

**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.

January 11, 2012
Nevada Division of Environmental Protection
Bureau of Waste Management
901 S. Stewart Street
Carson City, NV 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.

Government agency; Nevada Division of Environmental Protection (the Division), Bureau of Waste Management, Solid Waste Branch.

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.

This regulation was necessary to clarify that appeals of solid waste matters under the jurisdiction of the Solid Waste Management Authorities in Clark and Washoe County would be made to the District Boards of Health in those counties rather than to the State Environmental Commission (SEC).

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

The current regulations were never intended to include the appeal to the SEC of solid waste matters under the jurisdiction of Washoe and Clark County. Such matters have typically been appealed to the District Boards of Health in their respective counties.

This proposed regulation would amend NAC 444.748 to clarify the jurisdictional responsibilities associated with appeals concerning the management and disposition of solid waste by Nevada's three Solid Waste Management Authorities. The regulation makes clear that only those appeals involving the management of solid waste, which are

under the direct regulatory control of the Nevada Division of Environmental Protection, may be appealed to the SEC and must conform to the procedural rules of the State Environmental Commission as codified under NAC 445B.875.

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.

There are no negative economic impacts from this amendment to any state 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 amendment would not duplicate any state or local regulations, only provide clarification to existing ones.

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.

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