

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R037-13

August 12, 2013

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

AUTHORITY: §1, NRS 444.560.

A REGULATION relating to solid waste disposal; providing for the imposition of certain fees by the Division of Environmental Protection of the State Department of Conservation and Natural Resources relating to the operation of certain solid waste disposal sites; and providing other matters properly relating thereto.

Section 1. Chapter 444 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Division shall charge and collect the following fees for an application for the initial issuance of a permit or letter of approval:

For an application submitted by a class I site proposed to receive, based on an annual average, less than 500 tons per day..... \$5,000

For an application submitted by a class I site proposed to receive, based on an annual average, 500 tons or more per day..... \$65,000

For an application submitted by a class III site proposed to receive, based on an annual average, less than 500 tons per day..... \$5,000

For an application submitted by a class III site proposed to receive, based on an annual average, 500 tons or more per day..... \$50,000

For an application to operate a transfer station \$1,000

For an application to operate a facility for the management of waste tires \$2,500

2. The Division shall, on or before March 1 of each year, charge and collect the following annual permit fees:

For a permit issued to a class I site receiving, based on an annual average, more than 100 tons per day but less than 500 tons per day, excluding class I sites which have received a waiver of the liner and groundwater monitoring requirements prescribed by this chapter..... \$5,000

For a permit issued to a class I site receiving, based on an annual average, 500 tons or more per day..... \$65,000

For a permit issued to a class III site receiving, based on an annual average, more than 20 tons per day but less than 500 tons per day..... \$10,000

For a permit issued to a class III site receiving, based on an annual average, 500 tons or more per day..... \$50,000

For a permit issued to a class III site primarily receiving by-products from the combustion of coal \$20,000

3. The Division shall charge and collect the annual permit fee prescribed by subsection 2 for each year during which a disposal site requires a permit for its operation. Upon the closure of the disposal site and for each year during which the disposal site requires postclosure care, the Division may charge and collect an annual permit fee in an amount equal to the annual permit fee charged during the permitting period immediately preceding closure.

4. For the purpose of modifying an existing permit to operate a solid waste disposal site, the Division shall charge and collect a flat fee of \$200 plus an additional fee of \$50 per hour for each hour after the first 4 hours of staff time devoted to reviewing and processing the proposed modification. The fee based on the hourly rate charged to a disposal site pursuant to this subsection must not exceed an amount equal to the application fee applicable to such site pursuant to subsection 1.

Digest for Proposed Regulation R_037-13

Existing law requires the State Environmental Commission of the State Department of Conservation and Natural Resources to adopt regulations concerning the issuance of permits to construct or operate a disposal site. The Commission is further authorized to establish a schedule of fees for the issuance of permits or other approvals to operate solid waste management facilities which are located within the jurisdiction of the Department. (NRS 444.560) This regulation: (1) requires the Division of Environmental Protection of the Department to charge and collect certain fees for an application for the initial issuance of a permit or letter of approval to operate certain solid waste disposal sites; (2) requires the Division to charge and collect certain fees for an annual permit to operate certain solid waste disposal sites; (3) authorizes the Division to charge and collect certain annual permit fees during the period in which certain solid waste disposal sites require postclosure care; and (4) requires the Division to charge and collect certain fees for the modification of an existing permit to operate a solid waste disposal site.