

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

CARSON CITY OFFICE
LEGISLATIVE BUILDING
401 S. CARSON STREET
CARSON CITY, NEVADA 89701
(775) 684-6800



LAS VEGAS OFFICE
NEVADA LEGISLATURE OFFICE BUILDING
7230 AMIGO STREET
LAS VEGAS, NEVADA 89119
(702) 486-2800

July 1, 2026

Ms. Sheryl Fontaine
Executive Secretary
State Environmental Commission
901 South Stewart Street, Suite 4001
Carson City, NV 89701

Re: LCB File No. R034-26

Dear Ms. Fontaine,

A regulation adopted by the State Environmental Commission has been filed today with the Secretary of State pursuant to NRS 233B.067 or 233B.0675 as appropriate. As provided in NRS 233B.070, this regulation becomes effective upon filing, unless otherwise indicated.

Enclosed are two copies of the regulation bearing the stamp of the Secretary of State which indicates that it has been filed. One copy is for your records and the other is for delivery to the State Library and Archives Administrator pursuant to subsection 6 of NRS 233B.070.

Sincerely,

A handwritten signature in blue ink, appearing to read "Asher A. Killian".

Asher A. Killian
Legislative Counsel

Daniel Peinado
Senior Deputy Legislative Counsel

Aaron D. MacDonald
Senior Deputy Legislative Counsel

AAK/oac
Enclosure

Secretary of State
Filing Data

FILED NV SOS
2026 JUL 1 AM 3:03

For Filing Administrative
Regulations
R034-26

For Emergency
Regulations Only

Effective Date

Expiration Date

Governor's Signature

State Environmental Commission

Classification: Proposed ☐ Adopted By Agency ☐ Temporary ☐ Emergency ☐ Permanent ☒

R034-26: This permanent regulation revises NAC 444. The State Environmental Commission adopted permanent regulation R034-26P, which addresses Nevada's Hazardous Waste Recycling Program and the storage of Hazardous Secondary Materials. This regulation establishes a single regulatory regime for facilities seeking to manage recyclable materials whether classified as hazardous waste or hazardous secondary materials. This amendment also proposes establishment of an annual fee for the Division's oversight of these types of facilities and existing facilities operating under a written determination authorization from the Division and updates some portions of federal requirements adopted by reference.

Authority citation other than 233B:

§ 1, NRS 459.485, as amended by section 43 of Assembly Bill No. 40, chapter 220, Statutes of Nevada 2025, at page 1338, 459.490, as amended by section 44 of Assembly Bill No. 40, chapter 220, Statutes of Nevada 2025, at page 1338, and 459.500; §§ 2 and 3, NRS 459.485, as amended by section 43 of Assembly Bill No. 40, chapter 220, Statutes of Nevada 2025, at page 1338, and 459.490, as amended by section 44 of Assembly Bill No. 40, chapter 220, Statutes of Nevada 2025, at page 1338.

Notice date: March 31, 2026

Hearing date: April 30, 2026

APPROVED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION

LCB File No. R034-26

Filed July 1, 2026

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: § 1, NRS 459.485, 459.490 and 459.500; §§ 2-4, NRS 459.485 and 459.490.

A REGULATION relating to hazardous waste; revising the fees for certain activities relating to hazardous waste and regulated units related thereto; exempting from certain requirements and imposing certain duties on persons who recycle certain hazardous waste and are subject to certain federal requirements governing such recycling; exempting certain facilities from certain prohibitions relating to the locations at which such facilities may be constructed under certain circumstances; revising provisions concerning exceptions to certain federal regulations relating to hazardous waste adopted by reference; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Environmental Commission to adopt regulations to carry out provisions governing the management of hazardous waste to: (1) protect human health, public safety and the environment from the effects of improper, inadequate or unsound management of hazardous waste; (2) establish a program for the regulation of the management of hazardous waste; (3) ensure safe and adequate management of hazardous waste; and (4) conserve resources of material and energy through the recycling or recovery of hazardous waste. (NRS 459.400, 459.485)

Existing law requires the Commission to adopt those regulations based on studies, guidelines and regulations of the Federal Government. (NRS 459.490) Existing regulations: (1) adopt by reference certain federal regulations with which a person who generates, transports, treats, stores, disposes or otherwise manages hazardous waste or used oil must comply; and (2) set forth certain specific parts and sections of federal regulations that are not adopted by reference or are adopted by reference but with certain revisions. (NAC 444.8632, 444.86325) **Section 4** of this regulation revises specific parts and sections of federal regulations that are not adopted by reference or that are adopted by reference with certain revisions.

Existing regulations require, with certain exceptions, a person who proposes to construct or operate a facility or mobile unit for the recycling of hazardous waste to obtain a written

determination from the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources that the facility will operate as a facility or mobile unit, as applicable, for such recycling before commencing the construction or operation of the facility or mobile unit. (NAC 444.8455) **Section 2** of this regulation exempts from this requirement a person who recycles certain hazardous waste and is subject to certain federal requirements governing such recycling. **Section 2** further provides that such a person exempted by **section 2** is required to comply with: (1) certain federal requirements, as adopted by the regulations of the Commission; (2) local zoning requirements, in certain circumstances; (3) certain reporting and notification requirements; and (4) certain other regulations of the Commission.

Existing regulations impose certain prohibitions on the locations at which a stationary new or expanding facility for the management of hazardous waste may be constructed. (NAC 444.8456) **Section 3** of this regulation exempts certain facilities from such prohibitions if those facilities are subject to local zoning requirements pursuant to **section 2**.

Existing law authorizes the regulations of the Commission to include provisions for fees to pay the cost of inspection, certification and other regulation. (NRS 459.500) Existing regulations establish a schedule of annual permit fees which the owner or operator of a facility for the management of hazardous waste is required to pay to the Division for certain activities and regulated units to offset partially the cost of inspection and other regulation of the facility. (NAC 444.845) **Section 1** of this regulation clarifies that the annual fees are imposed to offset the cost of inspection and other regulation of a facility and are not limited to fees for permits. **Section 1** also establishes a \$5,000 annual fee for: (1) a written determination, issued by the Administrator of the Division, that a proposed facility or mobile unit will operate as a facility or mobile unit, as applicable, for the recycling of hazardous waste; and (2) owners and operators of certain facilities that recycle certain hazardous waste and are subject to certain federal requirements governing such recycling.

Section 1. NAC 444.845 is hereby amended to read as follows:

444.845 1. The owner or operator of a facility for the management of hazardous waste shall, on or before March 1 of each year, pay the following annual ~~{permit}~~ fee to the Division to offset partially the cost of inspection and other regulation of the facility:

	Annual
{Permitted} Activity or Regulated Unit	{Permit} Fee

Land disposal, or incineration or burning in a boiler or industrial furnace.....	\$50,000
Treatment of hazardous waste.....	10,000
Thermal treatment of waste munitions of the Armed Forces of the United States or its contractor, including, without limitation, detonation	7,500
Storage of hazardous waste.....	2,500
<i>Written determination issued pursuant to NAC 444.84555.....</i>	<i>5,000</i>
<i>Recycling hazardous waste that is described in 40 C.F.R. § 261.4(a)(23), 261.4(a)(24) or 261.4(a)(27), as adopted by reference in NAC 444.8632, by a person subject to the requirements of 40 C.F.R § 261.6(c)(2), as adopted by reference in NAC 444.8632</i>	<i>5,000</i>

2. If the facility contains more than one type of regulated unit or engages in more than one type of ~~permitted~~ activity, the operator is not required to pay more than the annual ~~permit~~ fee for the regulated unit or ~~permitted~~ activity to which the highest fee is applicable.

3. The Division may assess a penalty of 2 percent of the unpaid balance for each month, or portion thereof, that the fee remains unpaid.

4. As used in this section, “owner or operator of a facility for the management of hazardous waste” means a person who:

(a) Qualifies for interim status pursuant to 40 C.F.R. Part 270, Subpart G, as adopted by reference in NAC 444.8632;

(b) Has been issued a permit pursuant to 40 C.F.R. Part 124, Subparts A, B and G, and Part 270, Subparts A to F, inclusive, I and J, as adopted by reference in NAC 444.8632; ~~for~~

(c) Has been issued a permit to carry out a remedial action plan pursuant to 40 C.F.R. Part 270, Subpart H, as adopted by reference in NAC 444.8632, if the facility is constructed and the permit issued after October 24, 2014 ~~H~~ ;

(d) Recycles hazardous waste that is described in 40 C.F.R. § 261.4(a)(23), 261.4(a)(24) or 261.4(a)(27), as adopted by reference in NAC 444.8632, and is subject to the requirements of 40 C.F.R. § 261.6(c)(2), as adopted by reference in NAC 444.8632; or

(e) Holds a written determination issued by the Administrator pursuant to NAC 444.84555.

Sec. 2. NAC 444.8455 is hereby amended to read as follows:

444.8455 1. Except as otherwise provided in ~~[subsection 4,]~~ ***subsections 4 and 6***, a person who proposes to construct or operate a facility for the recycling of hazardous waste must obtain a written determination from the Administrator that the facility will operate as a facility for the recycling of hazardous waste before commencing the construction or operation of the facility. If the facility will recycle hazardous waste other than used antifreeze governed by NAC 444.8801 to 444.9071, inclusive, or precious metals governed by 40 C.F.R. Part 266, as adopted by reference in NAC 444.8632, the Administrator must approve an operating plan for the facility before construction or operation of the facility commences. Such an operating plan must, without limitation, include a description of the procedures that will ensure safe operation and demonstrate compliance with:

(a) The requirements for emergency preparedness and a contingency plan specified in 40 C.F.R. Part 264, Subparts C and D, as adopted by reference in NAC 444.8632;

(b) The standards for containers and tanks specified in 40 C.F.R. Part 264, Subparts I, J, AA, BB and CC, as adopted by reference in NAC 444.8632; and

(c) The applicable requirements for closure and financial assurance for closure specified in 40 C.F.R. Part 264, Subparts G and H, as adopted by reference in NAC 444.8632.

2. Except as otherwise provided in ~~subsection 4,~~ **subsections 4 and 6**, a person who proposes to construct or operate a mobile unit for the recycling of hazardous waste must obtain a written determination from the Administrator that the mobile unit will operate as a mobile unit for the recycling of hazardous waste before commencing the construction or operation of the mobile unit.

3. A written determination required pursuant to subsection 1 or 2 may be requested by filing a written application with the Administrator.

4. ***The provisions of subsections 1 and 2 do not apply to a person who:***

(a) Recycles hazardous waste that is described in 40 C.F.R. § 261.4(a)(23), 261.4(a)(24) or 261.4(a)(27), as adopted by reference in NAC 444.8632; and

(b) Is subject to the requirements of 40 C.F.R. § 261.6(c)(2), as adopted by reference in NAC 444.8632.

5. ***A person described in subsection 4 shall comply with the following:***

(a) The federal requirements as adopted by reference in NAC 444.8632, including, without limitation:

(1) The notification requirements set forth in 42 U.S.C. § 6930, as implemented in 40 C.F.R. § 260.42;

(2) The manifest requirements set forth in 40 C.F.R. §§ 265.71 and 265.72;

- (3) The requirements for biennial reporting set forth in 40 C.F.R. § 265.75;*
- (4) The requirements for speculative accumulation of hazardous secondary materials set forth in 40 C.F.R. § 261.1(c)(8);*
- (5) The requirements for legitimate recycling of hazardous secondary materials set forth in 40 C.F.R. § 260.43, and appropriate documentation pursuant to 40 C.F.R. § 261.2(f);*
- (6) The requirements relating to materials that are “contained,” as defined in 40 C.F.R. § 260.10;*
- (7) The standards for containers and tank systems, as set forth in 40 C.F.R. Part 264, Subparts I and J;*
- (8) The air emission standards and related monitoring requirements set forth in 40 C.F.R. Part 264, Subparts AA, BB and CC;*
- (9) The requirement to manage any residues that are generated from the recycling process in a manner that is protective of human health and the environment, including, without limitation, performing an accurate waste determination as required by 40 C.F.R. § 262.11, for the disposal of any residues; and*
- (10) The requirements for emergency preparedness and contingency planning set forth in 40 C.F.R. Part 264, Subparts C and D and, if applicable, 40 C.F.R. Part 261, Subpart M.*
- (b) The financial requirements set forth in 40 C.F.R. Part 261, Subpart H, as adopted by reference in NAC 444.8632, and 40 C.F.R. Part 264, Subparts G and H, as adopted by reference in NAC 444.8632, for the closure and post-closure of the facility based on the maximum amount of material handled at the facility, including, without limitation, the*

disposal of the maximum amount of materials and wastes generated from the recycling process at the facility.

(c) For a facility established after the effective date of this paragraph, applicable local zoning requirements in lieu of the requirements of NAC 444.8456. If no such local zoning requirements exist, the facility shall comply with NAC 444.8456.

(d) In addition to the requirements of 40 C.F.R. § 265.75, as adopted by reference in NAC 444.8632, a person who recycles hazardous waste shall, by March 1 of each year, report to the Division through a database or form prescribed by the Division all materials the person:

(1) Received;

(2) Recycled; and

(3) Sent for disposal.

(e) In addition to the requirements set forth in NAC 445A.347 and 445A.3473, an owner or operator of a facility, or an agent designated by the owner or operator, shall, not later than 24 hours after any event at the facility, including, without limitation, a fire, explosion or release of hazardous waste, that requires the notification or response of an emergency response agency or the activation of the contingency plan for the facility, notify the Division of the event.

6. The provisions of this section do not apply to a person who ~~is recycling~~ recycles hazardous waste which ~~he or she~~ the person has generated ~~at~~ at a unit for the recycling of hazardous waste ~~which~~ that is owned by the person and is located at the same site at which the hazardous waste is generated.

Sec. 3. NAC 444.8456 is hereby amended to read as follows:

444.8456 1. A stationary new or expanding facility for the management of hazardous waste must not be constructed within:

(a) One mile of:

- (1) A dwelling, school, church or community center;
- (2) An area zoned solely for residential use;
- (3) A public park;
- (4) A wildlife management area;
- (5) An area identified by the Department of Wildlife as a key habitat for wildlife or as a habitat for an endangered or threatened species;
- (6) An area where surface water or wetlands occur;
- (7) A natural or artificially created geologic hazard which provides a potential for the conveyance of hazardous constituents, as that term is defined in Appendix VIII of 40 C.F.R. Part 261, as adopted by reference in NAC 444.8632, to surface or groundwaters; or
- (8) An existing well which supplies public drinking water;

(b) An area identified by the Office of Historic Preservation of the State Department of Conservation and Natural Resources as an historical or archeological site that is eligible for listing in the State Register of Historic Places or the National Register of Historic Places, unless an approved mitigation activity has been completed on the site;

(c) A 100-year floodplain; or

(d) An area where the water table seasonally rises to within 150 feet of the surface of the ground.

2. The provisions of this section do not apply to a facility:

- (a) For community recycling;
- (b) For community storage;
- (c) For the storage of hazardous waste which is generated on the site of the facility; ~~for~~
- (d) Which qualifies for interim status pursuant to 40 C.F.R. Part 270, Subpart G, as adopted by reference in NAC 444.8632 ~~H~~; *or*

(e) That is established after the effective date of paragraph (c) of subsection 5 of NAC 444.8455 and which is subject to local zoning requirements pursuant to that paragraph.

Sec. 4. NAC 444.86325 is hereby amended to read as follows:

444.86325 1. The following sections and parts of Title 40 of the Code of Federal Regulations, and any reference to those sections and parts, are not adopted by reference:

- (a) Section 2.101(a)(1)-(4);
- (b) Sections 124.1(b)-(e), 124.4, 124.5(e), 124.9, 124.10(a)(1)(iv), 124.15(b)(2), 124.16, 124.17(b), 124.18, 124.19 and 124.21;
- (c) Sections 260.1(b)(4)-(6) and 260.20, 260.21 ~~H~~ *and* 260.22 ; ~~and 260.42;~~
- (d) Sections 261.4(b)(4), 261.4(h), 261.7(c), 261.400(a)-(b), 261.410(e)-(f), 261.411, 261.420, 261.1035(b)(1) and 261.1064(b)(2);
- (e) Sections 262.10(l), 262.10(m), 262.10(n), 262.13(c)(9), 262.13(f)(1)(iii), 262.14(a)(5)(ix)-(x) and Part 262, Subpart K;
- (f) Sections 264.1(d), 264.1(f), 264.1(g)(13), 264.15(b)(5), 264.149, 264.150, 264.301(l), 264.1050(h), 265.1(c)(4), 265.1(c)(16), 265.149, 265.150, 265.430 and 265.1050(g);
- (g) Section 266.111 and Part 266, Subpart P;
- (h) Section 267.150;

(i) Sections 268.5 and 268.6, Part 268, Subpart B, and sections 268.42(b), 268.44 and 268.50(a)(4)-(5);

(j) Sections 270.1(c)(1)(i), 270.1(c)(2)(x), 270.60(b) and 270.64;

(k) Section 273.80(d); and

(l) Sections 279.10(b)(2), 279.10(b)(3), 279.10(c), 279.10(d)(1), 279.42(b)(2), 279.51(b)(2), 279.62(b)(2) and 279.73(b)(2).

2. The following parts and sections of Title 40 of the Code of Federal Regulations are adopted by reference, as revised in this subsection:

(a) Part 124 is adopted with the following exceptions:

(1) Delete all references to “EPA-issued permits” and insert in its place “permits issued by the Department,” except in sections 124.5(d), 124.10(b) and 124.10(d)(1)(vi);

(2) Delete all references to “when EPA is the permitting issuing authority” and insert in its place “when the Department is authorized to issue a permit”;

(3) Subpart A is adopted solely for the purpose of establishing procedures for permits for the management of hazardous waste, except that all references to “UIC,” “PSD” and “NPDES” are deleted;

(4) In sections 124.31 and 124.32, delete all references to “RCRA part B,” “part B RCRA” and “part B” and insert in their place “NRS 459.400 to 459.600, inclusive,”; and

(5) In sections 124.31(a), 124.32(a) and 124.33(a), delete the following sentence: “For the purposes of this section only, ‘hazardous waste management units over which EPA has permit issuance authority’ refers to hazardous waste management units for which the State where the units are located has not been authorized to issue RCRA permits pursuant to 40 CFR part 271.”

(b) Part 260 is adopted with the following exceptions:

(1) In section 260.2(a), replace the “Freedom of Information Act, 5 U.S.C. § 552, section 3007(b) of RCRA and EPA regulations implementing the Freedom of Information Act and section 3007(b)” with “NRS 459.555 and any regulations adopted pursuant thereto.”

(2) In section 260.10, replace “262.34” with “262.14 to 262.17” in the definition of “Final closure” and delete “261.2(a)(2)(ii) and” from the definition of “Hazardous secondary material generator.”

(3) In section 260.33(b), delete “in the locality where the recycler is located.”

(4) In section 260.34(a), delete “Determinations may also be granted by the State if the State is either authorized for this provision or if the following conditions are met: (1) The State determines the hazardous secondary material meets the criteria in paragraphs (b) or (c) of this section, as applicable; (2) The State requests that EPA review its determination; and (3) EPA approves the State determination.”

(5) In section 260.41(a), delete “or unless review by the Administrator is requested. The order may be appealed to the Administrator by any person who participated in the public hearing. The Administrator may choose to grant or to deny the appeal.”

(c) Part 261 is adopted with the following exceptions:

(1) In section 261.1(a)(1), delete “hazardous waste produced by very small quantity generators and.”

(2) In section 261.4(a)(1)(ii), delete “, except as prohibited by § 266.505 and Clean Water Act requirements at 40 CFR 403.5(b).”

(3) In section 261.4(a)(24)(v)(B)(3), delete “publicly available.”

- (4) In section 261.4(a)(24)(vi)(E), replace “272” with “270.”
- (5) In section 261.4(e)(1), replace “40 CFR 261.5 and 262.34(d)” with “40 CFR 262.13 and 262.16(b).”
- (6) In section 261.4(e)(3)(iii), delete “in the Region where the sample is collected.”
- (7) In section 261.6(a)(3)(i)(A), replace “§§ 262.53, 262.56(a)(1)-(4), (6), and (b), and 262.57” with “§ 262.83” and replace “subpart E” with “subpart H.”
- (8) In section 261.11(c), replace “261.5(c)” with “262.13(c).”
- (9) In section 261.30(d), replace “261.5” with “262.13.”
- (10) In section 261.33(c), delete “or § 266.507.”
- (11) ~~In each of the four entries for “P075” in the table in section 261.33(e), delete “(this listing does not include patches, gums and lozenges that are FDA approved over the counter nicotine replacement therapies).”~~
- ~~(12)~~ In section 261.142(a)(3)-(4), replace both references to “§ 265.5113(d)” with “§ 265.113(d).”
- ~~(13)~~ (12) In section 261.1089(f), replace “261.1082(c)(1) or (c)(2)(i) through (vi)” with “261.1082(c).”
- ~~(14)~~ (13) In Part 261, Appendix IX, replace any references to “40 CFR 262.34” with “40 CFR 262.15, 262.16 and 262.17.”
- (d) Part 262 is adopted with the following exceptions:
- (1) In section 262.11(d)(2), delete “or according to an equivalent method approved by the Administrator under 40 CFR 260.21.”
- (2) In section 262.14(a)(5)(ix), replace the final period with a semicolon.

(3) In section 262.14(a)(5)(x), replace the final period with “; and.”

(4) In section 262.20(a)(2), replace “262.54 and 262.60” with “262.83(c)-(e) and 262.84” and replace both references to “262.34” with “262.16, 262.17.”

(5) In sections 262.42(a)(2) and 262.42(b), delete “for the Region in which the generator is located.”

(6) In section 262.212(e)(3), replace “§ 261.5(c) and (d)” with “§ 262.13(c) and (d).”

(e) Part 264 is adopted with the following exceptions:

(1) In section 264.18(c), delete “except for the Department of Energy Waste Isolation Pilot Project in New Mexico.”

(2) In sections 264.143(h) and 264.145(h), replace “If the facilities covered by the mechanism are in more than one Region, identical evidence of financial assurance must be submitted to and maintained with the Regional Administrators of all such Regions” with “If the facilities covered by the mechanism are in this State and another state, identical evidence of financial assurance must be submitted to and maintained with the Division and the agency regulating hazardous waste in the other state or, if the other state has not been approved or authorized by the EPA under 40 CFR Part 271, the EPA Regional Administrator.”

(3) In sections 264.147(a)(1)(i) and 264.147(b)(1)(i), delete “, or Regional Administrators if the facilities are located in more than one Region.”

(4) In section 264.151:

(I) Replace any requirement that an owner or operator notify the EPA Regional Administrator of the financial obligations of the owner or operator with a requirement that the owner or operator notify the Director, the agency regulating hazardous waste in a state that has

been approved or authorized by the EPA under 40 C.F.R. Part 271 and all EPA Regional Administrators of Regions affected by the financial assurance mechanism of the owner or operator;

(II) Require that all orders, requests, instructions and notices to the Trustee regarding a financial assurance mechanism for a facility in this State be in writing and signed by the Director; and

(III) Delete “an agency of the United States Government” from the second paragraph of the trust agreement.

(5) In section 264.1030(b)(3), replace “40 CFR 262.34(a)” with “40 CFR 262.17(a).”

(6) In section 264.1050(b)(2), replace “40 CFR 262.34(a)” with “40 CFR 262.17(a).”

(f) Part 265 is adopted with the following exceptions:

(1) In section 265.18, delete “, except for the Department of Energy Waste Isolation Pilot Project in New Mexico.”

(2) In section 265.145(g), replace “If the facilities covered by the mechanism are in more than one Region, identical evidence of financial assurance must be submitted to and maintained with the Regional Administrators of all such Regions” with “If the facilities covered by the mechanism are in this State and another state, identical evidence of financial assurance must be submitted to and maintained with the Division and the agency regulating hazardous waste in the other state or, if the other state has not been approved or authorized by the EPA under 40 CFR Part 271, the EPA Regional Administrator.”

(3) In section 265.147(a)(1)(i), delete “or Regional Administrator if the facilities are located in more than one Region.”

(g) Part 266 is adopted with the following exceptions:

(1) In section 266.100(c)(3), replace “conditionally exempt small quantity generators under § 261.5” with “very small quantity generators under §§ 262.13 and 262.14.”

(2) In section 266.108(c), replace “§ 261.5” with “§§ 262.13 and 262.16.”

(h) Part 268 is adopted with the following exceptions:

(1) In the leadline for section 268.7, delete “reverse distributors.”

(2) In section 268.7(a), delete “and reverse distributors.”

(i) Part 270 is adopted with the following exceptions:

(1) Delete all references to “interim authorization”; and

(2) Delete “or 267.150” in § 270.290(r).

(j) Part 273 is adopted with the following exceptions:

(1) In section 273.1(b), replace “272” with “270.”

(2) In section 273.13(a)(3)(i), 273.13(c)(2)(iii), 273.13(c)(2)(iv), 273.13(c)(4)(ii) and 273.13(e)(4)(v), replace “272” with “270.”

(3) In section 273.13(e)(4)(vi), replace “or” with “and.”

(4) In section 273.17(b), replace “272” with “270.”

(5) In section 273.3(b)(2), replace “272” with “270.”

(6) In section 273.33(a)(3)(i), 273.33(c)(2)(iii), 273.33(c)(2)(iv), 273.33(c)(4)(ii) and 273.33(e)(4)(v), replace “272” with “270.”

(7) In section 273.33(e)(4)(vi), replace “or” with “and.”

(8) In section 273.37(b), replace “272” with “270.”

(9) In section 273.54(b), replace “272” with “270.”

(10) In section 273.80(a), replace “Except as provided in paragraph (d) of this section, any” with “Any.”

(k) Part 279 is adopted with the following exceptions:

(1) In section 279.40(c), delete “unless, under the provisions of § 279.10(b), the hazardous waste/used oil mixture is determined not to be hazardous waste.”

(2) Delete the entirety of section 279.82 and replace with “§ 279.82 Use as a dust suppressant. The use of used oil as a dust suppressant is prohibited.”

Permanent Regulation - Informational Statement

A Permanent Regulation Related to Environmental Programs

**Legislative Review of Adopted Permanent Regulations as Required
by Administrative Procedures Act, NRS 233B.066**

State Environmental Commission Permanent No: R034-26P

The Nevada State Environmental Commission (SEC) offers the following informational statement in compliance with Nevada Revised Statute (NRS) 233B.066.

1. Need for Regulation

The proposed regulatory petition establishes a single regulatory regime for facilities seeking to manage recyclable materials whether classified as hazardous waste or hazardous secondary materials. The regulatory amendment also establishes an annual fee for the Division's oversight of these types of facilities and existing facilities operating under a written determination authorization from the Division, and updates some portions of federal requirements adopted by reference.

2. A description of how public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary.

The Legislative Counsel Bureau published its draft, R034-26P, in the Nevada Register on March 27, 2026.

The NDEP held one public workshop for R034-26P on April 2, 2026. The public was invited to participate in person in the Bryan Building at 901 South Stewart Street in Carson City, Nevada, as well as at the NDEP offices at 375 East Warm Springs Road in Las Vegas, Nevada. The workshop was held to present the substance of, and receive public comment on, the proposed regulation. Twenty-five members of the public and regulated industry attended the workshop either in person or virtually. During and after the public workshop, the Division received four verbal questions:

- 1) Q: Shane O'Neil from Republic Services (US Ecology) stated that the fire codes have different definitions of fire, so he asked that when the regulations say fire, is the State talking about any fire or unwanted fire?
A: Mr. Zittel responded by stating that when this has been discussed internally, it means any fire because we are talking about hazardous waste. If there is a fire, it would be open burning because there shouldn't be flames under normal operations.

- 2) Q: Shane O'Neil from Republic Services (US Ecology) responded by stating that if a fire is defined as open burning, then it is clarified.
A: Mr. Kinder responded by stating that the State appreciates these comments and the language of the fire code will be looked into.
- 3) Q: Kayla Alm from Comstock asked if the proposed regulations are requiring that every HSM shipment is going to require a manifest.
A: Mr. Kinder responded by stating no, that the facility would follow the federal requirements and if they received an HSM shipment that for whatever reason required a manifest, then they would follow those regulations. If a shipment did not require a manifest, the State would not require a manifest.
- 4) Q: Alex Tanchek from Silver State Government Relations asked what the intent of including gum and nicotine patches in the proposed regulation was. He was curious if it was conforming with federal requirements or federal changes.
A: Ms. Hood responded by stating it is part of the Pharmaceutical Rule that we have not adopted here yet but we are trying to make it a little bit easier for industry by removing those from the P code because that is an acute hazardous waste.

A summary of the workshop is included on the NDEP website as well as the SEC website.

The proposed regulations were also distributed to both the Hazardous Waste and the Solid Waste listservs. The Division accepted written comments on R034-26P for 30 days ending on April 17, 2026.

The SEC held a hybrid regulatory hearing on April 30, 2026, to consider possible action on R034-26P. The SEC posted its public notice, which included a link¹ and instructions to access R034-26P and pertinent documents and information supporting the regulation, for the regulatory meeting at the State Library in Carson City, at Division offices located in both Carson City and Las Vegas, at all county libraries throughout the state, and to the SEC email distribution list. The SEC also posted the public notice at the Division of Minerals in Carson City, at the Department of Agriculture, on the LCB website, on the Division of Administration website, and on the SEC website.

The public notice was also published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once per week for three consecutive weeks prior to the SEC regulatory meeting.

3. The number of persons who attended the SEC Regulatory Hearing:

- (a) Attended April 30, 2026, hearing: 45 (approximately)
- (b) Testified on this petition at the hearing: 3

¹ <https://sec.nv.gov/meetings/sec-meeting-april-30-2026>

1. Jonathan Zittel, on behalf of the Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701
(775) 687-9465
jzittel@ndep.nv.gov
2. Chris Locken, on behalf of the Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701
(775) 687-9316
clocken@ndep.nv.gov
3. Rob Paulsen, representing Tesla, Inc.
Electric Avenue
Sparks, Nevada 89434
(888) 518-3752

(c) Submitted to the agency written comments: None

4. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses through one public workshop and during the April 30, 2026, SEC hearing as noted in number 2 above. There was one verbal comment received regarding the regulatory amendments during the April 30, 2026, SEC meeting: Mr. Rob Paulsen, representing Tesla, Inc., spoke briefly in support of the proposed regulations.

5. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Commissioners unanimously adopted R034-26P with NDEP-proposed changes because the SEC was satisfied with the proposed regulation and the proposed edits to the LCB draft.

6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

Regulated Business/Industry:

This regulatory amendment is not anticipated to have any adverse or beneficial economic effects on the regulated community in the short or long term.

Public:

This regulatory amendment is not anticipated to have any adverse or beneficial economic effects on the public in the short or long term.

7. The estimated cost to the agency for enforcement of the adopted regulation.

Enforcing Agency.

The proposed changes are not expected to have a significant impact on the agency, as potentially not receiving permitting fees would be recouped through the proposed annual fee.

8. 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.

The proposed regulations establish a single regulatory regime for facilities seeking to manage recyclable materials under existing federal and state requirements and update some portions of federal requirements adopted by reference.

9. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

The proposed regulations are not more stringent than federal regulations.

10. 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 regulatory amendments include a proposed new annual fee for facilities that recycle hazardous waste. However, facilities that recycle both hazardous waste and hazardous secondary materials would no longer need to seek a written determination authorization or pay the associated fees. Therefore, it is not anticipated to have an estimated cost effect on the agency, as potentially not receiving permitting fees would be recouped through the proposed annual fee.