

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. R137- 07

SEC # P2007-04

Regulation R137-07: Adoption by Reference, Hazardous Waste: This regulation address changes in certain hazardous waste management requirements found in Chapter 444 of the Nevada Administrative Code (NAC). The regulation updates Nevada's adoption of federal regulations by reference. This includes federal regulatory changes adopted by US EPA between July 1, 2005 and July 1, 2006. The regulation allows Nevada to implement the RCRA hazardous Waste program in lieu of the federal government (i.e., US EPA).

The regulation adds mercury containing equipment to the list of universal wastes and it allows revisions to the hazardous waste program to allow for a standardized permit. The regulation also allows revisions for wastewater treatment exemptions for hazardous waste mixtures, it adopts the RCRA portions of national emissions standards for hazardous air pollutants from hazardous waste combustors, and it allows changes to hazardous waste regulatory requirements to reduce paperwork burdens.

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.

NDEP's Bureau of Waste Management held one (1) public workshop on the above referenced regulation at the following locations. A total of 9 people attend these workshops. The workshop was held as a video conference.

Las Vegas

September 19, 2007
Nevada Division of Environmental
Protection
Las Vegas Office
2030 E. Flamingo, Suite 230
Las Vegas, Nevada

CARSON CITY

September 19, 2007
Nevada Division of Environmental
Protection
Bryan State Office Building
901 South Stewart Street, Conference
Carson City, Nevada

The State Environmental Commission (SEC) held a public hearing to consider this regulation on December 04, 2007. 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 Grant Sawyer Office Building in Las Vegas, 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 noted above were 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 regulations was published on November 12, 19, and 26, 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://sec.nv.gov/main/hearing_120407.htm

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

- (a) Attended December 04, 2007 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.

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 December 04, 2007. 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.

None

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

None

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 regulation does not overlap or duplicate any regulations of other state or government 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 not more stringent than any federal regulations adopted by US EPA.

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 not address any fees.