

Notes from the
Hazardous Waste Regulations Workshop
LCB 091-16

The workshop was held on September 21, 2016, in Carson City with a video link to NDEP's Las Vegas office. A total of 20 members of the public attended. Copies of the proposed state regulations were distributed to the attendees.

Jim Trent and Valerie Kauffman of the Nevada Division of Environmental Protection-Bureau of Waste Management conducted the workshop. Jim Trent called the meeting to order at 10:10 AM and made the following remarks.

1. The workshop will discuss the proposed changes to the state hazardous waste regulations contained in Petition R091-16. No decisions will be made.
2. Public comments were solicited with none forthcoming.
3. Background information on the regulatory revision process was provided. In order to remain consistent with federal regulations and authorized to enforce them in lieu of the US EPA, Nevada is required to periodically update its state hazardous waste regulations in responses to changes made at the federal level. NDEP has adopted the federal hazardous waste regulations through 2008. Once lawsuits involving federal regulations passed in 2009 through 2015, are resolved, BWM will move forward with a petition to update our adoption by reference of federal regulations. Last year, EPA Region IX conducted a comprehensive review of Nevada's hazardous waste regulations from 1985 through 2015. With this petition Nevada is addressing federal concerns related to regulations approved through July 1, 2008, and is proposing two minor state-initiated revisions.
5. Please note that although there are 37 sections to the petition, the same few changes are being proposed in multiple locations and the NDEP is *not* revising our adoption by reference date of federal regulations or adding any new regulations. No economic impact is expected. The proposed changes are briefly described below.
6. In Sections 2, 3, 14, 29, 31, 32, 33, 34, 35, 36 and 37, the specific adoption by reference date (currently July 1, 2008) is to be deleted from provisions of state regulations that refer to individual federal regulations. This will result in a single adoption by reference date in our state hazardous waste regulations at NAC 444.8632. Deleting the unnecessary date references will make the regulations consistent throughout the various portions and make future adoption by reference petitions simpler and more concise by reducing the number of regulations that must

be updated.

7. Sections 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, 19, 20, 21, 22, 23 24, 25, 26, 27, 28 and 30, add the phrase “as adopted by reference in NAC 444.8632” to additional portions of the state regulations that also reference individual federal regulations. When these revisions are approved, these regulations will be in the same format and consistent with the group of regulations discussed previously.

8. Sections 5, 8, 9, 13, 17 and 20, correct minor omissions noted by EPA Region IX in their comprehensive review by adding Part 124, Subpart G, specifying that the adopted subparts (H, I and J) of Part 270 relate to RCRA permits and updating the prices for copies of various CFR Parts should you wish to order them.

9. Finally in Section 18, references to Section 267.150, an obsolete federal regulation which does not apply in Nevada, is deleted in two spots and the wording for financial assurance instruments which cover facilities in more than one state are revised and clarified.

10. Two questions were asked and answered.

A. Q: Do these revisions make significant changes on hazardous waste management in Nevada, will they cost more money? **A: *No, these revisions will not change waste management practices in Nevada nor have an economic impact on generators.***

B. Q: If 260.150 is to be deleted, why is it not in brackets? **A: *In Section 18 (NAC 444.86325), “267.150” is un-bracketed in two different places because it is being added to lists of not-adopted or deleted items.***

11. Public comments were solicited again, none were forthcoming.

12. Questions can be directed to Jim Trent or Valerie Kauffman up through October 11, 2016. This petition is scheduled to be heard at the State Environmental Commission meeting on October 12, 2016, in Carson City.