

SENATE BILL NO. 58—SENATOR RAGGIO

FEBRUARY 6, 2003

Referred to Committee on Natural Resources

SUMMARY—Makes various changes concerning laboratories that perform certain analyses relating to hazardous waste and regulated substances. (BDR 40-943)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to hazardous waste; providing that certain required analyses relating to hazardous waste and regulated substances must be performed by certified laboratories; requiring the State Environmental Commission to adopt regulations for the certification of such laboratories; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 459 of NRS is hereby amended by adding
- 2 thereto a new section to read as follows:
- 3 *Any analysis required for purposes of NRS 459.400 to 459.600,*
- 4 *inclusive, to identify whether waste is hazardous waste or to detect*
- 5 *the presence of hazardous waste or a regulated substance in soil*
- 6 *or water must be performed by a laboratory certified pursuant to*
- 7 *the regulations adopted pursuant to NRS 459.500.*
- 8 **Sec. 2.** NRS 459.405 is hereby amended to read as follows:
- 9 459.405 As used in NRS 459.400 to 459.600, inclusive, *and*
- 10 *section 1 of this act*, unless the context otherwise requires, the
- 11 words and terms defined in NRS 459.410 to 459.455, inclusive,
- 12 have the meanings ascribed to them in those sections.



1 **Sec. 3.** NRS 459.460 is hereby amended to read as follows:
2 459.460 1. NRS 459.400 to 459.600, inclusive, *and section 1*
3 *of this act*, do not apply to any activity or substance which is subject
4 to control pursuant to NRS 445A.300 to 445A.955, inclusive, and
5 459.010 to 459.290, inclusive, except to the extent that they can be
6 applied in a manner which is not inconsistent with those sections.

7 2. The Director shall administer NRS 459.400 to 459.600,
8 inclusive, *and section 1 of this act*, in a manner which avoids
9 duplication of the provisions of NRS 445A.300 to 445A.955,
10 inclusive, and 445B.100 to 445B.640, inclusive, and the Federal
11 Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§ 136 et seq.

12 **Sec. 4.** NRS 459.465 is hereby amended to read as follows:
13 459.465 The following types of waste are subject to the
14 provisions of NRS 459.400 to 459.600, inclusive, *and section 1 of*
15 *this act*, only if they are regulated pursuant to the Federal Resource
16 Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6901 et seq.:

17 1. Fly ash, bottom ash, slag and waste removed from flue gas
18 from the combustion of coal or other fossil fuels;

19 2. Solid waste from extraction, beneficiation and processing of
20 ores and minerals, including phosphate rock and overburden from
21 the mining of uranium ore;

22 3. Dust from cement kilns; and

23 4. Drilling fluids and other wastes produced by exploration,
24 development or production of oil, gas or geothermal energy.

25 **Sec. 5.** NRS 459.500 is hereby amended to read as follows:

26 459.500 1. Except as otherwise provided in NRS 459.700 to
27 459.780, inclusive, or 459.800 to 459.856, inclusive:

28 (a) Regulations of the Commission must provide:

29 (1) For safety in the packaging, handling, transportation and
30 disposal of hazardous waste;

31 (2) For the certification of consultants involved in
32 consultation regarding the response to and the clean up of leaks of
33 hazardous waste, hazardous material or a regulated substance from
34 underground storage tanks, the clean up of spills of or accidents
35 involving hazardous waste, hazardous material or a regulated
36 substance, or the management of hazardous waste; ~~and~~

37 (3) That a person employed full time by a business to act as
38 such a consultant is exempt from the requirements of certification if
39 the person:

40 (I) Meets the applicable requirements of 29 C.F.R.
41 § 1910.120 to manage such waste, materials or substances; and

42 (II) Is acting in the course of that full-time employment
43 ~~and~~; *and*

44 (4) *For the certification of laboratories that perform*
45 *analyses for the purposes of NRS 459.400 to 459.600, inclusive, to*



1 *identify whether waste is hazardous waste or to detect the presence*
2 *of hazardous waste or a regulated substance in soil or water.*

3 (b) Regulations of the Commission may:

4 (1) Provide for the licensing and other necessary regulation
5 of generators, including shippers and brokers, who cause that waste
6 to be transported into or through Nevada or for disposal in Nevada;

7 (2) Require that the person responsible for a spill, leak or
8 accident involving hazardous waste, hazardous material or a
9 regulated substance, obtain advice on the proper handling of the
10 spill, leak or accident from a consultant certified under the
11 regulations adopted pursuant to paragraph (a); and

12 (3) Establish standards relating to the education, experience,
13 performance and financial responsibility required for the
14 certification of consultants.

15 2. The regulations may include provisions for:

16 (a) Fees to pay the cost of inspection, certification and other
17 regulation, excluding any activities conducted pursuant to NRS
18 459.7052 to 459.728, inclusive; and

19 (b) Administrative penalties of not more than \$2,500 per
20 violation or \$10,000 per shipment for violations by persons licensed
21 by the Department, and the criminal prosecution of violations of its
22 regulations by persons who are not licensed by the Department.

23 3. Designated employees of the Department and the Nevada
24 Highway Patrol Division shall enforce the regulations of the
25 Commission relating to the transport and handling of hazardous
26 waste and the leakage or spill of that waste from packages.

27 **Sec. 6.** 1. This section becomes effective upon passage and
28 approval.

29 2. Section 5 of this act becomes effective upon passage and
30 approval for the purpose of adopting regulations and on July 1,
31 2004, for all other purposes.

32 3. Sections 1 to 4, inclusive, of this act become effective on
33 July 1, 2004.

