

REVISED PROPOSED REGULATION OF THE STATE

ENVIRONMENTAL COMMISSION

LCB File No. R107-97

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

AUTHORITY: NRS 459.485, 459.500 and 459.510.

Section 1. NAC 444.8452 is hereby amended to read as follows:

444.8452 1. The owner or operator of a facility for the management of hazardous waste shall, in addition to any other applicable fees, pay the following fees to the division to offset partially the cost of inspection and other regulation of the facility:

(a) **[For]** *Except as otherwise provided in paragraph (d), for* the disposal, open burn, open detonation or incineration, including burning for the recovery of energy in boilers or industrial furnaces, **[by the facility, \$20]** *of waste that is hazardous waste as described in paragraph (a) or (b) of subsection 2 of NAC 444.843, \$18.50* per ton of the volume received by the facility.

(b) *Except as otherwise provided in paragraph (d), for the disposal of waste brought into this state that is hazardous waste as described in paragraph (c) or (d) of subsection 2 of NAC 444.843, but that is not otherwise designated as hazardous waste in accordance with 40 C.F.R. Part 261, \$3.00 per ton of the volume received by the facility.*

(c) For the treatment or storage of a volume of hazardous waste without subsequent disposal, open burn, open detonation or incineration by the facility, \$5 per ton of the volume received by the facility, not to exceed a maximum fee of \$10,000 per calendar year if the waste treated or stored is waste generated at that facility.

(d) For the treatment and subsequent disposal of a volume of hazardous waste that is treated so that it is not hazardous waste pursuant to NAC 444.843, \$3.00 per ton of the volume received by the facility.

2. The owner or operator of such a facility shall:

(a) Calculate the amount of hazardous waste subject to the fees on a quarterly basis;

(b) Pay the fees provided in this section, based on the volume of hazardous waste received by the facility during each quarter of the calendar year, within 30 days after the end of each quarter; and

(c) Submit, with each payment, a detailed accounting of the volume of waste, which corresponds to the fee paid.

3. The division may assess a penalty of 2 percent of the unpaid balance for each month, or portion thereof, that a fee remains unpaid.

4. *The division may waive any part of the fees specified in subsection 1 for waste brought to a state-owned facility if the waste is generated:*

(a) By an agency of this state; or

(b) In compliance with an order issued by the division to clean up a spill or deposit.

5. As used in this section, “owner or operator of a facility for the management of hazardous waste” means a person who:

(a) Qualifies for interim status pursuant to 40 C.F.R. Part 270, Subpart G; or

(b) Has been issued a permit pursuant to 40 C.F.R. Part 124, Subparts A and B, and Part 270, Subparts A to F, inclusive.