

**NEVADA DIVISION OF ENVIRONMENTAL PROTECTION**  
**Workshop to Solicit Comments on Proposed Amendment to**  
**Nevada's Hazardous Waste Regulations:**  
**NAC 444.8455, NAC 444.845, and NAC 444.86325**

April 2, 2026  
10:00 AM

Bonnie B. Bryan Boardroom  
1st Floor  
901 South Stewart Street Carson  
City, NV 89701

Warm Springs Conference Room  
Suite 200  
375 East Warm Springs Road Las  
Vegas, NV 89119

The workshop was also held virtually and was  
publicly accessible by video conference and phone

**MEETING NOTES**

**ATTENDEES:**

NDEP Staff:

Jeffrey Kinder, Deputy Administrator, NDEP  
Annalyn Settlemeyer, Chief, BSMM  
Chris Locken, Supervisor, BSMM  
Jonathan Zittel, Supervisor, BSMM  
Mandy Hood, BSMM  
Agustina Galarza-Stiglich, BSMM

Mike Richardson, Supervisor, BSMM, Las Vegas  
Diondrae White, BSMM, Las Vegas

Public:

*Carson City:*

Dan Lieber, ABTC  
Kayla Alm, Comstock  
Sarah Graham, UES  
Cooper McCleeny, UES  
Shane O'Neill, Republic Services  
Paul Eckert, NDEP  
Kaela Domin, NDEP

*Las Vegas:*

None.

*Virtual*<sup>1</sup>:

Maureen Godbout, NDEP  
Christian Pineda-Arciniega, NDEP  
Michael Finocchiaro  
Alex Tanchek  
Ranee Runnebaum  
Austin Butler (Unverified)  
Kat Olson (External)  
Stav Zas  
Fireflies.ai Notetaker Alex (Unverified)  
Jocelyn Samonez, NDEP  
Jenna Kube (External)  
Braeden Palinko  
Kimberly Rios (External)  
Romero, Rani  
Josh Gubkin  
Charlotte Smith  
Thaddeus McCaustland  
12097519946 (Unverified)  
Steven Slater (External)  
Jeanne Gerow (External)  
John Itzaina  
17137256363 (Unverified)  
Reagan Hart (External)

<sup>1</sup> Participants are listed using their online registration. Last name and/or affiliation may not have been provided.

## Call to Order

Mr. Locken called the meeting to order at 10:04 AM, explained the purpose of the Public Workshop, and introduced the staff present. Mr. Locken reviewed the workshop agenda. There were no questions or changes to the agenda. Mr. Locken explained that virtual attendees would be muted by the moderator and how they could signal to the moderator that they had a question or comment so they could be unmuted. Mr. Locken explained that a copy of the proposed regulation was available for the public.

Mr. Locken explained how the regulation adoption process works. The regulation adoption timeline was explained, specifying that there would be a 30-day public comment period prior to the SEC hearing for each set of proposed amendments. Mr. Locken stated that unless there are substantive changes based on feedback from this workshop, permanent regulation R034-26 is expected to be heard before the SEC. Any information about the hearing can be found on the SEC website. If the regulations are adopted by the SEC, they are submitted to the Legislative Commission. If the Legislative Commission approves the regulations, they are filed with the Secretary of State and become effective. Mrs. Settlemeyer started the presentation.

## R034-26 Summary

NDEP is proposing to update the existing hazardous waste regulations in NACs 444.8455, 444.845, and 444.86325. R034-26 proposes to establish a single regulatory regime for facilities seeking to manage recyclable materials whether classified as hazardous waste or hazardous secondary materials. This amendment also proposes to establish 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.

Mr. Kinder explained that NDEP previously submitted a draft of the regulations to the LCB and has since received a revised draft in response. As a result, there is now a greenlined version of the regulations that reflects the changes between the two drafts. The greenlined document is the version we are referring to and discussing today.

Mr. Kinder gave a background on facilities that recycle hazardous waste, including universal waste and the Written Determination process. Mr. Kinder also explained that in the November 29, 2024, meeting, the SEC adopted the Division's proposed regulations to incorporate the federal Hazardous Secondary Materials exclusions. Hazardous secondary materials (or HSM) are materials that, when discarded, would be classified as hazardous waste. However, under certain conditions, these materials can be excluded from hazardous waste regulations, allowing for more flexible management and recycling options. The exclusions are designed to encourage recycling while ensuring environmental protection. Because not all states have adopted the HSM exclusions, this creates a situation where a facility may be recycling the same material, but it may be designated as hazardous waste or it may be designated a hazardous secondary material. This then requires the facility to both follow the federal HSM requirements, as well as obtain a Written Determination from the Division.

R034-26 proposes to establish a single regulatory regime for facilities seeking to manage recyclable materials whether classified as hazardous waste or hazardous secondary materials.

As we are striving to ensure harmony between federal requirements and state requirements, this slide shows the federal regulatory requirements for hazardous waste recyclers already adopted by reference in NAC 444.8632. Facilities would be required to meet all these conditions listed for the exemption.

Mr. Kinder went on to explain that there were additional state-only requirements to implement this effort. The additional requirements included: Financial assurance, siting requirements, and emergency notification requirements.

Mr. Kinder started the next slide by informing the workshop that one area we are specifically requesting industry and public comment on today is the addition of language “fire, explosion or release of hazardous waste” to the emergency notification requirements.

Mr. Kinder continued the presentation with the proposed annual fees for the processing of written determinations and for facilities handling HSM. The State is seeking a fee of \$5000.00 per year in annual fee to cover the cost of working with the industry on compliance. Mr. Kinder also explained that the State had to add additional language into NAC 444.845 to conform with the changes that were being made with the annual fee structure.

Mr. Kinder then handed the floor to Mr. Zittel to speak on the portion of regulation changes to the federal requirements adopted by reference. These included adopting the notification requirements for HSM and the removal of patches, gums, and lozenges that our FDA approved over the counter nicotine replacement therapies from the waste code P075.

Mr. Locken opened the meeting to questions and public comments.

### Comments and Questions

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.

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.

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.

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.

#### Closing Remarks and Adjournment

Mr. Locken asked if there were any other comments or questions, there being none, Mr. Locken thanked everyone for their time and participation in the public workshop and the meeting was adjourned.