

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>

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(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.