

Summary Minutes from the Hazardous Waste Regulations Workshop  
Nevada Division of Environmental Protection

September 14, 2011

A public workshop was held today at the NDEP office in Carson City, with a video link to NDEP's Las Vegas office. A total of 13 people attended for both locations. Copies of the proposed changes to the state regulations were provided to the attendees.

Valerie Kauffman and Jim Trent of the Bureau of Waste Management made the following remarks:

1. The intent of the workshop is to provide an informal opportunity for the public to comment on the proposed amendments to Nevada's Hazardous Waste Regulations (P2011-04 and P2011-05).
2. The proposed deletions of NAC 444.8675 and NAC 444.8752 through NAC 444.8788 inclusive are scheduled to go before the State Environmental Commission (SEC) on October 5, 2011, in Reno.
3. Petition 2011-04 proposes to delete NAC 444.8675. Presently, this regulation requires all holders of an active EPA ID Number to file a biennial hazardous waste report (BRS). Deletion of this regulation will make BRS requirements in Nevada consistent with the federal requirements and result in a modest burden reduction for small quantity generators, conditionally exempt small quantity generators and non-generators of hazardous waste.

Large Quantity Generators (LQGs) and Transfer, Storage, Disposal Facilities (TSDFs) will still be required to file BRS reports, pursuant to federal regulations which Nevada adopted by reference at NAC 444.8632.

Approximately 95 % or greater of all hazardous waste handled in Nevada is accounted for in the BRS data reported by LQGs and TSDFs. Nevada is required to receive, review and relay Biennial Report data for LQG and TSDFs to EPA Region IX as part of our hazardous waste grant with EPA.

4. The following questions/comments and answers were noted:
  - a. How many companies will be affected by these changes? / **There are approximately 80 LQGs and 6 TSDFs in Nevada that submit BRS data, which NDEP receives and forwards to EPA Region IX. Thereafter, that data is forwarded to Washington for the National HW Report. There are approximately 1000 CESQG and 400 SQG facilities that would not be required to complete a BRS.**
  - b. If these requirements are going away and we are an LQG reporting to EPA, then where does it say that we still need to comply? / **LQG and TSDF facilities in Nevada report BRS data to the NDEP (not EPA). LQG and TSDF facilities must comply with 40 CFR 262.41 (BRS requirement), as adopted by Nevada in NAC 444.8632. By complying with this regulation, the facility is in compliance with federal and state requirements.**

- c. If I was an episodic generator, where does it say how I am supposed to report to NDEP? / **The details on how to report BRS data are provided in the Hazardous Waste Report – Instructions and Form Booklet (EPA Form 8700-13 A/B) which is published by EPA for each biennial cycle. The EPA Form 8700-12 is included in the first four pages of a biennial report.**
  - d. When does this take effect? / **The petitions are scheduled to be heard at the SEC on October 5, 2011. If approved by the SEC, then the petitions are typically reviewed within a couple of months by the Legislative Commission. Thus, final approval is likely late this year.**
  - e. If I am a SQG facility, will I still have to submit my BRS by March 1, 2012? / **No. If the proposed regulatory deletion is approved before March 1, 2012, then SQG and CESQG facilities will not be required to submit a hazardous waste biennial report next spring.**
  - f. Does anybody have any history as to why SQGs were included in the BRS requirement? / **When our hazardous waste program was initially set up in the mid 1980's, it was much smaller than today (i.e. three inspectors statewide as compared to eight inspectors now) and there was a concern about Nevada being inundated with hazardous waste for disposal from out of state. Thus, the biennial report was a tracking mechanism to identify sources of hazardous waste.**
5. Petition 2011-05 proposes to delete NAC 444.8752 through NAC 444.8788 inclusive. These regulations pertain to a grant funded Program for Reduction of Hazardous or Industrial Waste. This grant program is obsolete and has not been implemented in over a decade, as no funding for this program is included in the legislatively approved budget.

The specific regulatory provisions to be deleted include: NAC 444.8752, 8754, 8756, 8758, 8762, 8764, 8766, 8768, 8776, 8778, 8782, 8784, 8786 and 8788.

Please note these regulations, which are proposed for deletion, are in no way related to the RCRA hazardous waste grant that NDEP receives from EPA Region IX to implement the hazardous waste program.

6. The following questions/comments and answers were noted:
- a. Were these grants given to businesses in the 1990's to reduce hazardous waste? / **Grants were awarded to applicants that proposed technologies which decrease the amount of hazardous waste generated. There hasn't been any activity in this grant funded program in over a decade due to lack of funding in the legislatively approved budget. The NDEP does support Pollution Prevention activities through a contract with the Business Environmental Program (BEP) at the University of Nevada, Reno. The BEP provides businesses operating in Nevada with pollution prevention information, as well as free and confidential assistance regarding hazardous waste management.**

7. Information regarding the status of the proposed regulations will be available at the SEC website ([www.sec.nv.gov](http://www.sec.nv.gov)) and at the NDEP website regarding biennial reporting requirements at the NDEP website (<http://ndep.nv.gov/bwm/hazard04.htm>) for biennial reporting requirements. The public workshop was concluded.
8. Other questions:
  - a. Will there be outreach to let people know they don't need to send a BRS? / **Yes. Outreach will be provided to hazardous waste generators once the proposed regulations are approved. Notices are mailed out during each biennial cycle regarding hazardous waste biennial report requirements. Information will also be placed on our website at <http://ndep.nv.gov/bwm/hazard04.htm>.**
  - b. How will this affect the Tribal Lands in Nevada? / **Tribal Lands in Nevada will continue to submit their BRS reports to EPA Region IX.**