

FORM #1

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

1. Eric Noack, Chief
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R. Eric Noack

2. Government Agency - Nevada Division of Environmental Protection
3. The Nevada Division of Environmental Protection (NDEP) is requesting the adoption of the enclosed amendments to the regulations governing hazardous waste management found in Chapter 444 of the Nevada Administrative Code (NAC). The proposed amendments include the update of our adoption of federal regulations by reference by modifying NAC 444.8427, 84275, 850, 8688, 8871, 8881, 8926, 8931, 8941, 9006, 9011 and 9452 to refer to the federal regulations as they existed on July 1, 2007, and modify NAC 444.8632 to adopt 40 CFR Parts 2, Subpart A, 124, Subparts A and B, Parts 260 to 270, inclusive, and Part 279 as those parts existed on July 1, 2007.

The two 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, misspellings, obsolete citations and similar mistakes appearing in numerous final rules published in the Federal Register. The rule does not create any new regulatory requirements. Also included is the 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 rule 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.

The petition also includes revisions to the word substitutions in NAC 444.8633 so that CRT export paperwork is sent to EPA and not NDEP.

Finally the petition revises NAC 444.84555 and 8741 to correct obsolete references to NDEP's old street address.

The statutory authority to adopt these amendments is contained in NRS 459.485, 459.490, 459.500 and 445A.425.

4. The proposed amendments are necessary to incorporate changes to the federal hazardous waste regulations that are currently in conflict with our existing state regulations as permanent regulations, to refer to the most current federal regulations and to revise state regulations to be more consistent with federal regulations.
5. (a)(1) and (a)(2). 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.

(b)(1) and (b)(2). The adoption by reference of the federal amendments is not anticipated to have a direct impact on the public.

(c). There will be no additional cost to the agency as a result of the adoption of these proposed amendments.
6. 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.
7. The proposed regulations do not include any new provisions which are more stringent than federal regulations which regulate the same activity.
8. The proposed regulations do not provide a new fee nor increase an existing fee.