

## **Permanent Regulation - Filing Statement**

Nevada Division of Environmental Protection  
**Bureau of Waste Management**

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

### **State Environmental Commission (SEC)**

**LCB File No. R015-08**

SEC # P2008-07

**Regulation R015-08: Adopt by Reference, Hazardous Waste Regulation:** This regulation amends chapter 444 of the Nevada Administrative Code: The amendment is necessary to incorporate changes to the federal hazardous waste regulations that are currently in conflict with existing state regulations.

Federal regulatory changes adopted by US EPA between July 1, 2006 and July 1, 2007, include a rule with corrections of errors in the hazardous waste and used oil regulations as a result of printing omissions, typographical errors, obsolete citations etc.

This regulation also adopts by reference the federal Cathode Ray Tubes (CRT) Rule which streamlines management requirements for recycling of used CRTs (e.g. televisions and computers) and glass removed from CRTs. The rule excludes these materials from the federal definition of solid waste (and thus from regulation as hazardous waste) if certain conditions are met.

The federal rule (and now the state regulation) is intended to encourage recycling and reuse of used CRTs and CRT glass. This rule does not change the requirements for CRTs sent for disposal.

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

On January 15, 2008, NDEP's Bureau of Waste Management held two (2) public workshops on the above referenced regulation at the following locations. A total of 9 people attend these workshops.

<p>Nevada Division of Environmental Protection Bryan State Office Building 901 South Stewart Street, Great Basin Conference Room (4-South) Carson City, Nevada</p>	<p>Nevada Division of Environmental Protection Las Vegas Office 2030 E. Flamingo, Suite 230 Las Vegas, Nevada</p>
--	---

Following these workshops, the State Environmental Commission (SEC) held a public hearing to consider the regulation on March 18, 2008. The hearing was held in Reno at the Nevada Department of Wildlife (1100 Valley Road).

The hearing agenda was posted at the following locations: the Nevada Dept. of Wildlife in Reno, the Nevada State Library in Carson City and at the Offices of the Division of Environmental Protection in Carson City and Las Vegas. Copies of the agenda, the public notice, and the proposed regulation were also made available to all public libraries throughout the state as well as to individuals on the SEC electronic and ground-based mailing lists.

The public notice for the regulation was published on Monday February 25, 2008 and on March 3<sup>rd</sup> and 10<sup>th</sup> 2008 in the Las Vegas Review Journal and Reno Gazette Journal newspapers. Information about the regulation was also made available on the SEC website at: [http://www.sec.nv.gov/main/hearing\\_031808.htm](http://www.sec.nv.gov/main/hearing_031808.htm)

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

- (a) Attended March 18, 2008 hearing; 30 (approx.)
- (b) Testified on this Petition at the hearing: 1 (1 NDEP Staff)
- (c) Submitted to the agency written comments: 0

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

Comments were solicited from affected businesses as indicated in number 1 above. A fact sheet titled "Easier Recycling of Cathode Ray Tubes" was distributed to all interested parties. Notes from the workshops mentioned above are posted on the SEC website at: [http://www.sec.nv.gov/docs/p2008-07\\_workshop%20notes.pdf](http://www.sec.nv.gov/docs/p2008-07_workshop%20notes.pdf)

**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.**

The State Environmental Commission adopted the regulation without change on March 18, 2008. 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.**

Adoption of the federal regulations by reference is not anticipated to have any significant economic impact on Nevada businesses, but conversely should make it easier for affected businesses to comply by simplifying the requirements. The public will not be affected by this regulation.

-- More --

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

There will be no additional cost to the agency for enforcement of the proposed 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 proposed federal amendments are consistent with those of the federal government and will allow the State to implement the RCRA program in lieu of the federal government. The proposed amendments do not duplicate or overlap any other existing state regulations.

**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 not more stringent than any local or federal laws and regulations.

**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.**

The proposed regulation does address any fees.