

Permanent Regulation - Informational Statement

A Permanent Regulation Related to Environmental Programs

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

State Environmental Commission Permanent No: R084-19

Permanent Regulation R084-19:

Nevada Revised Statute (NRS) 444.8632 establishes the authority of the State Environmental Commission (SEC) to adopt regulations governing systems of hazardous waste management. NDEP amended Nevada Administrative Code (NAC) 444 to align more closely with the federal U.S. Environmental Protection Agency (EPA).

SPECIFIC CHANGES:

The revisions include updating “*adoption by reference*” of federal mandates, allowing hazardous waste manifests to be digitally available as opposed to providing hard copies, allowing electronic reporting, and elimination of waiver application processing, as EPA now processes them to ensure national consistency.

1. Need for Regulation:

To remain consistent with federal hazardous waste regulations and maintain authorization to enforce them in lieu of EPA, Nevada is required to periodically update its state hazardous waste regulations in response to changes made at the federal level. Once the regulations are updated, Nevada can complete the authorization application package. Changes to existing state regulations follow the “Guidelines for State Adoption of Federal RCRA Regulations by Reference” federal guidance document and provide fuller equivalence with current federal hazardous waste regulations, as well as clean up and simplify state regulations. The RCRA and other rule amendments that we are proposing to adopt are federal rules, and the regulated business/industry must comply with them regardless of whether EPA or NDEP implements them. The other regulatory changes are housekeeping items necessary to modernize and enhance the NDEP program.

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 November 13, 2019 NDEP conducted a public workshop on regulation R084-19.

The workshop was held in Carson City and video-conferenced to Las Vegas.

Bryan Building, 4 rd Floor Great Basin Room 901 S. Stewart Street Carson City, Nevada	NDEP Office in Las Vegas Red Rock Conference Room 2030 E. Flamingo Road, Suite 230 Las Vegas, Nevada
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A total of approximately thirty-two (32) 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:

<https://sec.nv.gov/meetings/july-2020-regulatory-meeting>.

Following the workshop, the SEC held a formal regulatory hearing on July 1, 2020. Due to COVID-19 and the Governor’s subsequent Emergency Directive 006, there was no physical location for the meeting and it was held virtually. A public notice for the regulatory meeting and a copy of the proposed regulation were posted at the State Library in Carson City, at NDEP offices located in both Carson City and Las Vegas, at all county libraries throughout the state, and provided to the SEC email distribution list. The public notice was also posted 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.

The agenda and information where supporting documents could be located were posted at NDEP offices located in both Carson City and 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, on the SEC website, and provided to the SEC email distribution 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: <https://sec.nv.gov/meetings/july-2020-regulatory-meeting>.

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

- (a) Attended July 1, 2020 hearing: 81 (approximately)
- (b) Testified on this Petition at the hearing: 0
- (c) Submitted to the agency written comments: 1

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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, public workshops and at the July 1, 2020 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 and the SEC members were 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. There is no economic impact expected on business or industry.

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

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

Enforcing Agency. There will be no additional costs to 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 adopted amendments do not overlap, duplicate or conflict with any regulations of other government agencies.

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 fees.

