

Permanent Regulation - Informational Statement

A Regulation Relating to Air Quality

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

State Environmental Commission (SEC)
LCB File No: R091-16

Regulation R091-16:

Nevada Revised Statutes (NRS) 459.485 and 459.490 establish the authority of the State Environmental Commission (SEC) to adopt regulations regarding hazardous waste management, including the plan for management of hazardous waste in the entire State.

SPECIFIC CHANGES:

The regulatory amendments are in response to a comprehensive regulation review by the USEPA. They will correct and clarify existing state hazardous waste regulations and make them more consistent with the federal regulations. Changes include the deletion of a reference to an obsolete federal regulation, the addition of an inadvertently omitted federal subpart and the clarification of wording for hazardous waste financial assurance documents. These minor changes to existing state regulations provide fuller equivalence with current federal hazardous waste regulations.

In addition, there is a State-initiated replacement of a specific adoption by reference date, currently July 1, 2008, with a general reference to NAC 444.8632. This will simplify future adoption by reference efforts.

1. Need for Regulation:

In order to remain consistent with federal hazardous waste regulations and authorized to enforce them in lieu of the USEPA, Nevada is required to periodically update its State Hazardous Waste regulations to be consistent with federal regulations. In 2007, 2008 and 2009, the SEC adopted State regulations to reflect the current federal regulations through July 1, 2008. Following each SEC adoption, the NDEP submitted an amended program authorization application to USEPA reflecting the regulatory changes.

In 2015, USEPA examined the three State program revision applications, in conjunction with conducting a comprehensive review of the Nevada Hazardous Waste

program regulations. As a result, the NDEP agreed to address specific federal regulations and, in addition, is proposing amendments that streamline the “Adoption by Reference” process.

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.

On September 21, 2016, NDEP conducted a public workshop on proposed regulation R091-16. The workshop was held in Carson City and teleconferenced in Las Vegas. The meeting location in Carson City was at the Bryan Building located at 901 S. Stewart Street (Great Basin Conference Room) and teleconferenced to the NDEP office, located at 2030 East Flamingo Road, Suite 230.

Twenty (20) members of the public attended the workshop.

Questions from the public presented at the workshop were addressed by NDEP staff; summary minutes of the workshop are posted on the SEC website at: http://www.sec.nv.gov/main/hearing_1016.htm .

Following the workshop, the SEC held a formal regulatory hearing on October 12, 2016 at the Bryan Building Tahoe Conference room located at 901 South Carson Street, Carson City. A public notice for the regulatory meeting was posted at the meeting location, at the State Library in Carson City, at the Office of the Division of Environmental Protection in Las Vegas, 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.

Copies of the agenda, the public notice, and the proposed permanent regulation R091-16 were also made available at all public libraries throughout the state as well as to individuals on the SEC mailing list.

The public notice for the proposed regulation was published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the SEC regulatory meeting. Other information about this regulation was made available on the SEC website at: http://www.sec.nv.gov/main/hearing_1016.htm .

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

- (a) Attended October 12, 2016 hearing: 18 (approximately)
- (b) Testified on this Petition at the hearing: 0
- (c) Submitted to the agency written comments: 0

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 e-mail, a public workshop and at the October 12, 2016 SEC hearing as noted in number 2 above.

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 regulation was adopted without change because the public was satisfied with the proposed amendments.

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

Regulated Business/Industry. The corrections and clarifications to existing regulations are not anticipated to have a significant economic impact on Nevada businesses. If any impact occurs, it is expected to be a positive impact, as correcting and clarifying the regulations may simplify compliance.

Public. The proposed regulation will have no economic impact on the public.

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

Enforcing Agency. The proposed amendments will have no economic effect on the agency.

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 amendments adopt federal USEPA regulations in order to allow the NDEP to implement them in Nevada.

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 regulation is no more stringent than what is established by federal law.

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 regulation does not address new fees.