

**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.

October 11, 2011  
Nevada Division of Environmental Protection  
Bureau of Waste Management  
901 S. Stewart Street  
Carson City, NV 89701

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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 (NDEP), 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.

The amended regulations are revising the standards for municipal recycling programs by adding provisions for recycling services at apartment complexes and condominiums, and providing other matters properly relating thereto.

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

On April 22, 2011, the 2011 State Senate passed Senate Bill (SB) 417. The Bill subsequently passed the Assembly on May 28, 2011 and was approved by the Governor on June 4, 2011. Existing law requires the State Environmental Commission (SEC) to adopt regulations establishing minimum standards for separating, at the source, recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided. Existing law requires the NDEP of the State Department of Conservation and Natural Resources to adopt, by regulation, a model plan for that purpose. Existing law imposes a similar requirement upon the board of county commissioners in a county whose population is 100,000 or more (currently Clark and Washoe Counties) by requiring those boards to

make available for use in those counties a program for the separation at the source of recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided. However, unlike the requirement imposed upon the SEC and the NDEP concerning recyclable material, the requirement imposed upon those boards of county commissioners specifically set forth a requirement that the recycling program of the board include provisions for the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided. Accordingly, the NDEP plans to incorporate these required changes into state regulation. Chapter 444A of the Nevada Administrative Code (NAC) will be amended to include the above described provisions.

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 likely short-term adverse financial effect would impact certain small businesses. Such costs could increase disposal fees for the public based on contracted agreements. 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 regulations.

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.