

Federal Revisions Amendment To Nevada Hazardous Waste Regulations

Filing Statement

Legislative Review Of Adopted Regulations As Required
By Administrative Procedures Act, NRS 233b.066

Petition 2003-06 (LCB File R-126-03)

State Environmental Commission

The following statement is submitted for adopted amendments to Nevada Administrative Code Chapter NAC 444 and 445 – Hazardous Waste Regulations: The State of Nevada is authorized by the United States Environmental Protection Agency (US EPA) to enforce federal hazardous waste regulations. Between July 1, 2002, and July 1, 2003, the EPA approved revisions to existing federal hazardous waste regulations and published them in the Federal Register. The State of Nevada is required to modify its state regulations accordingly. The Nevada Division of Environmental Protection (NDEP) is proposing to incorporate these federal revisions into state regulations by adopting the applicable sections of the Federal Register as it existed on July 1, 2003. Updating these regulations will allow NDEP to continue to implement the RCRA program in lieu of the federal government. The petition also includes state initiated minor corrections and updates to existing hazardous waste regulations in NAC 444 and 445A.

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.

Petition 2003-16 (Permanent) was noticed Notice in the Las Vegas Review Journal (LVRJ) and Reno Gazette Journal (RGJ) newspapers on the following dates – January 28, February 4, and February 11, 2004. A regulatory workshop was conducted by the Bureau of Waste Management October 1st at the Nevada Division of Environmental Protection, Conference Room 217, 123 West Nye Lane, Carson City, Nevada.

The regulation (Permanent) was subsequently adopted by the State Environmental Commission (SEC) on February 26, 2003.

There was no public oral and/or written comments received by the Commission during adoption. The public was mailed a public notices and meeting agendas for the SEC meetings.

2. The number persons who:

- (a) **Attended February 26, 2004 hearing;** 40
- (b) **Testified on this Petition at the hearing:** 1
- (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 how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. In addition the workshop notices were posted on Division of Environmental Protections website (see: <http://ndep.nv.gov/admin/public.htm>). The proposed regulations (Petition) was also posted on the website hosted by the State Environmental Commission at (<http://www.sec.nv.gov/main/hearing0204.htm>). For this petition no written or oral comment was received from affected businesses or members of the public.

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 regulation was adopted by the State Environmental Commission on February 26, 2004 without request for amendment by staff of the Nevada Division of Environmental Protection.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

The proposed regulation is not anticipated to have any significant economic impact on Nevada businesses, but conversely should make it easier for affected business to comply by simplifying the requirements.

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

There will be no additional costs to the agency for enforcement of these amendments and the regulations.

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 will not duplicate or overlap existing federal regulations and will not include any new provisions which are more stringent than federal 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 regulations are 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.

The regulation will not provide for a new fee nor increase an existing fee.