

## **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. R153- 08**

SEC # P2008-14

**Regulation R153-08: Adopt by Reference Changes to the Federal Hazardous Waste Regulations:** This regulation amends NAC 444. The proposed regulation adopts by reference changes to the federal hazardous waste regulations through July 1, 2008. Changes include the revision to an existing exclusion from the definition of solid waste (and thus from regulation as hazardous waste) for recycled oil bearing hazardous secondary materials and clarifications to previously approved air pollution regulations.

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. The Nevada Division of Environmental Protection (NDEP) Bureau of Waste Management held a regulatory workshop on the above referenced regulation on September 30, 2009. The workshop was held at 10:00 am as a simulcast (i.e. video conference) between NDEP's Carson and Las Vegas Offices.

The purpose of the workshop was to inform the public and regulated community about the proposed regulatory changes and solicit comments from interested persons. As noted in the workshop notice, NDEP proposed to modify its state regulations by incorporating certain federal [Hazardous Waste] revisions into state regulations by adopting the applicable sections of the Federal Register as it existed on July 1, 2008. Once adopted, the proposed state regulations would modify existing state regulations to make them consistent with existing federal requirements.

Following this workshop, the State Environmental Commission (SEC) held a public hearing to consider the regulation on February 11, 2009. The hearing was conducted as a video conference in Carson City and Las Vegas. The hearing location in Carson City was the Bryan Building located at 901 South Stewart Street. In Las Vegas the hearing location was at the offices of the Nevada Division of Environmental Protection, 2030 E. Flamingo Rd. Suite 230.

The SEC hearing agenda was posted at the meeting locations, at the State Library in Carson City, at the Offices of the Division of Environmental Protection in Carson City and Las Vegas and at the Department of Wildlife in Reno. 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 January 26<sup>th</sup>, February 2<sup>nd</sup> and February 9<sup>th</sup> 2009 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\\_021109.htm](http://sec.nv.gov/main/hearing_021109.htm)

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

- (a) Attended February 11, 2009 hearing; 30 (approx.)
- (b) Testified on this Petition at the hearing: 1 (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 of how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses and responded to through e-mail and telephone exchanges, working meetings and the public workshop 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 LCB draft of the regulation was not amended by the agency. The draft of the regulation was posted on the SEC web site during the public participation process. The SEC adopted the amended draft of the regulation without any changes.

**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.**

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 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 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 not address any fees.