

FORM 1: FORM FOR PETITIONING THE STATE ENVIRONMENTAL COMMISSION FOR
ADOPTION, FILING AMENDMENTS OR REPEAL OF COMMISSION REGULATIONS
(Provide attachments as needed)

1. Name, address, telephone number, and signature:

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Date of Petition: 10/4/2019

Representative capacity and signature of petitioner, authorized individual, officer or attorney:



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:

The Nevada Division of Environmental Protection (NDEP) is a division of the Nevada Department of Conservation and Natural Resources of the State of Nevada. The NDEP is an environmental regulatory 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 proposed revisions are in response to a comprehensive regulation review by the US EPA. They are intended to correct and clarify existing state hazardous waste regulations and make them more consistent with the federal regulations. Proposed revisions include updates to references within the CFR that have changed over the past 10 years, the deletion of references to obsolete federal regulations, the deletion of the definition of "conditionally small quantity generator", the addition of the definitions of "very small quantity generator" and "written", the addition of Corrections to the Code of Federal Regulations Internal Reference Errors which lists current errors in the CFR that US EPA plans to correct in the future, and the removal of the state regulations covering the process for applying for a variance from certain federal regulations. These changes to existing state regulations follow the "Guidelines for State Adoption of Federal RCRA Regulations by Reference" federal guidance document and provide fuller equivalence with current federal hazardous waste regulations. The removal of the Variances section simplifies the process so that all variance applications go to US EPA.

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

In order to remain consistent with federal hazardous waste regulations and authorized to enforce them in lieu of the US EPA, Nevada is required to periodically update its state hazardous waste regulations in response to changes made at the federal level. NDEP agreed to address the revisions related to federal regulations adopted as of July 1, 2018 with a petition. Once the regulations are updated, Nevada can complete the authorization application package. Changes to existing state regulations follow the "Guidelines for State Adoption of Federal RCRA Regulations by Reference" federal guidance document and provide fuller equivalence with current federal hazardous waste regulations, as well as clean up and simplify state regulations.

5. A statement of the:

(a) Estimated economic effect of the regulation on the business which it is to regulate:

Adoption of these additions, corrections, and clarifications to existing regulations are not anticipated to have any significant economic impact on Nevada businesses. The RCRA and other rule amendments that we are proposing to adopt are federal rules, and the regulated business/industry must comply with them regardless of whether USEPA or the NDEP implements them.

(1) Both adverse and beneficial effects:

There may be a nominally beneficial effect for the regulated universe as the changes may simplify compliance by correcting and clarifying the regulations.

(2) Both immediate and long-term effects:

No immediate or long-term effects are anticipated.

(b) Estimated economic effect on the public:

No estimated economic effect on the public is anticipated.

(1) Both adverse and beneficial effects:

None.

(2) Both immediate and long-term effects:

None.

(c) Estimated cost by the agency for enforcement of the proposed regulation:

None.

6. A description of any regulations for 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:

The proposed regulations pertain to existing regulations. They do not overlap or duplicate other 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:

NDEP is proposing to not adopt by reference several provisions which results in the state program being more stringent than the federal program. These provisions are conditional exclusions under the Definition of Solid Waste Rule listed in NAC 444.86325(1)(d), the Disposal of Coal Combustion Residuals from Electric Utilities Rule, the Conditional Exclusion for Carbon Dioxide Streams in Geologic Sequestration Activities Rule, and Academic Laboratory Generator Standards Rule all listed under NAC 444.86325.

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:

No new fees or increases submitted to the agency are included in the proposed regulations. However, the Electronic Manifest Rule included in the adoption by reference will increase the fee of submitting a manifest to EPA. This rule is a federal requirement and will be implemented whether NDEP adopts the rule or not.