

Minutes of the
HAZARDOUS WASTE REGULATIONS WORKSHOPS
Nevada Division of Environmental Protection

January 12, 2004

A workshop was held on January 6, 2004, in Carson City. Copies of the proposed state regulations were distributed to the attendees.

Jim Trent of the Bureau of Waste Management made the following remarks:

1. The intent of the workshop is to provide an informal opportunity for the public to comment on the proposed regulations.
2. Current state regulations define all waste designated as hazardous by another state as hazardous when brought into Nevada. The proposed revisions define two subcategories of waste (*remediation wastes* and federally *delisted wastes*) that are generated outside the state and provide a conditional exclusion for them from the state definition of hazardous waste provided they are not RCRA hazardous waste and are disposed at a hazardous waste management facility. The intent of the change is to relieve these waste's from Nevada's hazardous waste fee structure and help the Beatty facility maintain a competitive presence in the region. This will help support ongoing hazardous waste disposal capacity in the state.
3. The current version of the proposed regulations as drafted by LCB is slightly different from the original version prepared by NDEP. However there are no substantive changes.
4. The proposed regulations will likely be presented to the State Environmental Commission (SEC) in February. If approved, they should become effective as state regulations in late March.
5. Letters from the Department of Energy (DOE) in Las Vegas and the Toxic Assessment Group (TAG) of Stewarts Point, California, were received after the workshop. Both parties requested an extension of the time period for submitting comments. However, no extension for submitting comments is needed. The January 9, 2004, date was the deadline for submitting comments and/or questions for the workshop minutes. Interested parties may continue to submit comments to NDEP. A State Environmental Commission meeting to formally vote on the proposed regulation revisions has not yet been scheduled. Once a hearing is scheduled, persons wishing to comment on the proposed regulations may appear at the public hearing or may address their comments, data, views or arguments, in written form to the State Environmental Commission, 333 West Nye; Lane, Room 138, Carson City, Nevada 89706-0851. Written submissions must be received at least five days before the scheduled public hearing.
6. DOE questioned whether subsection 3 of NAC 444.483 in the proposed revisions might be construed as meaning any remediation or delisted waste not disposed in a hazardous waste management facility would be hazardous waste. This is not the intention of the proposed regulation. Subsection 3 is intended only to be a modifier of subsection 2(c) regarding out-of-state waste and not a stand-alone definition of hazardous waste. The wording will be reviewed by NDEP and LCB and revised if necessary for clarification.

Other questions and concerns expressed at the workshop and/or received in writing are addressed below:

Questions/*Answers*.

7. Will there be a disposal fee on the new wastes? *Yes, a \$3.00 per ton payment is proposed for non-*

RCRA remediation and delisted waste that is disposed at a hazardous waste management facility. The charge will be imposed at the Beatty facility through NDEP's lease agreement with US Ecology.

8. Is the proposed \$3.00 payment subject to SEC approval? ***No, it would be implemented through an amendment to the facility's lease agreement. Interested parties may provide comments to NDEP regarding the proposed charge.***

9. Is the intent of this regulation to increase the amount of waste being shipped from California to Nevada? ***The intent of the proposed regulations is to help the Beatty facility remain competitive and preserve instate hazardous waste disposal capacity. NDEP acknowledges that the proposed change may likely increase the amounts of certain wastes shipped to Nevada.***

10. Was the proposed change coordinated with the Western Governors Association or State of California?

No. The importance of keeping the Beatty facility competitive and preserving in-state hazardous waste disposal capacity were discussed with the Nevada Governor's office before NDEP proceeded with proposing the revisions.

11. Would a manifest be required for movement of the newly defined wastes in or through Nevada? ***The wastes no longer considered hazardous under the proposed change would no longer require a manifest to travel to Nevada. However, since these wastes would require disposal at a hazardous waste management facility, information regarding origin, type and quantity of waste would still be available. Similarly, wastes excluded by the proposed change that travel through Nevada to an out-of-state final destination, would no longer be subject to Nevada manifest requirements.***

12. Has NDEP received any letters regarding the proposed changes? ***Letters supporting the proposed revisions have been received from Joni Eastley-Vice Chairman, Nye County Board of Commissioners; State Senators Mike McGinness and Dean A. Rhoads, State Assemblyman Rod Sherer and Ray Bacon-Executive Director of the Nevada Manufacturers Association. A copy of a resolution from the Nye County Board of Commissioners supporting the proposed regulation changes was also received.***

A copy of the proposed regulations and workshop minutes may be obtained by calling NDEP at (775) 687-9478 or may be viewed and downloaded via NDEP's public notice website at <http://ndep.nv.gov/admin/public.htm>.