

FACT SHEET

For a Proposed Permanent Regulation Relating to Solid Waste Management Facilities

A. DESCRIPTION OF PROPOSED REGULATION

Nevada Revised Statutes (NRS) 444.560 establishes the authority of the State Environmental Commission (SEC) to adopt a schedule of fees related to regulation of solid waste management facilities in areas subject to the jurisdiction of the Department of Conservation and Natural Resources (excludes Washoe and Clark Counties). The proposed regulation establishes the following fees: application fees for obtaining a permit or approval to operate certain new solid waste facilities; annual permit fees applicable to certain Class I and Class III disposal sites; and fees related to requests to modify an existing permit.

NEED FOR AND PURPOSE:

The NDEP Bureau of Waste Management Solid Waste Branch has been funded by Tire fees since 1993. Tire fees have no relation to the regulatory workload of the Solid Waste program; while the number and complexity of regulated facilities has increased, tires fees have remained flat and are no longer adequate to support program needs. The proposed schedule of permit fees will provide a supplemental source of revenue that is directly tied to the regulatory workload. In addition, the proposed fees will enable the Division to offset certain expenses currently funded with hazardous waste fees to help address revenue shortfalls in the Hazardous Waste Management Fund.

ECONOMIC EFFECTS:

- Regulated Business/Industry. The proposed fees would apply to a small number of landfill disposal facilities, representing the larger facilities within NDEP's jurisdiction, including: Lockwood Regional Landfill serving Reno-Sparks/Washoe County and owned/operated by Waste Management Inc., Carson City Municipal Landfill, City of Elko Regional Landfill, an industrial waste landfill in Lincoln County owned/operated by Western Elite, Inc., and coal ash landfills associated with coal-fired generating facilities operated by NV Energy and Newmont Energy Investment LLC. With each facility the amount of the fee is relatively nominal compared to the scale of the operation and for all but one facility the fee can be incorporated into their rate structure. Each of the affected facility owners was contacted individually regarding the impact and their acceptance of the proposed fees. All of the facility owners were accepting of the proposed fees after discussion and negotiation; to accommodate industry concerns, the fees applicable to coal ash landfills will be modified to include three tiers based on annual disposal rate. The benefit of the proposed fees is that it helps to maintain a robust regulatory program that

ensures the integrity of facility operations and prevents the need for federal intervention by US EPA.

- Public. There would be no significant economic impact on the public if the proposed fee schedule were adopted. If the fees applicable to municipal landfills were passed on to customers, the amount would be insignificant. For example, the fee applicable to the Lockwood Landfill equates to roughly 7 cents per ton per year. An average household generates roughly one ton of household waste per year, so proportionally, the cost per household could be as low as 7 cents per year.
- Enforcing Agency. There will be no additional cost to the agency for implementing the proposed fee schedule. The number of accounts is small and existing systems for fee collection and processing can be used.

The proposed regulation does not duplicate any other state or federal regulation. The proposed regulation does not include provisions which are more stringent than a federal regulation. It is anticipated that the proposed annual permit fees would generate \$165,000 per year. Additional revenue may be available if new permit applications or requests to modify permits are received; however, the amount cannot be predicted. This revenue would be used to offset the Division's costs for regulating waste management facilities. Accordingly, the NDEP plans to incorporate changes into state regulation. Chapter 444 of the Nevada Administrative Code (NAC) will be amended to include the above described provisions.

B. PROCEDURES FOR REACHING A FINAL DECISION

NDEP is making the proposed regulation available for public comment until December 2, 2013 at 5:00 P.M. Comments should include all reasonable references, factual grounds, and supporting material. A public hearing will be held, if necessary or requested, to further hear comments regarding the proposed regulation.

All persons wishing to request a hearing or comment on any of the proposed regulation changes should do so in writing to:

Nevada Division of Environmental Protection
Bureau of Waste Management
ATTN: Art Gravenstein
901 S. Stewart Street, Suite 4001
Carson City, Nevada 89701
775-687-9467
agravens@ndep.nv.gov

A copy of the proposed regulation changes will be available for review at the above address and at:

Department of Conservation and Natural Resources
901 S. Stewart Street
Carson City, NV 89701

State Legislative Building
401 S. Carson Street
Carson City, NV 89701

Nevada State Library and Archives
100 S. Stewart Street
Carson City, NV 89701

Nevada Division of Environmental Protection
2030 E. Flamingo Road, Suite 230
Las Vegas, NV 89119