

LCB File No. T024-00

ADOPTED TEMPORARY REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION

(Effective December 6, 2000)

Explanation - Matter in *italics* is new; matter in brackets ~~is~~ is material to be omitted.

Deleted: ~~omitted material~~

Authority: NRS 459.485, 459.490 and 459.500

Section 1. NAC 444.8427 is hereby amended to read as follows:

444.8427 "Facility for community recycling" defined. "Facility for community recycling" means a facility for recycling hazardous waste which has a yearly capacity that is not more than twice the amount of the type of hazardous waste proposed to be recycled that is generated within the region in this state in which the facility is or is proposed to be located, as determined by the generation rate contained in the biennial report required by the provisions of 40 C.F.R. § 262.41, as that section existed on July 1, 2000 ~~is~~.

Deleted: ~~6, 1999~~

Sec. 2. NAC 444.84275 is hereby amended to read as follows:

444.84275 "Facility for community storage" defined. "Facility for community storage" means a facility for the storage and consolidation of hazardous waste which has a yearly capacity that is not more than twice the amount of hazardous waste that is generated within the county in which the facility is or is proposed to be located, as determined by the generation rate contained in the biennial report required by the provisions of 40 C.F.R. § 262.41, as that section existed on July 1, 2000 ~~is~~.

Deleted: ~~6, 1999~~

Sec. 3. NAC 444.850 is hereby amended to read as follows:

444.850 Definitions. As used in NAC 444.850 to 444.8746, inclusive, unless the context otherwise requires:

1. The words and terms defined in NAC 444.8505 to 444.861, inclusive, have the meanings ascribed to them in those sections.
2. Except for the words and terms otherwise defined in NAC 444.8505 to 444.861, inclusive, the words and terms defined in 40 C.F.R. § 260.10, as that section existed on July 1, 2000 ~~is~~, have the meanings ascribed to them in that section.

Deleted: ~~6, 1999~~

Sec. 4. NAC 444.8632 is hereby amended to read as follows:

444.8632 Compliance with federal regulations adopted by reference.

1. In addition to the requirements of NAC 444.850 to 444.8746, inclusive, a person who generates, transports, treats, stores, disposes or otherwise manages hazardous waste or used oil shall comply with all applicable requirements of, and may rely upon applicable exclusions or

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exemptions under 40 C.F.R. Part 2, Subpart A, Part 124, Subparts A and B, Parts 260 to 270, inclusive, and Parts 273 and 279, as those provisions existed on July 1, 2000 ~~§~~, which, except as otherwise modified by NAC 444.86325, 444.8633 and 444.8634, are hereby adopted by reference. The state environmental commission may use federal statutes and regulations that are cited in 40 C.F.R. Part 2, Subpart A, Part 124, Subparts A and B, Parts 260 to 270, inclusive, and Parts 273 and 279, to interpret these sections and parts.

Deleted: 6, 1999

2. The volumes containing these parts may be obtained from the Superintendent of Documents, P.O. Box 371954, Pittsburgh PA 15250, for the following prices:

- (a) Volume 40 C.F.R. Part 2..... \$33
- (b) Volume 40 C.F.R. Part 124 53
- (c) Volume 40 C.F.R. Parts 260 to 265, inclusive..... 32
- (d) Volume 40 C.F.R. Parts 266 to 299, inclusive 33

Sec. 5. NAC 444.9452 is hereby amended to read as follows:

444.9452 Adoption by reference of provisions of Code of Federal Regulations.

1. All sections, subparts and parts of Title 40 of the Code of Federal Regulations referred to in NAC 444.940 to 444.9555, inclusive, as modified by NAC 444.9453, are hereby adopted by reference as they existed on July 1, 2000 ~~§~~.

Deleted: 6, 1999

2. The volumes containing these sections, subparts and parts may be obtained from the Superintendent of Documents, United States Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250, for the following prices:

- (a) The volume containing 40 C.F.R. Parts 260 to 265, inclusive.....\$32
- (b) The volume containing 40 C.F.R. Parts 266 to 299, inclusive.....33
- (c) The volume containing 40 C.F.R. Part 76142

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Original Petition 2001-02 was adopted as a temporary regulation by the Environmental Commission on December 5, 2000 and filed with the Nevada Secretary of State on December 6, 2000. This temporary regulation expires by statute on November 1, 2001.

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INFORMATIONAL STATEMENT

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
TEMPORARY PETITION 2001-02
STATE ENVIRONMENTAL COMMISSION**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) 444. This temporary regulation deals with amendments to the hazardous waste program.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested person may obtain a copy of the summary.

Petition 2001-02 , was noticed three (3) times: November 3, November 9 and , November 14, 2000 as a temporary regulation ion the Las Vegas Review Journal and the Reno Gazette-Journal newspapers. A report was prepared that summarized the public meetings. Workshops were held on September 26, 2000 in Las Vegas and September 27, 2000 in Carson City. The regulation was adopted by the State Environmental Commission on December 5, 2000. No oral or written comments opposing or supporting the regulation were received by the Commission. The public was also mailed the notice of intent and agenda through the Environmental Commission's mailing list. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 extension 3117, or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

2. The number of persons who:

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|---|----|
| (a) Attended each hearing; | 90 |
| (b) Testified at each hearing; | 0 |
| (c) Submitted to the agency written comments: | 0 |

3. A description of how comment was solicited fro affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1 and by direct mail to interested persons subscribing to the Commission's mailing list. See above statement for dates of the public notices and public workshops. No oral or written testimony was received that opposed or supported the regulation. A copy of the written comments may be obtained by calling the Nevada State Environmental Commission (775) 687-4670 or writing to the Commission at 333 W. Nye Ln., Room 138, Carson City, Nevada 89706-0851.

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4. 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 temporary regulation was adopted by the State Environmental Commission on December 5, 2000 with any request for amendments.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Estimated economic effect of the regulation on the business which it is to regulate;

There will be no adverse economic impact upon the regulated business community. This regulation will make it easier for affected businesses to comply by simplification of the regulation.

- (b) Estimated economic effect on the public;

The adoption of this regulation is not anticipated to have a direct short or long term adverse economic impact upon the public.

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

There is no additional cost to the agency for enforcement.

7. 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 regulations do not overlap or duplicate any regulations of another state or local governmental agency.

8. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

This regulation is no more restrictive or stringent than the federal requirements. This regulation adopts by reference 40 CFR Parts 2, Subpart A, 124, Subparts A and B, Parts 260 to 270 and Part 279.

9. 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.

This temporary regulation does not provide a new fee and it does not amend existing fees..

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