

**Amendment No. 272**

Senate Amendment to Senate Bill No. 396

(BDR 40-401)

**Proposed by:** Committee on Natural Resources**Amendment Box:****Resolves Conflicts with:** N/A**Amends:** Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: No

Adoption of this amendment will MAINTAIN a 2/3s majority vote requirement for final passage of SB396 (§ 1).

ASSEMBLY ACTION	Initial and Date	SENATE ACTION	Initial and Date
Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____	Adopted <input type="checkbox"/> Lost <input type="checkbox"/>	_____
Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____	Concurred In <input type="checkbox"/> Not <input type="checkbox"/>	_____
Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____	Receded <input type="checkbox"/> Not <input type="checkbox"/>	_____

Amend sec. 5, page 5, lines 14 and 15, by deleting:

*“offer consultation, upon request, and”.*

Amend the bill as a whole by renumbering sec. 9 as sec. 12 and adding new sections designated sections 9 through 11, following sec. 8, to read as follows:

**“Sec. 9.** NRS 459.520 is hereby amended to read as follows:

459.520 1. The Commission shall adopt regulations for the granting, renewal, modification, suspension, revocation and denial of permits.

2. If the local government within whose territory a facility for the treatment, storage or disposal of hazardous waste is to be located requires that a special use permit or other authorization be obtained for such a facility or activity, the application to the Department for a permit to operate such

AM

Date: 4/15/2005

S.B. No. 396—Revises provisions concerning sanitation and recycling programs and grants.

**\*A\_SB396\_272\***

a facility must show that local authorization has been obtained. This requirement does not apply to an application for a permit to construct a utility facility that is subject to the provisions of NRS 704.820 to 704.900, inclusive.

3. Permits may contain terms and conditions which the Department considers necessary and which conform to the provisions of regulations adopted by the Commission.

4. Permits may be issued for any period of not more than 5 years.

5. A permit may not be granted or renewed if the Director determines that granting or renewing the permit is inconsistent with any regulation of the Commission relating to hazardous waste or with the plan for management of hazardous waste developed pursuant to NRS 459.485. The provisions of this subsection do not apply to a permit granted or under review before July 1, 1987.

6. The Department may suspend or revoke a permit pursuant to the Commission's regulations if the holder of the permit fails or refuses to comply with the terms of the permit or a regulation of the Commission relating to hazardous waste.

*7. A permit may not be granted, renewed or modified for a facility for the disposal of hazardous waste that proposes to construct or operate a landfill unless the Director determines that the landfill is or will be constructed to include at least one liner and a leachate collection and removal system designed to prevent the migration of waste or leachate to the adjacent subsurface soils, groundwater and surface water.*

8. *As used in this section:*

*(a) "Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land-treatment facility, a surface impoundment, an*

*underground-injection well, a salt-dome formation, a salt-bed formation, an underground mine or a cave.*

*(b) “Liner” means a continuous layer of man-made material installed beneath and on the sides of a landfill which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents or leachate, and prevents the migration of waste to the adjacent subsurface soils, groundwater and surface water.*

*(c) “Leachate” means any liquid, including any suspended components in the liquid, that has percolated through or drained from a landfill.*

*(d) “Leachate collection and removal system” means a layer of granular or synthetic materials installed above a liner and operated in conjunction with drains, pipes, sumps and pumps or other means designed to collect and remove leachate from a landfill.*

**Sec. 10.** NRS 459.545 is hereby amended to read as follows:

459.545 1. ~~{The}~~ *Except as otherwise provided in subsection 3, the* Commission may by regulation adopt a procedure under which an applicant or holder of a permit may demonstrate that a standard he proposes would offer protection of human health, public safety and the environment which is equivalent to a standard of the Commission.

2. ~~{The}~~ *Except as otherwise provided in subsection 3, the* Commission may specify certain standards which may be considered for substitution pursuant to this section.

3. *The Commission may not by regulation adopt a procedure or specify a standard which would allow a facility for the disposal of hazardous waste to construct or operate a landfill in a manner that fails to comply with the requirements of subsection 7 of NRS 459.520.*

**Sec. 11.** NRS 459.546 is hereby amended to read as follows:

459.546 1. ~~{The}~~ ***Except as otherwise provided in subsection 4, the*** owner or operator of a facility for the treatment, storage or disposal of hazardous waste or a person who wishes to construct such a facility may apply to the Commission for a variance from its applicable regulations. The Commission may grant a variance only if, after a public hearing on due notice, it finds from a preponderance of the evidence that:

(a) The facility or proposed facility, under the worst adverse conditions, does not or will not endanger or tend to endanger the environment and human health or safety; and

(b) Compliance with the regulations would produce serious hardship without equal or greater benefits to the environment or public.

2. The Commission shall not grant a variance unless it has considered in the following order of priority the interests of:

(a) The public;

(b) Other owners of property likely to be affected by the emissions or discharge; and

(c) The applicant.

3. The Commission may:

(a) Upon granting a variance, impose certain conditions upon the applicant; or

(b) Revoke the variance if the applicant fails to comply with those conditions.

***4. The Commission shall not grant a variance from its applicable regulations that would allow a facility for the disposal of hazardous waste to construct or operate a landfill in a manner that fails to comply with the requirements of subsection 7 of NRS 459.520.”.***

Amend the bill as a whole by adding a new section designated sec. 13, following sec. 9, to read as follows:

“**Sec. 13.** The amendatory provisions of sections 9, 10 and 11 of this act do not apply to an existing landfill that undergoes or commences closure on or before December 31, 2005.”.

Amend the title of the bill to read as follows:

“AN ACT relating to waste; revising the scope of activity for certain fees regarding waste disposal and management; revising the provisions regarding searches and inspections of solid waste disposal facilities; revising the provisions regarding the disposal of motor vehicle batteries, tires and oil; revising the use of injunctions when regulating solid waste; creating a program for reducing and recycling solid waste from businesses in certain counties; revising the notice for the acceptance of used vehicle tires during the retail sale of new tires; authorizing certain grants for solid waste management; revising various provisions regarding permits, procedures, standards and variances for landfills; and providing other matters properly relating thereto.”.

Amend the summary of the bill to read as follows:

“SUMMARY—Revises various provisions regarding waste disposal and regulation. (BDR 40-401)”.