



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor

Leo M. Drozdoff, P.E., Director

Colleen Cripps, Ph.D., Administrator

Notice of Workshop for a Proposed Permanent Regulation Relating to Solid Waste Management Facilities and a Proposed Permanent Regulation Relating to Hazardous Waste Management Facilities:

Proposed Permanent Regulation Relating to Solid Waste Management Facilities:

LCB File No. R037-13: Nevada Revised Statutes (NRS) 444.560 establishes the authority of the State Environmental Commission (SEC) to adopt a schedule of fees related to regulation of solid waste management facilities in areas subject to the jurisdiction of the Department of Conservation and Natural Resources (excludes Washoe and Clark Counties). The proposed regulation establishes the following fees: application fees for obtaining a permit or approval to operate certain new solid waste facilities; annual permit fees applicable to certain Class I and Class III disposal sites; and fees related to requests to modify an existing permit.

The proposed fees would apply to small number of landfill disposal facilities. There would be no significant economic impact on the public if the proposed fee schedule were adopted. If the fees applicable to municipal landfills were passed on to customers, the amount would be insignificant. There would be no additional cost to the agency for implementing the proposed fee schedule. The regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The proposed regulation does not include provisions which are more stringent than a federal regulation. Of the affected solid waste management facilities, only one is a small business and the impact analysis (Form 4) is enclosed.

Proposed Permanent Regulation Relating to Hazardous Waste Management Facilities:

LCB File No. R038-13: Nevada Revised Statutes (NRS) 459.500 and 459.510 establishes the authority of the State Environmental Commission (SEC) to adopt fees related to regulation of hazardous waste management facilities. The proposed regulation revises existing fees applicable to facilities that treat, store or dispose of hazardous waste. Hourly review fees related to renewal or modification of an existing permit are replaced with a flat fee structure. The structure of annual permit fees is revised and fees are increased. The regulation is clarified to indicate that annual permit fees are applicable to facilities where a remedial action plan has been permitted pursuant to 40 CFR Part 270 Subpart H. Various fees applicable to the volume of waste disposed or treated by a permitted facility are revised.

Each of the affected facility owners was contacted individually regarding the impact and their acceptance of the proposed fee increases. All of the facility owners were accepting of the proposed fee increases and none indicated adverse impacts on their business or operations. There would be no significant economic impact on the public if the proposed fees were adopted. There will be no additional cost to the agency for implementing the proposed fee schedule. The proposed regulation does not duplicate any other state or

federal regulation. The proposed regulation does not include provisions which are more stringent than a federal regulation. None of the affected hazardous waste management facilities are small businesses.

The following workshop, described below, has been scheduled to solicit comments from persons interested in solid waste or hazardous waste proposed permanent regulation.

9:00 A.M., Monday, December 2, 2013

**Bryan State Office Building
Great Basin Conference Room
901 S. Stewart Street
Carson City, Nevada 89701**

**Nevada Division of Environmental Protection
Red Rock Conference Room
2030 E. Flamingo Road Suite 230
Las Vegas, Nevada 89119**

The proposed permanent regulations and related materials are available on the NDEP website at: <http://ndep.nv.gov/admin/public.htm#waste>. A copy of materials relating to the proposed permanent regulations may also be obtained at the workshop or from Chet Sergent at NDEP, 901 S. Stewart Street, Suite 4001, Carson City, NV 89701-5249; or by calling (775) 687-9467; or email to csergent@ndep.nv.gov.

Members of the public who are disabled and require special accommodations or assistance at the workshop are requested to notify Chet Sergent no later than 5:00 p.m. on November 29, 2013.

Notice of this meeting is posted at the following Nevada locations:

Department of Conservation and Natural Resources, 901 S. Stewart Street, Carson City
State Legislative Building, 401 S. Carson Street, Carson City
Nevada State Library and Archives, 100 S. Stewart Street, Carson City
Nevada Division of Environmental Protection, 2030 E. Flamingo Road, Suite 230, Las Vegas

FORM #4

NEVADA STATE ENVIRONMENTAL COMMISSION SMALL BUSINESS IMPACT DISCLOSURE PROCESS PURSUANT TO 233B “Nevada Administrative Procedures Act”

Part 1

The purpose of this Form is to provide a framework pursuant to NRS 233B.0608 to determine whether a small business impact statement is required for submittal of a proposed regulation before the State Environmental Commission.

Note: Small Business is defined as a “business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS 233B.0382).

1. Does this proposed regulation impose a direct and significant economic burden upon a small business? *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 and simply referred to; and if yes reference the small business impact statement as attached)*

Yes. The Solid Waste program fee proposal only affects the six largest solid waste landfill facilities in the State, one of which is a small business. NDEP has reached out to each facility owner/operator and gained acceptance of the proposed fee.

2. Does this proposed regulation restrict the formation, operation or expansion of a small business? *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 and simply referred to; and if yes reference the small business impact statement as attached)*

Yes. See Small Business Impact Statement attached.

3. If **Yes** to either of questions 1 & 2, the following action must be taken:

A. Was a small business impact statement prepared and was it available at the public workshop. *(yes or no, attach a copy of the statement or if a statement was not completed please explain)*

Yes.

B. Attach the Small Business Impact Statement as part of Form #4 upon submission of the proposed regulation to the State Environmental Commission when Form #1 (petition to the Commission) is submitted.

See attached.

FORM #4
Part 2
SMALL BUSINESS IMPACT STATEMENT
(NRS 233B.0609)

1. Describe the manner in which comment was solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary. *(Attach copies of the comments received and copies of any workshop attendance sheets noting which are small businesses.)*

The Solid Waste program fee proposal only affects the six largest solid waste landfill facilities in the State, one of which is a small business. NDEP has reached out to each facility owner/operator and gained acceptance of the proposed fee. The proposed fees are targeted toward the larger landfill disposal sites in an effort to minimize the impact on smaller scale operations.

2. The manner in which the analysis was conducted (if an impact was determined).

The NDEP reviewed its permit files for all facilities that would be impacted by the proposed regulation. The Solid Waste program fee proposal only affects the six largest solid waste landfill facilities in the State, one of which is a small business. NDEP has reached out to the owner/operator of the impacted small business and gained acceptance of the proposed fee.

3. The estimated economic effect of the proposed regulation on small businesses:
- a. Both adverse and beneficial effects
 - b. Both direct and indirect effects

The proposed fees would apply to a small number of landfill disposal facilities, representing the larger facilities within NDEP's jurisdiction, including: Lockwood Regional Landfill serving Reno-Sparks/Washoe County and owned/operated by Waste Management Inc., Carson City Municipal Landfill, City of Elko Regional Landfill, an industrial waste landfill in Lincoln County owned/operated by Western Elite, Inc., and coal ash landfills associated with coal-fired generating facilities operated by NV Energy and Newmont Energy Investment LLC. With each facility the amount of the fee is relatively nominal compared to the scale of the operation and for all but one facility the fee can be incorporated into their rate structure. Each of the affected facility owners was contacted individually regarding the impact and their acceptance of the proposed fees. All of the facility owners were accepting of the proposed fees after discussion and negotiation; to accommodate industry concerns, the fees applicable to coal ash landfills will be modified to include three tiers based on annual disposal rate. The benefit of the proposed fees is that it helps to maintain a robust regulatory program that ensures the integrity of facility operations and prevents the need for federal intervention by US EPA.

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses. *(Include a discussion of any considerations of the methods listed below.)*

- A. Simplification of the proposed regulation
- B. Establishment of different standards of compliance for a small business
- C. Modification of fees or other monetary interests that a small business is authorized to pay a lower fee.

To address revenue shortfalls and minimize the need for additional fee revenue, NDEP has reduced expenditures through vacancy savings and reductions in contract support. However, program cuts alone are insufficient to bridge the gap. Consequently, we are also proposing to establish a modest schedule of solid waste fees. The proposed fees are targeted toward the larger landfill disposal sites in an effort to minimize the impact on smaller scale operations.

5. The estimated cost to the agency for enforcement of the proposed regulation. *(Include a discussion of the methods used to estimate those costs.)*

There will be no additional cost to the agency for implementing the proposed fee schedule. The number of accounts is small and existing systems for fee collection and processing can be used.

6.. If this regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and manner in which the money will be used.

It is anticipated that the proposed annual permit fees would generate \$165,000 per year. Additional revenue may be available if new permit applications or requests to modify permits are received; however, the amount cannot be predicted. This revenue would be used to offset the Division's costs for regulating waste management facilities.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, provide an explanation of why the proposed regulation is duplicative or more stringent and why it is necessary.

The proposed regulation does not include provisions which are duplicative or more stringent than a federal regulation.

8. The reasons for the conclusions regarding the impact of a regulation on small businesses.

The proposed fee schedule is limited and applicable to a small universe of regulated facilities, enabling individual dialogue with owners and operators regarding impacts.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on a small business and that the information contained in this statement is accurate.

SC David Gaskin
Colleen Cripps, Ph.D.
Administrator, NDEP

11/15/13
Date