

**SECOND REVISED PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R037-13

July 15, 2014

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

AUTHORITY: §1, NRS 444.560.

A REGULATION relating to solid waste disposal; providing for the imposition of certain fees by the Division of Environmental Protection of the State Department of Conservation and Natural Resources relating to the operation of certain solid waste disposal sites; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Environmental Commission of the State Department of Conservation and Natural Resources to adopt regulations concerning the issuance of permits to construct or operate a disposal site. The Commission is further authorized to establish a schedule of fees for the issuance of permits or other approvals to operate solid waste management facilities which are located within the jurisdiction of the Department. (NRS 444.560) This regulation: (1) requires the Division of Environmental Protection of the Department to charge and collect certain fees for an application for the initial issuance of a permit or letter of approval to operate certain solid waste disposal sites; (2) requires the Division to charge and collect certain fees for an annual permit to operate certain solid waste disposal sites; (3) authorizes the Division to charge and collect certain annual permit fees during the period in which certain solid waste disposal sites require postclosure care; and (4) requires the Division to charge and collect certain fees for the substantive modification of an existing permit to operate a solid waste disposal site.

Section 1. Chapter 444 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Division shall charge and collect the following fees for an application for the initial issuance of a permit or letter of approval:

For an application submitted by a class I site proposed to receive, based on an annual average, less than 500 tons per day.....\$5,000

For an application submitted by a class I site proposed to receive, based on an annual average, 500 or more tons per day\$65,000

For an application submitted by a class III site proposed to receive, based on an annual average, less than 500 tons per day.....\$5,000

For an application submitted by a class III site proposed to receive, based on an annual average, 500 or more tons per day\$20,000

For an application to operate a transfer station\$1,000

For an application to operate a facility for the management of waste tires\$2,500

2. The Division shall, on or before July 31 of each year, charge and collect the following annual permit fees:

For a permit issued to a class I site receiving, based on an annual average, more than 100 but less than 500 tons per day, excluding class I sites which have received a waiver of the liner and groundwater monitoring requirements prescribed by this chapter.....\$5,000

<i>For a permit issued to a class I site receiving, based on an annual average, 500 or more tons per day</i>	<i>\$65,000</i>
<i>For a permit issued to a class III site receiving, based on an annual average, more than 20 but less than 500 tons per day</i>	<i>\$5,000</i>
<i>For a permit issued to a class III site receiving, based on an annual average, 500 or more tons per day</i>	<i>\$20,000</i>
<i>For a permit issued to a class III site primarily receiving by-products from the combustion of coal and receiving, based on an annual average, less than 100 tons per day.....</i>	<i>\$5,000</i>
<i>For a permit issued to a class III site primarily receiving by-products from the combustion of coal and receiving, based on an annual average, 100 or more tons per day</i>	<i>\$10,000</i>

3. The Division shall charge and collect the annual permit fee prescribed by subsection 2 for each year during which a disposal site requires a permit for its operation. Upon the closure of the disposal site and for each year during which the disposal site requires postclosure care, the Division may charge and collect an annual permit fee in an amount equal to:

(a) For each year during the first 5 years of postclosure care, 50 percent of the annual permit fee charged during the permitting period immediately preceding closure.

(b) For each year after the first 5 years of postclosure care, 10 percent of the annual permit fee charged during the permitting period immediately preceding closure.

4. The Division shall, for the purpose of modifying an existing permit to operate a solid waste disposal site, charge and collect a fee in an amount equal to:

(a) For a proposal to modify a permit that is subject to the requirements for public notice and review pursuant to NAC 444.6435, 50 percent of the applicable fee prescribed by subsection 1.

(b) For any other proposal to modify a permit, \$250.

↳ Routine technical corrections and administrative updates shall not be deemed to be substantive modifications to permits for the purposes of charging and collecting a fee pursuant to this subsection.