

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R125-98

August 3, 1998

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

AUTHORITY: §1, NRS 459.485, 459.490 and 459.500.

Section 1. NAC 444.84555 is hereby amended to read as follows:

444.84555 1. An application for a written determination that a proposed facility or mobile unit will operate as a facility for the recycling of hazardous waste or mobile unit for the recycling of hazardous waste must be accompanied by:

(a) *The name and address of the owner and operator of the facility or mobile unit;*

(b) *The name and address of the property owner of the location at which a facility is proposed to be constructed;*

(c) A detailed description of the type of recycling which is proposed, including:

(1) The manufacturer of the equipment to be used at the facility or mobile unit;

(2) The nature of the recycling; and

(3) An explanation evidencing that the:

(I) Facility is a facility for the recycling of hazardous waste; or

(II) Mobile unit is a mobile unit for the recycling of hazardous waste [.

(b)] ;

(d) A description of the source and estimated amount of hazardous waste to be recycled on an average day and on a peak day [.

(c)] ;

(e) A physical and chemical description of the type of hazardous waste to be accepted by the facility or processed by the mobile unit [.

(d)] ;

(f) A detailed economic analysis of the recycling process to be used at the facility or by the mobile unit, including:

(1) The projected costs to operate the facility or mobile unit;

(2) The fees that would be charged per unit of volume to process waste transported to the facility or processed by the mobile unit; [and]

(3) The projected value that would be recovered per unit of volume [.

(e) For a facility for the recycling of hazardous waste, a] ; and

(4) *The projected costs otherwise to manage, recycle, treat or dispose of the material as a hazardous waste;*

(g) A description of the markets and the uses for the products to be produced and the materials and energy to be recovered [.

(f)] ; and

(h) A comparison of the economic and environmental impact of the proposed recycling process to a process which uses material that is not considered waste when producing the same product.

2. The administrator may require the applicant to submit additional information before issuing a written determination.

3. The administrator shall not issue a written determination unless he determines, based upon the application, that [:] *all of the following requirements are satisfied:*

(a) The facility or mobile unit will be operated as a facility or mobile unit for the recycling of hazardous waste . [and the primary economic value is in the recycling of hazardous waste; and]

(b) *The recycling process has economic value. A recycling process has economic value if:*

(1) The applicant shows that the material recovered from or the products or energy produced as a result of the process have value in the marketplace; and

(2) The fees that the applicant charges per unit of volume to process the material are less than or equal to the cost otherwise to recycle, manage, treat or dispose of the material as a hazardous waste, except that the fees that the applicant charges per unit of volume may be offset by the recovered unit value of the material recovered from or the products or energy produced as a result of the process.

(c) The probable beneficial environmental effect of the facility or mobile unit to the state outweighs the probable adverse environmental effect.

4. *Before issuing a written determination for a facility, the administrator shall provide for a period of public notice and comment of not less than 45 days. The request for public comment must be noticed in a local newspaper of general circulation that is published daily or weekly and must be sent to all persons on a mailing list developed and maintained by the administrator. A person may request to be placed on the mailing list by contacting the*

administrator. The administrator shall respond to all comments he receives during the period provided for comments before making his determination to issue or not to issue a written determination.

5. The administrator may revoke, suspend or modify a written determination if, at any time, he determines that:

(a) A facility or mobile unit no longer satisfies the conditions stated in the application upon which the administrator issued the written determination;

(b) An applicant misrepresented or failed to disclose fully a relevant fact on his application;

(c) The administrator receives information that was not available at the time he issued the written determination which would have justified the imposition of different conditions at the time the determination was issued; or

(d) The standards or regulations on which the administrator based the written determination have been changed.

6. A person may request a hearing before the state environmental commission concerning a final decision of the administrator to issue, deny, revoke, suspend or modify a written determination by filing a request, not more than 10 days after receiving notice from the administrator of his decision, on form 3 with the State Environmental Commission, 333 West Nye Lane, Carson City, Nevada 89706-0851. The provisions of NRS 445B.875 to 445B.899, inclusive, apply to a hearing of the state environmental commission requested pursuant to this section.