ~~89706-0851”;~~ **89701-5249”;**

(g) Any references to the employment rankings of “GS-8” or “GS-9” shall be deemed to mean, respectively, “grade 31” and “grade 32” of the Nevada Personnel System established pursuant to NRS 284.170, and any reference to a fee for the cost of staff time shall be deemed to mean, respectively, \$15 and \$22.50 per half hour;

(h) Any references to duplication or reproduction charges of “\$0.15 per page” shall be deemed to mean “10 cents per page”; and

(i) Any reference to an officer except the general counsel shall be deemed to mean the “Administrator of the Division.”

2. Any reference to the “Administrator” in 40 C.F.R. 262.12, 263.11 or 264.1(j)(1) shall be deemed to include the “Director.”

3. Any reference to the “EPA” in 40 C.F.R. 264.11 or 265.11 shall be deemed to include the “Director.”

4. Fees required to be paid to the “U.S. Environmental Protection Agency” or the “United States Environmental Protection Agency” pursuant to section ~~2.120~~ 2.107 of 40 C.F.R. must be paid to the “State of Nevada” and deposited in the Account for the Management of Hazardous Waste.

**Sec. 9.** NAC 444.8688 is hereby amended to read as follows:

444.8688 1. A person shall not transfer hazardous waste from a transport vehicle directly to a boiler or industrial furnace without the use of a storage unit.

2. An owner or operator of a boiler or industrial furnace may transfer hazardous waste from a transport vehicle to the boiler or furnace using a storage unit if he first obtains a permit for the storage of hazardous waste in the manner prescribed by 40 C.F.R. Part 270, as that part existed on July 1, ~~2003~~ 2005.

**Sec. 10.** NAC 444.8871 is hereby amended to read as follows:

444.8871 1. The provisions of NAC 444.8801 to 444.9071, inclusive, apply to used antifreeze that is recycled and is determined to be a hazardous waste because:

(a) It exhibits a characteristic of hazardous waste which is identified in 40 C.F.R. Part 261, Subpart C, as that part existed on July 1, ~~2003;~~ 2005; or

(b) It was designated as a hazardous waste in the state of its origin.

2. The provisions of NAC 444.8801 to 444.9071, inclusive, do not apply to used antifreeze which will be disposed of and not recycled, or to mixtures of used antifreeze and hazardous waste. The used antifreeze described in this subsection is governed by the provisions of NAC 444.850 to 444.8746, inclusive.

**Sec. 11.** NAC 444.8881 is hereby amended to read as follows:

444.8881 1. Each storage tank that is underground which stores used antifreeze must comply with the requirements of 40 C.F.R. Part 265, Subpart J, as that subpart existed on July 1, ~~2003;~~ 2005.

2. Each pipe that transfers used antifreeze to storage tanks that are underground must be clearly marked with the words “Used Antifreeze.”

**Sec. 12.** NAC 444.8926 is hereby amended to read as follows:

444.8926 1. A generator of used antifreeze may recycle his used antifreeze for his own use if the recycling:

(a) Is performed by the generator at a site which is located where the used antifreeze was generated; or

(b) Is performed pursuant to a written contract by a mobile unit for the recycling of used antifreeze which is located where the used antifreeze was generated.

2. Used antifreeze which is recycled pursuant to this section will not be calculated in the determination of the status of the generator of used antifreeze as a generator of hazardous waste pursuant to 40 C.F.R. Part 262, as that part existed on July 1, ~~2003;~~ 2005.

3. A person who performs recycling pursuant to this section shall manage any waste which is generated during the recycling process pursuant to the provisions of NAC 444.850 to 444.8746, inclusive.

4. A generator who recycles his used antifreeze pursuant to paragraph (a) of subsection 1 is not required to obtain a written determination pursuant to NAC 444.8455 and 444.84555.

**Sec. 13.** NAC 444.8931 is hereby amended to read as follows:

444.8931 1. Except as otherwise provided in this section, a generator of used antifreeze shall ensure that his used antifreeze is transported by persons who hold an identification number.

2. A generator may transport, without an identification number, used antifreeze generated at a site which is owned by the generator or collected from a person who generated the used antifreeze from his household if:

(a) The used antifreeze is transported in a motor vehicle which is owned by the generator or an employee of the generator;

(b) Not more than 350 gallons of used antifreeze is transported at one time; and

(c) The used antifreeze is transported to a point for aggregation or a center for the collection of used antifreeze which is registered pursuant to NAC 444.8921.

3. Used antifreeze which is transported pursuant to this section will not be calculated in the determination of the status of the generator of used antifreeze as a generator of hazardous waste pursuant to 40 C.F.R. Part 262, as that part existed on July 1, ~~2003,~~ 2005, if he maintains records which describe the disposition of the used antifreeze. The records must be maintained for at least 3 years and be made available, upon request, for inspection by a representative of the Division or the Commission. The records may be in the form of a log, copies of contractual

agreements, invoices, bills of lading or other documents relating to shipping which show each shipment of used antifreeze that is transported for recycling. The records must include:

- (a) The name and address of the generator;
- (b) The identification number of the generator, if he has an identification number;
- (c) The name and address of the center for the collection of used antifreeze or the facility for the recycling of used antifreeze with whom the generator has contracted to recycle the used antifreeze;
- (d) The identification number of the center or facility, if it has an identification number;
- (e) The amount of used antifreeze that is transported for recycling; and
- (f) The signature and date of acceptance of the representative of the center or facility.

**Sec. 14.** NAC 444.8941 is hereby amended to read as follows:

444.8941 If a transporter of used antifreeze transports used antifreeze in a truck which was used to transport hazardous waste, he shall manage the used antifreeze as a hazardous waste pursuant to the provisions of NAC 444.850 to 444.8746, inclusive, unless he removes the hazardous waste from the truck in accordance with 40 C.F.R. § 261.7, as that section existed on July 1, ~~2003,~~ 2005, before he transports the used antifreeze.

**Sec. 15.** NAC 444.8951 is hereby amended to read as follows:

444.8951 1. Except as otherwise provided in subsection 2 of NAC 444.8931, a transporter of used antifreeze must hold an identification number. A person may obtain information relating to the procedure to obtain the identification number and an application by submitting a request in writing to the Division of Environmental Protection, ~~333 West Nye Lane, Room 138,~~ *Bryan State Office Building*, Carson City, Nevada ~~89706-0851,~~ *89701-5249*, or by telephone at (775) 687-9481.

2. A transporter of used antifreeze shall comply with all applicable provisions of 49 C.F.R. Parts 173, 178 and 179, which govern the packaging, labeling and placarding of hazardous waste.

**Sec. 16.** NAC 444.8996 is hereby amended to read as follows:

444.8996 1. An owner or operator of a facility for the recycling of used antifreeze shall obtain a written determination from the Administrator pursuant to NAC 444.8455 and 444.84555.

2. An owner or operator of a facility for the recycling of used antifreeze shall obtain an identification number. A person may obtain information relating to the procedure to obtain the identification number and an application by submitting a request in writing to the Division of Environmental Protection, ~~[333 West Nye Lane, Room 138,]~~ *Bryan State Office Building, 901 South Stewart Street*, Carson City, Nevada ~~[89706-0851,]~~ *89701-5249*, or by telephone at (775) 687-9481.

**Sec. 17.** NAC 444.9006 is hereby amended to read as follows:

444.9006 1. Except as otherwise provided in subsection 2, if a storage tank that is above the ground is no longer used at a facility for the recycling of used antifreeze, the owner or operator of the facility shall ensure that the used antifreeze, including its residue, is decontaminated or removed from the storage tank, system for containment, soil and other structures or equipment which are contaminated with used antifreeze. The owner or operator shall manage the used antifreeze as a hazardous waste unless it does not exhibit a characteristic of hazardous waste identified in 40 C.F.R. Part 261, as that part existed on July 1, ~~[2003.]~~ *2005*.

2. If the owner or operator demonstrates to the satisfaction of the Division that the used antifreeze cannot be removed or decontaminated as required by subsection 1, he must follow the

procedures for closure and postclosure ~~which are~~ set forth in 40 C.F.R. § 265.310, as that section existed on July 1, ~~2003.~~ 2005.

**Sec. 18.** NAC 444.9011 is hereby amended to read as follows:

444.9011 If a facility for the recycling of used antifreeze is closed, the owner or operator of the facility shall ensure that containers which are used to store used antifreeze, including its residue, are removed from the facility and that systems for containment, soil and other structures or equipment which are contaminated with used antifreeze are decontaminated or removed. Material that is removed must be managed as a hazardous waste unless it does not exhibit a characteristic of hazardous waste which is identified in 40 C.F.R. Part 261, as that part existed on July 1, ~~2003.~~ 2005.

**Sec. 19.** NAC 444.9452 is hereby amended to read as follows:

444.9452 1. All sections, subparts and parts of Title 40 of the Code of Federal Regulations referred to in NAC 444.940 to 444.9555, inclusive, as modified by NAC 444.9453, are hereby adopted by reference as ~~they~~ *those sections, subparts and parts* existed on July 1, ~~2003.~~ 2005.

2. The volumes containing ~~these~~ *those* sections, subparts and parts may be obtained from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, for the following prices:

- (a) The volume containing 40 C.F.R. Parts 260 to 265, inclusive .....\$50
- (b) The volume containing 40 C.F.R. Parts 266 to 299, inclusive.....~~47~~ 50
- (c) The volume containing 40 C.F.R. Part 761 .....61

**NOTICE OF ADOPTION OF PROPOSED REGULATION  
LCB File No. R175-05**

The State Environmental Commission adopted regulations assigned LCB File No. R175-05 which pertain to chapter 444 of the Nevada Administrative Code on March 8, 2006.

**Notice date:** 2/1/2006  
**Hearing date:** 3/8/2006

**Date of adoption by agency:** 3/8/2006  
**Filing date:** 5/4/2006

**INFORMATIONAL STATEMENT**

This regulation incorporates changes to the federal hazardous waste regulations that are currently in conflict with Nevada's existing State regulations. The regulation will revise State regulations to be more consistent with federal regulations.

The federal regulatory changes adopted by US EPA which are now being adopted by Nevada include clarification of the used oil management standards, revisions to the National Performance Track Program, new listing of hazardous wastes from the dye and pigment industries and revisions to related land disposal restrictions. The regulatory changes also include standardization of the Uniform Hazardous Waste Manifest and updates to the analytical and sampling methods approved for use in complying with Resource Conservation Recovery and Act (RCRA) regulations.

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

The Nevada Division of Environmental Protection (NDEP) held one workshop on the above referenced regulation. The purpose of the workshop was to inform the public and regulated community about the proposed regulatory changes and solicit comments from interested persons. Time and location of the workshop is noted below.

October 19, 2005 - 9:00 AM  
Nevada Division of Environmental Protection  
Richard H. Bryan State Office Building  
901 South Stewart Street,  
Conference Room 413 Carson City, Nevada

The State Environmental Commission (SEC) held a public hearing to consider this regulation on March 8th, 2006 at the Washoe County Commission Chambers in Reno, Nevada.

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

- (a) Attended March 08, 2006 hearing; 70
- (b) Testified on this Petition at the hearing: 1
- (c) Submitted to the agency written comments: (none)

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

Comments were solicited from affected businesses as indicated in number 1 above. Comments were also solicited by State Environmental Commission (SEC) in the SEC notice in the newspapers, by direct mail to interested persons subscribing to the SEC electronic and ground-based mailing list.

The public notice for the referenced SEC meeting was also sent to county libraries throughout the state and the proposed regulation was made available for public inspection at the State Library in Carson City, and at the offices of the Nevada Division of Environmental Protection in Carson City and Las Vegas. The workshop notice, summary of comments received at the workshop, the proposed regulation, the SEC public notice and the SEC meeting agenda were also made available on SEC Website at: <http://www.sec.nv.gov/main/hearing030806.htm>

**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 proposed at the State Environmental Commission Hearing, either by NDEP staff, the public or the Commission. Consensus on the proposed changes was obtained prior to the Hearing, during the drafting and public workshop process.

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

No anticipated economic effects will result from adoption of this regulation

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

There will be no additional costs to the Nevada Division of Environmental Protection for implementing this 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.**

The regulation does not overlap or duplicate any regulations of other state, federal or local agencies.

**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 no more stringent than what is established by federal law.

**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.**

This regulation does not address fees changes.