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WORK SESSION
SENATE COMMITTEE ON NATURAL RESOURCES

April 11, 2003

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The following measure will be considered for action by the Senate Committee on Natural Resources during the work session:

SENATE BILL 58 (SENATOR RAGGIO)

Providing that analyses required to identify whether waste is hazardous waste or to detect hazardous waste in soil or water must be conducted by a certified laboratory, and requiring the State Environmental Commission to adopt regulations for the certification of these laboratories.

Testimony from representatives of laboratories in the State of Nevada and the State's Division of Environmental Protection supported this measure. No testimony was received in opposition to the bill, but two amendments were proposed.

Proposed Amendments

The initial attached amendment was proposed by Larry W. Bennett on behalf of American Ecology after having obtained concurrence from the State's Division of Environmental Protection. The amendment provides the appropriate statutory references, clarifies the responsibilities of generators of hazardous waste, and exempts laboratories testing for waste at a facility specifically designed to manage hazardous waste.

The second proposed amendment was submitted by the Nevada Petroleum Marketers and Convenience Store Association with the support of the State's Division of Environmental Protection. This amendment authorizes the State Environmental Commission to adopt regulations establishing requirements for above ground and over-water fuel storage tanks with capacities between 110 and 30,000 gallons.

SB 58 SUGGESTED CHANGES

Section 1. Chapter 459 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[Any analysis required for purposes of NRS 459.400 to 459.600, inclusive, to identify whether waste is hazardous waste or to detect the presence of hazardous waste or a regulated substance in soil or water must be performed by a laboratory certified pursuant to the regulations adopted pursuant to NRS 459.500.]~~

A. If a generator conducts an analysis relied upon for purposes of NRS 459.400 to 459.600, inclusive, to identify whether waste is hazardous waste, the analysis must be performed by a laboratory certified pursuant to the regulations adopted pursuant to NRS 459.500.

B. Any other analysis required pursuant to NRS 459.400 to 459.658, inclusive, NRS 459.800 to 459.856, inclusive, and NRS 445A.300 to 445A.730, inclusive, to detect the presence of hazardous waste or a regulated substance in soil or water must be performed by a laboratory certified pursuant to regulations adopted pursuant to NRS 459.500.

C. Waste managed at a facility for the management of hazardous waste is exempt from the provisions of section B.

Section 5.

(4) For the certification of laboratories that perform analyses for the purposes of NRS 459.400 to ~~[459.600]~~ ***459.658, inclusive, NRS 459.800 to 459.856, inclusive, and NRS 445A.300 to 445A.730, inclusive,*** to identify whether waste is hazardous waste or to detect the presence of hazardous waste or a regulated substance in soil or water

Submitted by Larry W. Bennett on behalf of American Ecology. Also on behalf of Nevada Division of Environmental Protection.