

Permanent Regulation - Filing Statement

Nevada Division of Environmental Protection
Bureaus of Waste Management

Procedures For Grants To Enhance Solid Waste Management Systems And Promote The Efficient Use Of Resources

Legislative Review of Adopted Regulations as Required
By Administrative Procedures Act, NRS 233B.066

State Environmental Commission (SEC) Petition 2005-09 – LCB File R176-05

This regulation adds several new sections to Chapter 444A of the Nevada Administrative Code (NAC). The new regulation establishes procedures for the Division of Environmental Protection (NDEP) to award grants to municipalities, educational institutions, and nonprofit organizations for projects that enhance solid waste management systems and promote the efficient use of resources.

As way of background, the 2005 legislative session enacted SB 396 which modified NRS 444A.110. The new law authorized NDEP to award grants for the above referenced activities. It also required the State Environmental Commission (SEC) to adopt regulations governing the administration of the grants. This regulation carries out this requirement. The regulation outlines grant application requirements, eligibility determination, evaluation criteria, grant agreements, and procedures for disbursement of funds, grant termination, etc.

NDEP currently has a program to provide public education and support of recycling programs in Nevada through contracts. The new grants program is better suited for carrying out this function. The regulation will broaden the range of qualifying projects from recycling public education and support, to projects that enhance solid waste management systems and promote the efficient use of resources. NDEP will still utilize recycling contracts as necessary for entities that are not eligible to receive grants under the statute.

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 two workshops on the above referenced regulation. The purpose of the workshops 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 are noted below.

November 16, 2005 - 9:00 AM to 11:00 AM
Clark County Public Library,
1401 E. Flamingo Road
Las Vegas, NV

November 17, 2005 - 1:00 PM to 3:00 PM
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: 2 (NDEP Staff)
- (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, 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.