

FORM FOR PETITIONING THE STATE ENVIRONMENTAL COMMISSION FOR
ADOPTION, FILING AMENDMENTS OR REPEAL OF COMMISSION
REGULATIONS.

Form #1

1. Name, Address, telephone number, date of petition, representative capacity and signature of petitioner, authorized individual, officer or attorney.

June 26, 2007
Nevada Division of Environmental Protection
Bureau of Waste Management
901 South Stewart Street
Carson City Nevada 89701

R. Eric Noack
Bureau Chief
(775) 687-9462

2. Specific type of petitioner (individual, partnership, corporation, government agency, or other) and the exact occupation or business, including a description of the occupation or business if necessary.

Nevada Division of Environmental Protection, Bureau of Waste Management, Solid Waste Branch, a government agency.

3. Exact and specific nature of changes sought, including delineation of the regulations, statutory provisions of Commission decisions involved. May include a statement of the written term or substance of the proposed regulatory action, or a description of the subjects and issues involved.

Regulation R179-05: Waste Landfill Cover Requirements: This regulation addresses "cover requirements" of compacted solid waste at certain landfills in Nevada. The regulation would amend section 444.688 of the Nevada Administrative Code (NAC). The requested change will reverse an existing requirement that allows certain landfills in Nevada to operate for up to six days without applying cover soil to exposed waste.

4. A statement of the need for and purpose of the proposed regulations.

As way of background, Nevada has received approval from the Environmental Protection Agency (US EPA) to administer federal municipal solid waste landfill (MSWLF) regulations contained in 40 CFR Part 258. Under the approved program, the Clark and Washoe County Health Districts administer the landfill regulation within their areas of jurisdiction, while the Nevada Division of Environmental Protection (Division) does so in all other areas of the State.

In recognition of the potential need to receive waste around the clock at landfills that serve the "24-hour" urban areas of Las Vegas and Reno, in 1998 the State Environmental Commission adopted revisions to NAC 444.688 that allowed such landfills to operate for up to 6 days prior to applying cover material. To make this allowance, the term "operating day" at such landfills was defined to include a period of time up to six days long. The US EPA has since notified the Division that this language is not consistent with the federal criteria.

This regulation would restore conformance with the federal landfill criteria while retaining flexibility for landfills to operate continuously. This regulation would allow landfills to avoid the requirement of a daily cover if they have equipment continuously "working the face" of the landfill.

5. A statement of the:
 - (a) Estimated economic effect of the regulation on the business which it is to regulate;
 - (1) Both adverse and beneficial effects; and
 - (2) Both immediate and long-term effects; and
 - (b) Estimated economic effect on the public;
 - (1) Both adverse and beneficial effects; and
 - (2) Both immediate and long-term effects; and
 - (c) Estimated cost by the agency for enforcement of the proposed regulation.

An immediate and long-term adverse financial effect would impact certain operators. Such costs could also increase disposal fees for the public. There would, however, be no additional cost to the Division for enforcement of the proposed regulation, and the regulation does not overlap or duplicate any regulations of other state, federal, or local agencies.

6. 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.

This regulation would not duplicate any State or Federal regulation.

7. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions. The statement must include the specific citation of the federal statute or regulation requiring such adoption.

This regulation would not be more stringent than Federal Regulations.

8. 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 would not increase fees levied by the Division.

.
#