

**FORM FOR PETITIONING THE STATE ENVIRONMENTAL COMMISSION FOR
ADOPTION, FILING AMENDMENTS OR REPEAL OF COMMISSION
REGULATIONS.**

Form #1—LCB File No. R037-13

1. Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, NV 89701-5249
(775) 687-4670



R. Eric Noack, Chief
Bureau of Waste Management
(775) 687-9366

2. The Nevada Division of Environmental Protection (NDEP) is a division of the Nevada Department of Conservation and Natural Resources of the State of Nevada. NDEP is an environmental regulatory agency.
3. Nevada Revised Statutes (NRS) 444.560 establishes the authority of the State Environmental Commission (SEC) to adopt a schedule of fees related to regulation of solid waste management facilities. The proposed regulation establishes the following fees: application fees for obtaining a permit or approval to operate certain new solid waste facilities; annual permit fees applicable to certain Class I and Class III disposal sites; and fees related to requests to modify an existing permit.
4. NEED FOR AND PURPOSE:

The NDEP Bureau of Waste Management Solid Waste Branch has been funded by Tire fees since 1993. Tire fees have no relation to the regulatory workload of the Solid Waste program; while the number and complexity of regulated facilities has increased, tires fees have remained flat and are no longer adequate to support program needs. The proposed schedule of permit fees will provide a supplemental source of revenue that is directly tied to the regulatory workload. In addition, the proposed fees will enable the Division to offset certain expenses currently funded with hazardous waste fees to help address revenue shortfalls in the Hazardous Waste Management Fund.

5. ECONOMIC EFFECTS:
 - (a) Regulated Business/Industry. The proposed fees would apply to a small number of landfill disposal facilities, representing the larger facilities within NDEP's jurisdiction, including: Lockwood Regional Landfill serving Reno-Sparks/Washoe County and owned/operated by Waste Management Inc., Carson City Municipal Landfill, City of Elko Regional Landfill, an industrial waste landfill in Lincoln

County owned/operated by Western Elite, Inc., and coal ash landfills associated with coal-fired generating facilities operated by NV Energy and Newmont Energy Investment LLC. With each facility the amount of the fee is relatively nominal compared to the scale of the operation and for all but one facility the fee can be incorporated into their rate structure. Each of the affected facility owners was contacted individually regarding the impact and their acceptance of the proposed fees. All of the facility owners were accepting of the proposed fees after discussion and negotiation; to accommodate industry concerns, several of the fees were lowered and the fees applicable to coal ash landfills were modified to include two tiers based on annual disposal rate. The benefit of the proposed fees is that it helps to maintain a robust regulatory program that ensures the integrity of facility operations and prevents the need for federal intervention by US EPA.

- (b) Public. There would be no significant economic impact on the public if the proposed fee schedule were adopted. If the fees applicable to municipal landfills were passed on to customers, the amount would be insignificant. For example, the fee applicable to the Lockwood Landfill equates to roughly 7 cents per ton per year. An average household generates roughly one ton of household waste per year, so proportionally, the cost per household could be as low as 7 cents per year.
- (c) Enforcing Agency. There will be no additional cost to the agency for implementing the proposed fee schedule. The number of accounts is small and existing systems for fee collection and processing can be used.

- 6. The proposed regulation does not duplicate any other state or federal regulation.
- 7. The proposed regulation does not include provisions which are more stringent than a federal regulation.
- 8. It is anticipated that the proposed annual permit fees would generate \$100,000 per year. Additional revenue may be available if new permit applications or requests to modify permits are received; however, the amount cannot be predicted. This revenue would be used to offset the Division's costs for regulating waste management facilities.

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