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**S.B. 442**

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SENATE BILL NO. 442—COMMITTEE ON FINANCE

(ON BEHALF OF THE OFFICE OF FINANCE  
IN THE OFFICE OF THE GOVERNOR)

MARCH 25, 2019

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Referred to Committee on Natural Resources

**SUMMARY**—Revises provisions relating to the issuance of permits for hazardous waste facilities. (BDR 40-1205)

**FISCAL NOTE:** Effect on Local Government: No.  
Effect on the State: Executive Budget.

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

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AN ACT relating to hazardous waste; providing that permits for hazardous waste facilities may be issued for any period of not more than 10 years; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

1 The Resource Conservation and Recovery Act gives the Environmental  
2 Protection Agency the authority to control hazardous waste facilities. (42 U.S.C. §§  
3 6901 et seq.) The Act requires the Administrator of the Environmental Protection  
4 Agency to adopt regulations that require each person owning or operating an  
5 existing facility or planning to construct a new facility for the treatment, storage or  
6 disposal of certain hazardous waste to have a permit issued to him or her by the  
7 Administrator. (42 U.S.C. § 6925(a)) Federal regulations provide that such permits  
8 must be effective for a fixed term not to exceed 10 years. (40 C.F.R. § 270.50(a))

9 Existing law requires the State Environmental Commission to adopt regulations  
10 for the granting, renewal, modification, suspension, revocation and denial of  
11 permits for hazardous waste facilities in this State. Existing law provides that such  
12 permits may be issued for any period of not more than 5 years. (NRS 459.520) This  
13 bill provides that such permits may be issued for any period of not more than 10  
14 years.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** 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 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~~ 10 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) "Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from a landfill.

(c) "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.

(d) "Liner" means a continuous layer of artificially created 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.

**Sec. 2.** This act becomes effective on July 1, 2019.

