

FORM #1

**FORM FOR PETITIONING THE COMMISSION FOR ADOPTION, FILING
AMENDMENTS OR REPEAL OF COMMISSION REGULATIONS**

1. Eric Noack, Chief
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Bureau of Waste Management
Bryan State office Building
901 South Stewart Street, Suite 4001
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(775) 687-9366
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Eric Noack

2. Government Agency - Nevada Division of Environmental Protection
3. The Nevada Division of Environmental Protection (NDEP) is requesting the adoption of the enclosed amendments to the regulations governing hazardous waste management found in Chapter 444 of the Nevada Administrative Code (NAC). The proposed amendments include the update of our adoption of federal regulations by reference by modifying NAC 444.8427, 84275, 850, 8688, 8871, 8881, 8926, 8931, 8941, 9006, 9011 and 9452 to refer to the federal regulations as they existed on July 1, 2005 and modify NAC 444.8632 to adopt 40 CFR Parts 2, Subpart A, 124, Subparts A and B, Parts 260 to 270, inclusive, and Part 279 as those parts existed on July 1, 2005. Corresponding changes to NAC 444.86325 and 8633 are also proposed to continue to exclude federal provisions previously not adopted and to provide for standard word substitutions to insure that NDEP and the federal EPA are properly referenced.

The federal regulatory changes adopted by US EPA between July 1, 2003 and July 1, 2005, include clarification of the used oil management standards, revisions to the National Performance Track Program, new listing of hazardous wastes from the dye and pigment industries and revisions to related land disposal restrictions, standardization of the Uniform Hazardous Waste Manifest and updates to the analytical and sampling methods approved for use in complying with RCRA regulations.

Revisions are also proposed to NAC 444.8618, 86334, 8951 and 8996 to update NDEP's address in response to the recent move into the Bryan State Office Building, 901 South Stewart Street, Suite 4001, Carson City, NV 89701-5249.

The proposed amendments pertain to NAC 444.842 to 444.960, inclusive and NAC 445A.347.

The statutory authority to adopt these amendments is contained in NRS 459.485, 459.490, 459.500 and 445A.425.

4. The proposed amendments are necessary to incorporate changes to the federal hazardous waste regulations that are currently in conflict with our existing state regulations as permanent regulations, to refer to the most current federal regulations, to revise state regulations to be more consistent with federal regulations and to make technical corrections to existing state regulations. The state-initiated changes will update existing regulations.
5. (a)(1) and (a)(2). Adoption of the federal regulations by reference is not anticipated to have any significant economic impact on Nevada businesses, but conversely should make it easier for affected businesses to comply by simplifying the requirements. In addition, the State is required to adopt these federal regulations to maintain our authorization for the RCRA hazardous waste program. Authorization allows the State to implement the RCRA program in lieu of the federal government, eliminating duplicative regulatory authority.

(b)(1) and (b)(2). The adoption by reference of the federal amendments is not anticipated to have a direct impact on the public.

(c). There will be no additional cost to the agency as a result of the adoption of these proposed amendments.
6. The proposed federal amendments are consistent with those of the federal government and will allow the State to implement the RCRA program in lieu of the federal government. The proposed amendments do not duplicate or overlap any other existing state regulations.
The state initiated changes also do not duplicate or overlap current federal regulations.
7. The proposed regulations do not include any new provisions which are more stringent than federal regulations which regulate the same activity.
8. The proposed regulations do not provide a new fee nor increase an existing fee.