Environmental Protection; hazardous waste permits-financial responsibility

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Under existing law, the Environmental Commission (Commission) must adopt regulations for granting, renewing, modifying, suspending, revoking or denying permits to operate a facility for the treatment, storage, or disposal of hazardous waste. Furthermore, the Department of Conservation and Natural Resources (Department) may suspend or revoke a permit if the holder fails or refuses to comply with terms or regulations of the Commission relating to hazardous waste. Under Chapter 631, a permit may not be granted or renewed if the director of the Department determines that to do so would be inconsistent with any regulation or plan relating to hazardous waste adopted by the Commission.

Under existing law, the Commission must adopt regulations requiring any owner or operator of a facility for the treatment, storage or disposal of hazardous waste to provide specific evidence of financial responsibility. Under certain circumstances Chapter 631 provides that any claim arising from conduct that requires evidence of financial responsibility may be asserted directly against the insurer, guarantor, surety or other person. In order to bring a direct claim, Chapter 631 requires that the owner or operator (1) has filed a petition in bankruptcy, (2) cannot pay damages in the event of a judgment, or (3) is not subject to the personal jurisdiction of any court or cannot
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be served with process. Furthermore, if a claim is directly asserted against the person providing evidence of financial responsibility, that person may assert any right or defense available in any action against that person by the owner or operator, or any right or defense the owner or operator might have asserted in response to a claim against themselves.

Under prior law, the generation of hazardous waste was regulated by requiring: (1) record keeping; (2) appropriate containers and labelling; (3) information of the general chemical composition of hazardous waste; (4) use of a manifest system for shipments; and (5) specified reports to the department. Chapter 631 deletes these limitations.

Environmental protection; disposal of solid waste.

NEV. REV. STAT. § 444 (new); § 444.450 (amended).
AB 785 (Callister); 1987 STAT. Ch 636.

Existing law provides that any person who dumps or causes to be dumped any solid waste in or upon any public property or upon any private property to which the public is admitted is guilty of a misdemeanor and may also have a civil penalty imposed. Chapter 636 adds to existing law by restricting the use of disposal sites to residents of the municipality or tourists in the area for noncommercial reasons. In addition, Chapter 636 requires the Division of Environ-

1. NEV. REV. STAT. § 444.480 (definition of person).
2. Id. § 444.490 (definition of solid waste).
3. Id. § 444.630 (includes any street, alley, public highway or road in common).
4. Id. § 444.630 (admitted by easement, license or otherwise).
5. Id. § 193.120(3) (definition of a misdemeanor).