

Form #1

Petition to Adopt, Amend, or Repeal Commission Regulations

Approved 10-3-1995



NEVADA
STATE ENVIRONMENTAL
COMMISSION

1. Name, address, telephone number, and signature:

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Date of Petition: February 10, 2026

Representative capacity and signature of petitioner, authorized individual, officer or attorney:

Annalyn Sattelmeyer

2. Specific type of petitioner (individual, partnership, corporation, government agency, or other) and the exact occupation or business, including a description of the occupation or business if necessary:

State of Nevada, Department of Conservation and Natural Resources, Division of Environmental Protection, Bureau of Sustainable Materials Management.

3. Exact and specific nature of changes sought, including delineation of the regulations, statutory provisions of Commission decisions involved. May include a statement of the written term or substance of the proposed regulatory action, or a description of the subjects and issues involved:

Existing regulation at NAC 444.8455 require a written determination from the Administrator of the Division before a facility for the recycling of hazardous waste can commence construction or operation of the facility. In December of 2024, the State Environmental Commission approved R161-24, which adopted by reference exclusions in federal law for hazardous secondary materials (HSM). When HSM is properly managed and legitimately recycled, HSM is exempt from the definition of solid waste, and therefore, not considered a hazardous waste. As many recyclable materials can be classified as hazardous waste or HSM, adoption of R161-24 created the possibility that a facility handling more than one type of recyclable material may be subject to two different regulatory requirements. This regulatory amendment petition seeks to establish a single regulatory regime for these types of facilities seeking to manage recyclable materials. The regulatory amendment also establish an annual fee for the Division's oversight of these types of facilities (NAC 444.845); and updates some portions of federal requirements adopted by reference (NAC 444.86325).

4. A statement of the need for and purpose of the proposed regulations:

This regulatory amendment petition seeks to establish a single regulatory regime for facilities seeking to manage recyclable materials whether classified as hazardous waste or hazardous secondary materials. The regulatory amendment also establish an annual fee for the Division's oversight of these types of facilities and existing facilities operating under a written determination authorization from the Division; and updates some portions of federal requirements adopted by reference.

5. A statement of the:

(a) Estimated economic effect of the regulation on the business which it is to regulate:

The regulatory amendment petition is not anticipated to have an economic effect on regulated business.

(1) Both adverse and beneficial effects:

NA

(2) Both immediate and long-term effects:

NA

(b) Estimated economic effect on the public:

The regulatory amendment petition is not anticipated to have an economic effect on the public.

(1) Both adverse and beneficial effects:

NA

(2) Both immediate and long-term effects:

NA

(c) Estimated cost by the agency for enforcement of the proposed regulation:

The regulatory amendment petition is not anticipated to have an estimated cost effect on the agency, as potentially not received permitting fees would be recouped through the proposed annual fee.

6. A description of any regulations for 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:

This regulatory amendment petition seeks to establish a single regulatory regime for facilities seeking to manage recyclable materials under existing federal and state requirements; and update some portions of federal requirements adopted by reference.

7. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions. The statement must include the specific citation of the federal statute or regulation requiring such adoption:

NA

8. 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 regulatory amendment petition does include a proposed new annual fee for facilities that recycle hazardous waste. However, facilities that recycle both hazardous waste and hazardous secondary materials would no longer need to seek a written determination authorization nor pay the fees associated with that action. Therefore, it is not anticipated to have an estimated cost effect on the agency, as potentially not received permitting fees would be recouped through the proposed annual fee.

Supporting Documents



When submitting this form, attach a second document to your email with your proposed regulatory language. Include other supporting documents as needed.