

**PROPOSED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

**LCB FILE NO. R148-26I**

**The following document is the initial draft regulation proposed  
by the agency submitted on 06/24/2026**

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STATE ENVIRONMENTAL COMMISSION**

**P2025-03**

June 23, 2026

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

AUTHORITY: §1, NRS 444.560

A PERMANENT REGULATION relating to the management of solid waste; and providing other matters properly relating thereto.

*Definitions*

**Section 1.** Chapter 444 of NAC is hereby amended by adding thereto a new section to read as follows:

*“Household hazardous waste” defined.*

- 1. Household hazardous waste means any waste material generated by a household which, except for the exclusion set forth in 40 C.F.R. § 261.4(b)(1), would otherwise be characterized as a hazardous waste pursuant to NRS 459.430.*
- 2. In addition to the waste listed in NRS 459.432, the term includes, without limitation:*
  - (a) Household cleaners, solvents and thinners;*
  - (b) Pesticides, herbicides, and fertilizers;*
  - (c) Paints, stains, and varnishes;*
  - (d) Used motor oil and automotive fluids;*
  - (e) Batteries, including lead-acid and lithium-ion batteries; and*
  - (f) Mercury-containing devices, including thermometers, and fluorescent bulbs.*

**Sec. 2.** Chapter 444 of NAC is hereby amended by adding thereto a new section to read as follows:

*“Thermal treatment” defined. “Thermal treatment” means the processing of solid waste by means of heat. The term includes, without limitation:*

- 1. Incineration;*
- 2. Pyrolysis;*
- 3. Gasification; and*
- 4. Plasma arc treatment.*

**Sec. 3.** Chapter 444 of NAC is hereby amended by adding thereto a new section to read as follows:

*“Thermal treatment facility” defined. “Thermal treatment facility” means any facility that uses thermal treatment to process solid waste, including facilities that recover energy or materials from such processes.*

**Sec. 4.** Chapter 444 of NAC is hereby amended by adding thereto a new section to read as follows:

*“Solid waste management facility” defined. “Solid waste management facility” means any place that engages in any activity related to a solid waste management system. The term includes, without limitation:*

- 1. A disposal site;*
- 2. A materials recovery facility;*
- 3. A waste tire management facility.*
- 4. A thermal treatment facility; or a*
- 5. A processing site (including composting facility, salvage yards, or other methods).*

**Sec. 5.** NAC 444.573 is hereby amended to read as follows:

NAC 444.573 “Contaminant” defined. (NRS 444.560) “Contaminant” ~~[has the meaning ascribed to it in NRS 445A.325]~~ *means any physical, chemical, biological, or radiological substance or matter which is released to water, land, or air.*

**Sec. 6.** NAC 444.580 is hereby amended to read as follows:

NAC 444.580 “Hazardous waste” defined. (NRS 444.560) “Hazardous waste” has the meaning ascribed to it in NRS 459.430. *Additionally, the term includes, without limitation,*

- 1. Hazardous waste or constituent of hazardous waste which is subject to regulation under 40 C.F.R. Part 261, as adopted by reference in NAC 444.8632;*
- 2. Waste containing polychlorinated biphenyl as defined in 40 C.F.R. 761.3; and*
- 3. Waste brought into this State which is designated as hazardous or equivalent designation in the state of its origin unless the waste:*
  - (a) Is remediation waste or delisted waste;*
  - (b) Does not meet the requirements of paragraph (a); and*
  - (c) Is disposed of at a facility for the management of hazardous waste.*

**Sec. 7.** NAC 444.589 is hereby amended to read as follows:

NAC 444.589 “Medical waste” defined. (NRS 444.560)

*“Medical waste” means any solid waste generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, and includes “regulated medical waste” as defined in 49 C.F.R. § 173.134, as that section existed on July 1, 2025. ~~[“Medical waste” has the meaning as ascribed to it in 49 C.F.R. Part 173, Appendix G—“Definition of Regulated Medical Waste,” as that Appendix existed on November 8, 1993.]~~*

**Sec. 8.** NAC 444.626 is hereby amended to read as follows:

NAC 444.626 “Solid waste management system” defined. (NRS 444.500)

“Solid waste management system” means the entire process of storage, collection, transportation, processing, *recycling, or* ~~land~~ disposal of solid waste by any person engaging in such process as a business or by any municipality or by any combination thereof.

**Sec. 9.** NAC 444.6265 is hereby amended to read as follows:

NAC 444.6265 “*Non-hazardous* ~~[S]~~surface impoundment” defined. “*Non-hazardous* ~~[S]~~surface impoundment” means a facility or part of a facility which is a natural topographic depression, artificially created excavation or diked area formed primarily of earthen material or lined with artificially created material, which is designed to hold an accumulation of *non-hazardous* liquid wastes or *non-hazardous* wastes containing free liquids. The term includes holding storage, settling and aeration pits, ponds, and lagoons. The term does not include *injection as defined in NAC 445A.8267*, an injection well as *defined in NAC 445A.827*, or a *subsurface fluid distribution system as defined in NAC 445A.8355*.

*Adopt by Reference*

**Sec. 10.** NAC 444.636 is hereby amended to read as follows:

NAC 444.636 Adoption by reference of certain provisions of Code of Federal Regulations, United States Geological Survey and Environmental Protection Agency. (NRS 444.560)

1. The following provisions are hereby adopted by reference:

(a) Appendix I to 40 C.F.R. Part 258, as that Appendix existed on *July 1, 2025*

~~[November 8, 1993];~~

(b) Appendix II to 40 C.F.R. Part 258, as that Appendix existed on *July 1, 2025*

~~[November 8, 1993];~~

- (c) The provisions of 40 C.F.R. Part 257.2, as that part existed on **July 1, 2025** ~~[November 8, 1993]~~, for the limited purposes of defining “municipal solid waste landfill unit” in NAC 444.591;
- (d) The United States Geological Survey, Open File Report 82-1033, “Probabilistic Estimates of Maximum Acceleration and Velocity in Rock in the Contiguous United States,” for the limited purpose of defining “seismic impact zone” in NAC 444.6793;
- (e) “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” Environmental Protection Agency, Publication No. SW-846 ~~[, for the limited purposes of defining “liquid waste in NAC 444.692; and]~~ **as updated and revised by the Environmental Protection Agency. This publication is adopted by reference for the purposes of:**
- i. Defining “liquid waste” **pursuant to** NAC 444.692;
  - ii. **Characterizing solid waste constituents, including but not limited to, ash and other combustion residuals; and**
  - iii. **Performing any other physical or chemical analysis of waste required under the provisions of this chapter.**
- (f) The Toxic Substances Control Act Good Laboratory Practice Standards, 40 C.F.R. Part 792, as those standards existed on ~~[November 8, 1993]~~ **July 1, 2025**, for the limited purpose of conducting scientific studies pursuant to subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1 of NAC 444.7492.

2. Volume 40 C.F.R. Parts 190 to 259, inclusive, may be obtained *electronically from the Federal Register*, by mail from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800 ~~[, for the price of \$22]~~.
3. The report of the United States Geological Survey may be obtained *electronically from the United State Geological Survey or* from the United States Geological Survey, Books and Open Files Reports Section, Federal Center, Building 810, Box 25425, Denver, Colorado 80225 ~~[, at a cost of \$24.50]~~.
4. Publication No. SW-846 of the Environmental Protection Agency may be obtained *electronically from the Environmental Protection Agency or* from the *National Technical Information Service* (NTIS), United States Department of Commerce, Springfield, Virginia 22161 ~~[, at a cost of \$243]~~.
5. The Toxic Substances Control Act Good Laboratory Practice Standards, 40 C.F.R. Part 792, may be obtained *electronically from the Federal Register*, by mail from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 979050, St. Louis, Missouri 63197-9000, or by toll-free telephone at (866) 512-1800 ~~[, for the price of \$19]~~.
6. *If there is a conflict between any provision of the Code of Federal Regulations adopted by reference in this section and any other provision of the Nevada Revised Statutes or Nevada Administrative Code, the most restrictive provision shall apply.*

**Sec. 11.** NAC 444.639 is hereby amended to read as follows:

NAC 444.639 Interrelation with other laws and regulations. (NRS 444.560) The provisions of NAC 444.570 to 444.7499, inclusive, do not waive or circumvent the provisions of NRS

445A.300 to 445A.730, inclusive, 445B.100 to 445B.640, inclusive, 459.400 to 459.600, inclusive, and 459.800 to 459.856, inclusive. Each owner and operator shall comply with all other laws and regulations adopted and orders issued pursuant to those sections governing *the management* ~~[disposal]~~ of solid waste.

***Fees***

**Sec. 12.** NAC 444.6395 is hereby amended to read as follows:

NAC 444.6395 Fees for initial issuance, *renewal, or modification*, of permit or *registration* ~~[letter of approval]~~; annual permit *maintenance* fees; *quarterly maintenance fees*. (NRS 444.560)

1. The Division shall charge and collect the following fees for an application for the initial issuance, *modification, or renewal* of a permit or *a registration* ~~[letter of approval]~~. *If the facility contains more than one type of regulated unit, the facility is not required to pay more than the permit fee for the regulated unit or permitted activity to which the highest fee is applicable.*

<i>Type of Permit</i>	<i>Initial Issuance Fee</i>	<i>Major Modification</i>	<i>Minor Modification</i>	<i>Renewal</i>	<i>Annual Permit Maintenance Fee</i>	<i>Quarterly Maintenance Fee</i>
<i>Class I Disposal Site (NAC 444.6769 through 444.7025</i>	<del>[\$5,000 to \$65,000]</del>	<del>[50% of application initial issuance fee]</del>	<del>[\$250]</del>	<del>[\$0]</del>	<del>[\$5,000 to \$65,000]</del>	<del>[\$0]</del>

<i>Type of Permit</i>	<i>Initial Issuance Fee</i>	<i>Major Modification</i>	<i>Minor Modification</i>	<i>Renewal</i>	<i>Annual Permit Maintenance Fee</i>	<i>Quarterly Maintenance Fee</i>
<i>Class II Disposal Site (NAC 444.704 through 444.728)</i>	<i>\$10,000</i> [ <del>\$0</del> ]	<i>\$5,000</i> [ <del>50% of application initial issuance fee</del> ]	<i>\$500</i> [ <del>\$250</del> ]	<i>\$10,000</i> [ <del>\$0</del> ]	<i>\$1,000</i> [ <del>\$0</del> ]	<i>\$0.25 per ton</i> [ <del>\$0</del> ]
<i>Class III Disposal Site (NAC 444.731 through 444.747)</i>	<i>\$20,000</i> [ <del>\$5,000 to \$20,000</del> ]	<i>\$5,000</i> [ <del>50% of application initial issuance fee</del> ]	<i>\$500</i> [ <del>\$250</del> ]	<i>\$20,000</i> [ <del>\$0</del> ]	<i>\$5,000</i> [ <del>\$5,000 to \$20,000</del> ]	<i>\$0.25 per ton</i> [ <del>\$0</del> ]
<i>Class III Waivered Site (NAC 444.731)</i>	<i>\$5,000</i> [ <del>\$0</del> ]	<i>\$5,000</i> [ <del>50% of application initial issuance fee</del> ]	<i>\$500</i> [ <del>\$250</del> ]	<i>\$5,000</i> [ <del>\$0</del> ]	<i>\$500</i> [ <del>\$0</del> ]	
<i>Material Recovery Facility (NAC 444.7474 through 444.7479)</i>	<i>\$10,000</i> [ <del>\$0</del> ]	<i>\$5,000</i> [ <del>50% of application initial issuance fee</del> ]	<i>\$500</i> [ <del>\$250</del> ]	<i>\$10,000</i> [ <del>\$0</del> ]	<i>\$500</i> [ <del>\$0</del> ]	

<i>Type of Permit</i>	<i>Initial Issuance Fee</i>	<i>Major Modification</i>	<i>Minor Modification</i>	<i>Renewal</i>	<i>Annual Permit Maintenance Fee</i>	<i>Quarterly Maintenance Fee</i>
<i>Waste Tire Management Site (NAC 444.648; NAC 444A.200 through 444A.470)</i>	<del>\$5,000</del> [\$2,500]	<del>\$5,000</del> [50% of application initial issuance fee]	<del>\$500</del> [\$250]	<del>\$5,000</del> [\$0]	<del>\$500</del> [\$0]	
<i>Thermal Treatment Facility (NEW)</i>	<del>\$30,000</del> [\$0]	<del>\$5,000</del> [50% of application initial issuance fee]	<del>\$500</del> [\$250]	<del>\$30,000</del> [\$0]	<del>\$7,500</del> [\$0]	<del>\$0.40 per ton</del> [\$0]
<i>Transfer Stations (NAC 444.666 through 444.66645)</i>	<del>\$5,000</del> [\$1,000]	<del>\$5,000</del> [50% of application initial issuance fee]	<del>\$500</del> [\$250]	<del>\$5,000</del> [\$0]	<del>\$500</del> [\$0]	

<i>Type of Permit</i>	<i>Initial Issuance Fee</i>	<i>Major Modification</i>	<i>Minor Modification</i>	<i>Renewal</i>	<i>Annual Permit Maintenance Fee</i>	<i>Quarterly Maintenance Fee</i>
<i>Processing Site including composting facility and salvage yards (NAC 444.668, 444.670, and 444.674)</i>	<del>\$5,000</del> [\$0]	<del>\$5,000</del> [50% of application initial issuance fee]	<del>\$500</del> [\$250]	<del>\$5,000</del> [\$0]	<del>\$500</del> [\$0]	
<i>Processing Site – Other Methods (NAC 444.676)</i>	<del>\$30,000</del> [\$0]	<del>\$5,000</del> [50% of application initial issuance fee]	<del>\$500</del> [\$250]	<del>\$30,000</del> [\$0]	<del>\$5,000</del> [\$0]	

~~For an application submitted by a class I site proposed to receive, based on an annual average, less than 500 tons per day.....\$5,000~~

~~For an application submitted by a class I site proposed to receive, based on an annual average, 500 or more tons per day.....65,000~~

~~For an application submitted by a class III site proposed to receive, based on an annual average, less than 500 tons per day..... 5,000~~

<del>For an application submitted by a class III site proposed to receive, based on an annual average, 500 or more tons per day.....</del>	<del>20,000</del>
<del>For an application to operate a transfer station.....</del>	<del>1,000</del>
<del>For an application to operate a facility for the management of waste tires.....</del>	<del>2,500</del>

*2. The renewal fee prescribed by subsection 1 shall be submitted with the renewal application at the time of filing, which shall be no later than 180 days before the permit expiration date as established pursuant to NAC 444.643. A renewal application shall not be deemed complete unless accompanied by payment of the fee prescribed in subsection 1.*

3. The Division shall, on or before July 31 of each year, charge and collect the following annual permit *maintenance* fees [:-].

*(a) If the facility contains more than one type of regulated unit, the facility is not required to pay more than the annual permit fee for the regulated unit or permitted activity to which the highest fee is applicable.*

<del>[For a permit issued to a class I site receiving, based on an annual average, more than 100 but less than 500 tons per day, excluding class I sites which have received a waiver of the liner and groundwater monitoring requirements prescribed by this chapter.....</del>	<del>\$5,000</del>
<del>For a permit issued to a class I site receiving, based on an annual average, 500 or more tons per day.....</del>	<del>65,000</del>
<del>For a permit issued to a class III site receiving, based on an annual average, more than 20 but less than 500 tons per day.....</del>	<del>5,000</del>
<del>For a permit issued to a class III site receiving, based on an annual average, 500 or more tons per day.....</del>	<del>20,000</del>

~~For a permit issued to a class III site primarily receiving by-products from the combustion of coal and receiving, based on an annual average, less than 100 tons per day..... 5,000~~

~~For a permit issued to a class III site primarily receiving by-products from the combustion of coal and receiving, based on an annual average, 100 or more tons per day..... 10,000}~~

*(b) The annual permit maintenance fee prescribed by subsection 1 shall be due and payable to the Division on or before July 31 of each year beginning July 31, 2028. The Division shall issue an annual invoice to each permit holder no later than June 30 of each year.*

*(c) The Division shall charge and collect the annual permit fee prescribed by subsection 1 [2] for each year during which a [disposal-site] solid waste management facility requires a permit for its operation or maintaining an active permit. Upon the closure of the [disposal-site] solid waste management facility and for each year during which the [disposal-site] solid waste management facility requires postclosure care, the Division may charge and collect an annual permit fee in an amount equal to the amounts listed below[:].*

*(1) For each year during the first 15 years of postclosure care, [50] 25 percent of the annual permit maintenance fee charged during the permitting [period] term immediately preceding closure.*

*(2) For each year after the first 15 years of postclosure care, [10] 15 percent of the annual permit maintenance fee charged during the permitting [period] term immediately preceding closure.*

*(d) If the facility contains more than one type of regulated unit, the facility is not required to pay more than the permit fee for the regulated unit or permitted activity to which the highest fee is applicable.*

*4. The Division shall charge and collect quarterly permit disposal fees prescribed by Section 1.*

*(a) If a disposal site is not equipped with scales to weigh waste, the tonnage received must be calculated using:*

*(1) Standard weight-to-volume conversion factors developed or approved by the Division; or*

*(2) A site-specific conversion factor based on a weight-volume study conducted by the facility and approved by the Division.*

*(b) For a permit issued to a thermal treatment facility, a fee of \$0.40 per ton of solid waste received.*

*(c) Fees in this section shall be paid to the Division within 30 days after the end of each calendar quarter.*

*(d) If the facility contains more than one type of regulated unit, the facility is not required to pay more than the permit fee for the regulated unit or permitted activity to which the highest fee is applicable.*

5. The Division shall, for the purpose of modifying an existing permit to operate a solid waste ~~[disposal site]~~ *management facility*, charge and collect a fee ~~[in an amount equal to]~~ as follows:

~~(a) [For a proposal to modify a permit that is subject to the requirements for public notice and review pursuant to NAC 444.6435, 50 percent of the applicable fee~~

~~prescribed by subsection 1.] For a Major Modification as defined in NAC 444.6435, a fee of \$5,000.~~

(b) ~~[For any other proposal to modify a permit, \$250.] For a Minor Modification as defined in NAC 444.6435, a fee of \$500.~~

(c) *The renewal of a permit pursuant to NAC 444.6405 is an administrative action subject to the fees prescribed in subsection 1 and shall not, by itself, be deemed a modification for the purposes of this subsection. If an applicant proposes a major or minor modification simultaneously with a renewal application, the Division shall collect both the renewal fee and the applicable modification fee.*

(d) *No fee may be charged for routine technical corrections and administrative updates that do not require a formal modification of the permit or public notice.*

6. *The Division may assess a one-time penalty of 10% of an unpaid balance if payment is not received within 15 days of the due date. An additional interest charge of 1% per month will accrue on the total outstanding balance until paid.*

(a) *The Director may, during any fiscal year, suspend an increase in a fee if the Bureau's fiscal reserves are adequate to cover the Bureau's operations for one fiscal cycle.*

7. *The Division may assess an increase in the fees prescribed in Subsection 1 by an amount equal to three (3) percent beginning in January 1, 2033 and every year thereafter. The Director shall post on the Internet website of the Division the fees required pursuant to this section that are applicable to each fiscal year.*

8. *For the period July 1, 2027, through December 31, 2027, fees shall continue to be assessed and collected pursuant to the fee schedule in effect immediately prior to the*

*effective date of this regulation. Notwithstanding any other provision of this section, the fees prescribed for an initial issuance, renewal, major modification, and minor modification shall first be collected beginning January 1, 2028. The first annual permit maintenance fee shall be due July 31, 2028. The first quarterly disposal fee under shall be due April 30, 2028, for waste received during the first calendar quarter of 2028.*

9. *The Division reserves the right to suspend or terminate a permit for a facility that is delinquent on payments for more than 120 days.*

### *Solid Waste Management Facilities*

**Sec. 13.** NAC 444.6405 is hereby amended to read as follows:

NAC 444.6405 Permit to operate ~~[disposal-site]~~ *solid waste management facility*:

Requirement; exemptions; application; *renewal* (NRS 444.560)

1. Except as otherwise provided in subsection 2, the owner or operator of a ~~[disposal-site]~~ *solid waste management facility* must obtain a permit to operate the site from the appropriate solid waste management authority.
2. The following sites are exempt from the provisions of subsection 1:
  - (a) Composting bins which are operated at a personal residence for personal use; and
  - (b) Municipal composting operations for yard wastes.
3. The owner or operator of a ~~[proposed disposal-site]~~ *solid waste management facility* must obtain the permit before the construction or operation of that site. An application for the permit must be submitted at least 180 days before the anticipated start of construction, to allow sufficient time for the review and issuance of the permit.

4. *The owner or operator must renew an existing permit to continue to operate a solid waste management facility.*
  - (a) *An application for a renewal of an existing permit must be submitted at least 180 days before the expiration of an existing permit.*
  - (b) *If the holder of a permit submits a timely application, with the appropriate fee pursuant to NAC 444.6395, for renewal in accordance with the 180-day deadline set forth in this section, and the application is determined to be administratively complete by the solid waste management authority, and the solid waste management authority has not issued a decision to renew or deny the permit before the date of expiration, the existing permit remains in effect and the holder may continue to operate the facility under the terms and conditions of that permit until the solid waste management authority issues a final decision. The authority to continue operations under an expired permit is contingent upon the holder remaining in compliance with all existing permit conditions.*

**Sec. 14.** NAC 444.641 is hereby amended to read as follows:

NAC 444.641 Permit to operate ~~[disposal-site]~~ *solid waste management facility*: Evaluation of application; notice to applicant concerning completeness and compliance; notice of intent to issue or deny application; period for public comment. (NRS 444.560)

1. A solid waste management authority shall, within ~~[45]~~ **90** days after receiving an application *and associated fees* for a *new* permit ~~[.]~~ *or a renewal of an existing permit*, to operate a ~~[disposal-site]~~ *solid waste management facility*, notify the applicant as to whether the application is complete or deficient in content. A determination of

completeness must be based on whether the application contains all specified documents and supporting information required by ~~[NAC 444.677, 444.705 or 444.733,]~~ *NAC 444.570 through 444.7499, inclusive for the type of solid waste management facility* as applicable. The solid waste management authority may require the submittal of any such additional documents or information as it deems necessary and may specify the period within which the documents or information must be submitted to the authority.

2. If the solid waste management authority determines that an application is complete, the authority shall evaluate the merits of the application to determine if the application is in compliance with all applicable statutes and regulations. If the solid waste management authority determines that the application does not comply with all applicable statutes and regulations, ~~[it]~~ *the solid waste management authority* shall *provide written notice* ~~[mail a notice]~~ to the applicant. The notice must specify:

- (a) Each statute or regulation with which the applicant has failed to comply;
- (b) Any documents or other information which the applicant is required to submit to the authority; and
- (c) The period within which the applicant is required to submit to the authority the documents or other information requested pursuant to paragraph (b).

3. Upon completion of the evaluation, the solid waste management authority shall prepare and issue:

- (a) A notice of intent to issue or deny the issuance of the permit. The notice must:
  - (1) Be sent to the applicant and the local governing body in the area in which the ~~[disposal-site]~~ *solid waste management facility* is to be located, *or is located for an existing facility*, and ~~[ ]~~ unless otherwise required by

federal law, published on an Internet website *operated by the solid waste management authority or local governing body* designed to give general public notice.

- (2) Summarize the action to be taken by the solid waste management authority;
- (3) State that the authority will accept comments from the general public for 30 days after the date that the notice is issued; and
- (4) Describe the procedure for obtaining copies of the documents and comments submitted with the application.

(b) A factual sheet which describes the proposed facility, the proposed action, the availability of the documents submitted with the application, and the procedure for public review and comment.

**Sec. 15.** NAC 444.6415 is hereby amended to read as follows:

NAC 444.6415 Permit to operate a ~~[disposal site]~~ *solid waste management facility*:

Response to notice of intent to issue or deny application; request for public hearing; notice of public hearing.

1. An applicant for a permit to operate a ~~[disposal site]~~ *solid waste management facility* and any other interested person may, within 30 days after the notice of intent *to issue or deny permit issuance* is issued pursuant to NAC 444.641:

(a) Submit a written request to the solid waste management authority for a public hearing on the proposed issuance or denial of the permit which must state the nature of the issues which the requester intends to raise at the hearing; or

- (b) Submit written comments on the proposed issuance or denial of the permit to the solid waste management authority.
2. The solid waste management authority:
- (a) May schedule a public hearing if requested pursuant to this section or on ~~its~~ *the solid waste management authority's* own initiative; and
- (b) Be sent to the applicant and the local governing body in the area in which the solid waste management facility is or is to be located and, unless otherwise required by federal law, published on an Internet website operated by the solid waste management authority or local governing body designed to give general public notice.*
- (c) Shall publish a notice of a hearing scheduled pursuant to this section at least 30 days before the date of that hearing.
3. The solid waste management authority may extend the period for public review as ~~it~~ deemed~~s~~ necessary.

**Sec. 16.** NAC 444.6419 is hereby amended to read as follows:

NAC 444.6419 Permit to operate a ~~disposal site~~ *solid waste management facility*:  
Response by solid waste management authority to written comments concerning proposed issuance or denial of permit; publication of written comments. (NRS 444.560)  
The solid waste management authority shall issue a statement responding to the written comments on the proposed issuance or denial of a permit to operate a ~~disposal site~~ *solid waste management facility* which are received during the period for public review. A copy of the statement must be sent to the applicant, the person who submitted the written comments, if different from the applicant, and all other persons who specifically request, in writing, a copy of

the statement. A copy of the statement must be made available for inspection by the general public at a location specified by the solid waste management authority.

**Sec. 17.** NAC 444.6425 is hereby amended to read as follows:

NAC 444.6425 Permit to operate a ~~[disposal site]~~ *solid waste management facility*: Duties of *the* solid waste management authority after *the* period for public review; modification or placement of conditions based on public comments. (NRS 444.560)

1. Within 30 days after the end of the period for public review, the solid waste management authority shall:
  - (a) Issue a permit to operate a ~~[disposal site]~~ *solid waste management facility*; or
  - (b) Deny the application and send written notice to the applicant which details the reasons why the application is being denied. The written notice must set forth the time and procedure by which the applicant may appeal the decision of the solid waste management authority.
2. The solid waste management authority may modify or place conditions on a permit issued pursuant to this section based on public comments received concerning the permit.

**Sec. 18.** NAC 444.643 is hereby amended to read as follows:

NAC 444.643 Permit to operate ~~[disposal site]~~ *solid waste management facility*: Issuance; revocation or suspension; requirements for transfer to subsequent owner or operator; *financial assurance*. (NRS 444.560) A permit to operate a ~~[disposal site]~~ *solid waste management facility* issued by a solid waste management authority:

1. Must be issued for ~~[the life of the design of the disposal site]~~ *a period not to exceed 5 years*;

2. May be modified by the solid waste management authority if the statutes or regulations upon which the issuance of the permit is based change, or if a modification is otherwise necessary to protect public health and safety and the environment;
3. Must specify the amount and type of solid waste which the ~~[disposal site]~~ *solid waste management facility* may receive that is consistent with the design and operational plans of the site;
4. *Must be issued for:*
  - (a) *The area, volume and type of waste specified in the application, if the facility is a disposal site; or*
  - (b) *The maximum daily throughput and storage capacity specified in the application, if the facility is not a disposal site;*
5. May be revoked or suspended if written notice is given by the solid waste management authority and the ~~[disposal site]~~ *solid waste management facility* does not remain in compliance with the applicable statutes and regulations; and
6. Must be issued to a specific operator or owner, *but:*
  - (a) A permit may be transferred to a subsequent owner or operator only if the solid waste management authority approves the transfer *through a modification as defined in NAC 444.6435; and*
  - (b) ~~[based on]~~ *The documentation of financial responsibility provided by the new owner or operator in a form and amount determined by the solid waste management authority is determined to be sufficient to ensure the clean closure of the solid waste management facility.*

7. *A solid waste management facility is required to maintain financial assurance for the clean closure of the facility. Financial assurance instruments shall meet the requirements of NAC 444.685 to NAC 444.6859.*
8. *[Effective Date of the Regulations] The solid waste management authority will establish a staggered schedule for the first renewal of existing permits upon adoption of this regulatory amendment.*
  - (a) *The solid waste management authority shall provide written notice to each owner or operator of their renewal application deadline at least 180 days in advance of said deadline.*
  - (b) *For each solid waste management facility subject to the staggered renewal schedule established pursuant to this section, the permit expiration date within each renewal year shall be assigned by the Division based on the facility type as follows:*
    - (1) *For a Class I disposal site or a Class I and Class III combined disposal site: April 30 of the renewal year;*
    - (2) *For a Class II disposal site or a Class III disposal site: June 30 of the renewal year;*
    - (3) *For a thermal treatment facility: August 31 of the renewal year;*
    - (4) *For a material recovery facility: September 30 of the renewal year;*
    - (5) *For a transfer station, compost plant, salvage yard, or waste tire management facility: October 31 of the renewal year.*

*(c) The staggered renewal schedule established pursuant to this subsection applies to permits issued under NAC 444.6405 to 444.6435, inclusive. Class III site waivers granted pursuant to NAC 444.731 are not subject to this staggered schedule and shall continue on the renewal schedule established at the time of waiver issuance.*

*(d) The solid waste management authority shall publish the complete staggered renewal schedule, identifying each facility's assigned renewal year and permit expiration date, no later than December 31, 2027. Individual written notice of each facility's specific renewal application deadline shall be provided to the owner or operator of that facility at least 180 days before that facility's permit expiration date.*

**Sec. 19.** NAC 444.6435 is hereby amended to read as follows:

NAC 444.6435 Permit to operate ~~[disposal site]~~ *solid waste management facility*:

Request for modification; conditions requiring public notice and review. (NRS 444.560) A

permit to operate a ~~[disposal site]~~ *solid waste management facility* may be modified upon the

request of the owner or operator of the ~~[disposal site]~~ *solid waste management facility* and

approval of the solid waste management authority. *A complete application and associated fee*

*pursuant to subsection 1 of NAC 444.6395 must be submitted to the solid waste management*

*authority.* ~~[A proposal to modify a permit may be subject to public notice and [30] 45 days of~~

~~public review if the proposed modification includes:]~~

~~1. [An increase in the amount or type of solid wastes managed at the site which is~~

~~inconsistent with the permitted design, operational plans or municipal plans concerning~~

~~the management of solid waste;]~~

~~2. [A change in the manner of waste management at the site which is inconsistent with the permitted design or operational plans of the site;]~~

~~3. [A substantive change in the:~~

~~(c) Permitted design of the site;~~

~~(d) Plans for closure and postclosure;~~

~~(e) Procedures for monitoring the site and for taking any necessary corrective actions;~~

~~or~~

~~(f) The mechanisms for financial assurance; and]~~

~~4. [Any other change which is deemed by the solid waste management authority to require public notice and a public hearing.]~~

**1. Major modification.**

*(a) An owner or operator a solid waste management facility may apply for a major modification to an existing permit for the following changes:*

*(1) An increase in the permitted acreage of the facility boundaries or the disposal footprint;*

*(2) An increase in the permitted vertical or volumetric capacity of a disposal site;*

*(3) A change in the types of waste accepted that requires a new or significantly revised waste characterization plan, liner system, or environmental monitoring program;*

*(4) A substantive change in the plans for closure, or post-closure for financial assurance; or*

*(5) Any other change that increases the potential for environmental impact and requires a new hydrogeologic or technical review.*

*(b) An application for a major modification must comply with the requirements on NAC 444.641, 444.6419, and 444.6425.*

*5. Minor Modification.*

*(a) An owner or operator a solid waste management facility may apply for a minor modification to an existing permit, if it is not a major modification, for the following changes:*

- (1) Routine updates to the name of the owner or operator, contact information, or authorized agent;*
- (2) Updates to financial assurance, such as a change in the type of financial instrument or a change in the issuing institution (excluding routine annual inflation adjustments);*
- (3) Revisions to the site security plan, hours of operation, or internal traffic patterns;*
- (4) Routine technical corrections or administrative updates; or*
- (5) Any other change to the permit document or plan of operation that is primarily clerical or operational in nature.*

*(b) An application for a major modification must comply with the requirements in NAC 444.641.*

*Transfer Stations*

**Sec. 20.** NAC 444.666 is hereby amended to read as follows:

NAC 444.666 Transfer stations: Design and operating plans (NRS 444.560)

- I. A transfer station must not be established until the site location, ~~and~~ the design, and *the* operating plans of the transfer station have been approved; *and a permit issued* by the solid waste management authority *in accordance with the requirements of NAC 444.6405 to 444.6435*.
- II. A transfer station must be designed and constructed so as to be esthetically compatible with its environs.

**Sec. 21.** NAC 444.6661 is hereby amended to read as follows:

NAC 444.6661 Transfer stations: *Permit* ~~[Application]~~ to operate, *renewal*, or modify. (NRS 444.560)

1. An application to operate a new transfer station or to modify an existing transfer station must be submitted to the solid waste management authority before construction commences.
2. *An application for renewal of an existing permit must be submitted at least 180 days before the expiration of the existing permit in accordance with the requirements of NAC 444.6405 to 444.6435.*
3. *An application for a modification of an existing permit must be submitted in accordance with NAC 444.6345.*
4. The application must include:
  - (a) The name, location, and mailing address of:
    - (1) transfer station;
    - (2) owner of the transfer station;
    - (3) operator of the transfer station; and

- (4) authorized agent of the owner;
  - (b) Evidence of ownership of the land on which the transfer station will be located;
  - (c) The report concerning the design of the transfer station, as described in NAC 444.6662;
  - (d) The plan for operating the transfer station, as described in NAC 444.6663;
  - (e) Evidence of approval to establish a transfer station from the applicable local government; and
  - (f) Any other information that the solid waste management authority requires.
5. *A permit to operate a transfer station must be issued for a period not to exceed 5 years.*
6. *A transfer station shall maintain a closure plan and a detailed third-party cost estimate (financial assurance) for the clean closure of the facility in accordance with NAC 444.685 to 444.6859 inclusive.*

### *Public Waste Storage Bin Facility*

Sec. 22. NAC 444.66647 is hereby amended to read as follows:

NAC 444.66647 Public waste storage bin facility: ~~Notification~~ *Registration* of establishment; general requirements; final closure. (NRS 444.560)

1. The owner of a public waste storage bin facility shall notify the solid waste management authority in writing ~~not more than 30 days after establishing the facility~~ *at least 45 days before establishing the facility or at least 45 days before the expiration of an existing registration*. The ~~notification~~ *registration* must include, without limitation:
  - (a) The location of the facility;
  - (b) The owner of the facility;

- (c) The name and phone number of the authorized agent of the owner;
  - (d) The capacity of the facility in cubic yards;
  - (e) The types of solid waste the facility receives; and
  - (f) The population and area to be served by the facility.
2. Waste storage bins may have a combined capacity of not more than 160 cubic yards and must be constructed of durable materials, ~~[watertight materials with a lid or screen on top]~~ *and maintained to prevent the leakage of fluids, and* that prevents the loss of materials during transport. Storage of solid waste outside of the waste storage bins is prohibited unless approved by the solid waste management authority.
3. Except as otherwise provided in this subsection, if garbage and similar putrescible waste is stored in combination with nonputrescible waste, the wastes must not be stored at the facility for more than 1 week. The solid waste management authority may approve the storage of such waste for more than 1 week before collection in a remote community if the municipality in whose jurisdiction the storage occurs demonstrates that an alternative minimum collection frequency will not result in increased litter or odors, the harboring of vectors, the storage of excess waste outside of containers, or any other health hazard, public nuisance or impairment to the environment. The solid waste management authority may revoke ~~[its]~~ *the facility's* approval of an alternative minimum collection frequency.
4. The owner of a public waste storage bin facility shall:
- (a) Provide access to the facility by an all-weather road;
  - (b) Construct the facility in a manner that allows the public to deposit waste materials conveniently and safely in the public waste storage bin;

- (c) Service the facility as often as is necessary to ensure that there is adequate storage capacity at all times;
  - (d) Provide for the inspection of the site at least weekly and collect all scattered papers and other lightweight debris;
  - (e) Use fences and other appurtenances to prevent the scattering of papers and other lightweight debris; and
  - (f) Comply with the requirements regarding signs set forth in NAC 444.690.
5. At final closure, the owner or operator shall remove any remaining wastes to a proper facility and shall remove all waste storage bins.
- 6. A registration issued pursuant to this section is valid for a period not to exceed 5 years.*
- 7. An application for the renewal of a registration must include a certification that the facility is in compliance with the requirements of subsection 2, 3, and 4, and that all waste storage bins remain in good repair as required by NAC 444.666.*

### *Operating Criteria*

**Sec. 23.** NAC 444.6665 is hereby amended to read as follows:

NAC 444.6665 Operating criteria: Program for detecting and preventing disposal of regulated hazardous waste and polychlorinated biphenyls (PCB) wastes.

1. The owner or operator shall carry out a program at the municipal solid waste landfill unit for detecting and preventing the disposal of regulated hazardous waste and PCB wastes.

The program must include, but is not limited to:

- (a) Random inspections of incoming loads;
- (b) Records of inspections;

- (c) Training persons employed at the unit to recognize regulated hazardous waste and PCB wastes;
  - (d) Procedures for handling hazardous waste or PCB wastes found at the site; and
  - (e) Notification of the solid waste management authority if hazardous waste or PCB wastes are discovered at the unit *within 24 hours of discovery*.
2. As used in this section:
- (a) “Hazardous waste” includes those wastes described by 40 C.F.R. §§ 261.3 and 261.4(b)(4). The term does not include those wastes excluded by 40 C.F.R. § 261.4(b), other than those wastes described in § 261.4(b)(4), ~~[or generated by a very small quantity generator in accordance with 40 C.F.R. §§ 262.13 and 262.14, as those sections existed on November 28, 2016.]~~
  - (b) “PCB” has the meaning ascribed to it in 40 C.F.R. § 761.3, as that section existed on November 8, 1993.

### *Processing Sites*

**Sec. 24.** NAC 444.670 is hereby amended to read as follows:

NAC 444.670 System to process waste: Compost plant; *permit to operate, renewal, or modify*.

1. A compost plant must not be established until the site location, design of the plant and proposed method of operation have been approved by the solid waste management authority and a permit to operate the compost plant has been issued in accordance with the requirements of NAC 444.6405 to 444.6435, inclusive. An application for such a permit must *be submitted at least 180 days before the anticipated start of construction and must* include:

- (a) A description of the materials to be composted, including a characterization of the waste sufficient to evaluate the potential for biological or chemical contaminant migration in the event of a release;
- (b) A layout diagram of the plant showing property boundaries, fencing, roads, principal processing equipment, storage areas for stockpiles of incoming materials, and intermediate and final products;
- (c) A description of the equipment and personnel necessary to operate the plant;
- (d) A description of the process, with a schematic diagram, that shows loading and unloading areas and traffic flow routing;
- (e) The maximum inventory [~~, by volume,~~] of feed stocks, intermediate materials and products *by tonnage; and the maximum daily throughput of the facility*;
- (f) Proposed product specifications and a program to verify conformance with the specifications;
- (g) A program for monitoring the parameters of the process, including moisture content and temperature;
- (h) A description of the final use for the compost or the available markets for the compost;
- (i) Provisions for fire prevention and control;
- (j) Provisions for odor prevention and control;
- (k) Provisions for the control of surface water runoff and runoff;
- (l) Provisions for litter prevention and control;
- (m) Contingency plans to be followed in the event of emergencies and unforeseen circumstances that may occur at the facility. The plans must provide, at a

minimum, for an organized and coordinated course of action to be taken and address the following situations:

- (1) A fire at the facility;
- (2) A release of hazardous or toxic materials; and
- (3) The shutdown of the facility for any reason; and

(n) Provisions for proper disposal of by-products.

2. Any person or municipality which maintains or operates a compost plant shall maintain and operate the site in conformance with the following standards:

*(a)* If the compost plant accepts municipal solid waste and is not fully contained within a building, ~~[a buffer zone must be maintained of at least 500 feet from the adjoining property and 1,000 feet from any public roads.]~~ *the plant must be operated such that it complies with subsection 3 of this section.*

(b) Incoming solid waste must be confined to as small an area as practicable. At the conclusion of each day of operation, all windblown material resulting from the operation must be collected and returned to the area.

(c) Materials resulting from composting and offered for sale:

- (1) Meet the requirements relating to the maximum allowable density of fecal coliform or *Salmonella* sp. bacteria for Class A sewage sludge set forth in 40 C.F.R. § 503.32(a);
- (2) Must not reheat upon standing;
- (3) Must be innocuous; and
- (4) Must contain no sharp particles which could cause injury to persons handling the compost.

- (d) By-products removed during the processing must be handled in a sanitary and nuisance-free manner. *Such materials must be processed ~~[and]~~ or disposed ~~[of]~~ at an ~~[facility]~~ **appropriately permitted facility.** ~~[approved by the solid waste management authority.]~~*
3. A compost plant shall comply with the plans for the design and operation of the facility approved by the solid waste management authority *as part of the permit, or renewal or modification of the permit.* A compost plant shall not:
- (a) Contribute to the pollution of the air or waters of ~~[this]~~ *the* State;
  - (b) Cause an impairment of the environment;
  - (c) Cause a health or safety hazard to employees of the facility or the general public;
- or
- (d) Cause a public nuisance.
4. *A compost plant shall maintain a closure plan and a detailed third-party cost estimate (financial assurance) for the clean closure of the facility in accordance with NAC 444.685 to 444.6859 inclusive.*
5. The solid waste management authority may suspend or revoke a permit to operate a compost plant if the owner or operator of the facility fails to comply with the provisions of NAC 444.570 to 444.7499, inclusive.
6. *An application for renewal of an existing permit must be submitted at least 180 days before the expiration of the existing permit in accordance with the requirements of NAC 444.6405 to 444.6435.*
7. *An application for a modification of an existing permit must be submitted in accordance with NAC 444.6345.*

8. *The provisions of this section do not apply to the composting of biosolids. The management, processing, and composting of biosolids are governed by the provisions of Clean Water Act Section 405(d) (40 CFR Part 503), inclusive, and any applicable local, state or federal regulations.*
9. *A permit to operate a compost plant must be issued for a period not to exceed 5 years.*

Sec. 25. NAC 444.672 is hereby amended to read as follows:

NAC 444.672 System to process waste: ~~[Incineration]~~ *Thermal treatment; permit to operate, renewal, or modify.*

1. ~~[An incinerator plant]~~ *A thermal treatment facility* must not be established until the site location, facilities, and the proposed method of operation have been approved *and a permit to operate the thermal treatment facility has been issued* by the solid waste management authority ~~[ ]~~ *in accordance with the requirements of NAC 444.6405 to 444.6435, inclusive. An application for such a permit must be submitted at least 180 days before the anticipated start of construction and must include:*

(a) Location requirements:

(1) *Must meet all applicable local zoning and ordinance requirements;*

(2) *In the absence of local zoning requirements, the location of the facility must:*

(I) *Not be within one-half mile of the nearest inhabited dwelling or place of public gathering or within 1,000 feet of a public highway, unless special provisions the control of litter and*

*vectors are included in the design and approved by the solid waste management authority.*

*(II) Conform to the land use planning of the area.*

*(III) Prevent pollutants and contaminants from the site from degrading the waters of the State.*

*(IV) Meet with the approval of the solid waste management authority.*

*2. Any person or municipality which operates a thermal treatment facility must comply with the following standards:*

*(a) For incineration:*

*(1) All incineration equipment and air pollution control appurtenances thereto must comply with the requirements of NAC 445B.001 to 445B.3689, inclusive, and any local regulations governing the construction and operation of incinerators.*

*(2) Incinerators used for the burning of pathological waste, garbage, or material of high moisture content must be high temperature types with either grate or solid hearth construction, drying shelves for wet wastes and an auxiliary heating unit to ensure temperatures of 1,400 degrees Fahrenheit for not less than 0.3 second.*

*(b) For pyrolysis, gasification, and plasma arc:*

*(1) The owner or operator must demonstrate through a technical design report that the proposed temperatures and residence times are sufficient*

*to process the intended waste stream and prevent the release of untreated waste or production of hazardous constituents.*

3. Any person or municipality which maintains or operates ~~[an incinerator]~~ *a thermal treatment facility* must maintain and operate the site in conformance with the following standards *as approved by the Division*:
  - a. Adequate storage must be provided for incoming solid wastes and for ~~[incinerator]~~ *thermal treatment* residue to ~~[assure]~~ *ensure* a nuisance-free operation. Storage facilities must conform to the requirements of NAC 444.660 to 444.666, inclusive. *Stored waste must be processed within fourteen (14) days of receipt.*
  - b. ~~[Incinerator]~~ *Thermal treatment residue, products, and wastes (including but not limited to ash, char, and other byproducts)* must be disposed of at a ~~[n approved]~~ *solid waste management facility appropriately permitted to accept such waste* ~~[and disposal site or in accordance with provisions of an operational plan as approved by the solid waste management authority]~~. *A waste determination must be conducted for the residue and ash in accordance with 40 C.F.R. 262.11.*
  - c. *Facilities shall create a sampling and analysis plan based on EPA Method SW846 that demonstrates that thermal treatment residue and waste (including but not limited to ash, char, and process liquids) shall be managed accordingly to analytical results.*
  - d. Provisions must be made for emergency disposal of all solid wastes handled by the ~~[plant]~~ *facility* in the event of plant breakdown.

- e. Salvaging, if permitted, must be controlled so as not to interfere with optimum operation or create unsightly conditions or vector harborage.
  - f. All quench water, washdown water, dust spray, or surface water carrying organic matter must be discharged into a sanitary sewer *that is connected to a publicly owned treatment works with a National Pollution Discharge Elimination System permit* or otherwise disposed of as provided in an operational plan as approved by the solid waste management authority *as part of a permit*.
4. *An application for renewal of an existing permit must be submitted at least 180 days before the expiration of the existing permit in accordance with the requirements of NAC 444.6405 to 444.6435. An application for the renewal of a thermal treatment facility permit must include:*
- (a) Evidence of current compliance with all applicable air quality requirements;*  
*and*
  - (b) A certification that the equipment remains capable of meeting the temperature and residence time standards set forth in subsection NAC 444.672.*
5. *An application for a modification of an existing permit must be submitted in accordance with NAC 444.6345.*
6. *A thermal treatment facility shall maintain a closure plan and a detailed third-party cost estimate (financial assurance) for the clean closure of the facility in accordance with NAC 444.685 to 444.6859 inclusive*
7. *A permit to operate a thermal treatment facility must be issued for a period not to exceed 5 years.*

Sec. 26. NAC 444.674 is hereby amended to read as follows:

NAC 444.674 System to process waste: Salvage yard; *permit to operate, renewal, or modify*.

1. A salvage yard must not be established until the location, facilities, and proposed method of operation have been approved by the solid waste management authority *and a permit has been issued by the solid waste management facility in accordance with NAC 444.6405 to 444.6435, inclusive*.
2. Salvage in a salvage yard must be stored in an orderly manner so as to prevent harboring rodents, any public nuisance, and accidents.
3. All nonsalvageable material must be stored and disposed of according to NAC 444.570 to 444.7499, inclusive. In no case may nonsalvageable items be stored for more than 1 week *unless otherwise approved by the solid waste management authority. The owner or operator shall maintain records of the disposal of all nonsalvageable material and make such records available for inspection at any time upon request*.
4. No garbage or similar putrescible material may be present at a salvage yard, except in approved containers for such materials.
5. *The owner or operator shall implement measures to prevent the discharge of fluids, including but not limited to automotive fluids and refrigerants, into the environment.*
6. *An application for renewal of an existing permit must be submitted at least 180 days before the expiration of the existing permit in accordance with the requirements of NAC 444.6405 to 444.6435.*
7. *An application for a modification of an existing permit must be submitted in accordance with NAC 444.6345.*
8. *A permit to operate a salvage yard must be issued for a period not to exceed 5 years.*

9. *A salvage yard shall maintain a closure plan and a detailed third-party cost estimate (financial assurance) for the clean closure of the facility in accordance with NAC 444.685 to 444.6859 inclusive;*

### **Materials Recovery Facilities**

**Sec. 27.** NAC 444.74743 is hereby amended to read as follows:

NAC 444.74743 ~~[Approval]~~ *Permit to operate, [needed for operation; submission of application before construction begins] renewal, or modify.* (NRS 444.560)

1. A person shall not operate a materials recovery facility unless the location, design and operating plans of the facility have been approved *and a permit to operate the facility issued* by the solid waste management authority *in accordance with the requirements of NAC 444.6405 to 444.6435, inclusive.*
2. An application for a permit to operate a materials recovery facility must be submitted to the solid waste management authority ~~[before construction of the facility begins]~~ *at least 180 days before the anticipated start of construction.*
3. *An application for renewal of an existing permit must be submitted at least 180 days before the expiration of the existing permit in accordance with the requirements of NAC 444.6405 to 444.6435.*
4. *An application for a modification of an existing permit must be submitted in accordance with NAC 444.6345.*
5. *A permit to operate a materials recovery facility must be issued for a period not to exceed 5 years.*

6. *A materials recovery facility shall maintain a closure plan and a detailed third-party cost estimate (financial assurance) for the clean closure of the facility in accordance with NAC 444.685 to 444.6859 inclusive.*

### **Class III *Disposal Sites***

**Sec. 28.** NAC 444.731 is hereby amended to read as follows:

NAC 444.731 ~~[Minimum standards; reduction or waiver of requirements]~~ *Class III Sites: Classification and Eligibility for Waiver or Reduced Standards.* (NRS 444.560)

1. Except as otherwise provided in subsections 2, ~~[and]~~ 3, *and 4*, each Class III site must comply with the standards for location, design, construction, operation and maintenance set forth in NAC 444.733 to 444.747, inclusive; *and a permit to operate the facility issued by the solid waste management authority in accordance with the requirements of NAC 444.6405 to 444.6435, inclusive.*
2. A solid waste management authority may adopt less restrictive standards for a Class III site which receives waste material which is inert or unlikely to create an environmental hazard or threaten the health of the general public. *Any such less restrictive standards must be reviewed and re-approved every 5 years as part of the renewal of the permit during the active life of the facility.*
3. A solid waste management authority may waive the requirements for a Class III site *for a period not to exceed 5 years* if the owner or operator of that site demonstrates that:
  - (a) All waste which is placed in the landfill is incidental to his or her industrial operation;

- (b) The landfill is located on property controlled by the operator of the industrial operation; and
  - (c) The landfill will not receive any hazardous materials and is unlikely to produce pollutants or contaminants that may degrade waters of the State.
  - (d) The demonstrations in this subsection are supported by technical data provided to the solid waste management authority, including, without limitation, the depth to the uppermost aquifer at the site and a characterization of the waste stream.*
  - (e) The landfill will not receive prohibited wastes, including, without limitation, liquid wastes, household hazardous waste, PCB wastes, or any other waste determined by the solid waste management authority to be inconsistent with a Class III waiver.*
4. *Notwithstanding the 180-day requirement set forth in NAC 444.6405, ~~[A]~~ an owner or operator who applies for a waiver, **renewal of a waiver, or a major modification**, must submit a plan to the solid waste management authority for approval **at least 90 days before construction begins or the existing waiver expires**. The plan must include:*
- (a) A description of the type and estimated amount of material which will be placed in the landfill; and
  - (b) A program for the maintenance of the site.
5. *A waiver granted pursuant to this subsection is subject to renewal every 5 years from the date of issuance or most recent renewal, as applicable. Waivers issued prior to the effective date of this regulation shall continue on their existing renewal schedule without modification.*

6. *An application for renewal of an existing permit must be submitted at least 180 days before the expiration of the existing permit in accordance with the requirements of NAC 444.6405 to 444.6435.*
7. *An application for a modification of an existing permit must be submitted in accordance with NAC 444.6345.*
8. *A permit to operate a class III site must be issued for a period not to exceed 5 years.*
9. As used in this section, “hazardous material” has the meaning ascribed to it in NRS 459.7024.

**Sec. 29.** NAC 444.747 is hereby amended to read as follows:

NAC 444.747 Miscellaneous requirements; reports; records; notification.

1. Scavenging at a Class III site is prohibited.
2. The area of a Class III site must be inspected daily and all scattered paper and other lightweight debris returned to the fill area and covered.
3. The operator of a Class III site shall:
  - (a) Establish provisions concerning weighing or otherwise adequately measuring and recording all solid waste received at the site; and
  - (b) Submit annually to the Division a report of the solid waste received at the site.

The report must be submitted on a form provided by the Division within 30 days following the end of each calendar year.
  - (c) *On or before January 1, 2004, and at least once every 5 years thereafter until the site is closed in accordance with NAC 444.6891, 444.6892 and 444.6893, conduct a topographic survey, or other volumetric survey approved by the solid waste management authority, of the site and submit a report to the solid waste*

*management authority. Except as otherwise provided in this paragraph, each such report must be submitted no later than 5 years after the date on which the immediately preceding report was submitted. Each report must:*

- i. Be signed by a professional engineer registered in this State;*
- ii. Be at a scale of not more than 200 feet to the inch, including contour intervals of not more than 5 feet;*
- iii. Show the current topography of the site;*
- iv. Indicate the remaining volume and disposal capacity of the site;*
- v. Indicate the volume used and waste disposed of since the original report of design; and Calculate the remaining life of the site, in years.*

4. The operation of a Class III site must be approved by the solid waste management authority.
5. The owner or operator of a Class III site shall record and retain in its operating records at its site or at another location approved by the solid waste management authority:
  - (a) Any documentation of cost estimates and financial assurance required pursuant to NAC 444.685;
  - (b) Plans for closure and postclosure care and any monitoring, testing or analytical data required pursuant to NAC 444.6891 to 444.6896, inclusive;
  - (c) How the site conforms to the restrictions on location set forth in NAC 444.735;
  - (d) Any plan to characterize solid waste required pursuant to NAC 444.737; and
  - (e) Any demonstration, certification, finding, monitoring, testing or analytical data from the program for monitoring groundwater required pursuant to NAC 444.7481 to 444.7499, inclusive.

6. The owner or operator shall promptly notify the solid waste management authority after the owner or operator has placed the information in the operating record of its facility pursuant to subsection 5. The information must be furnished upon request to the solid waste management authority or be made available for inspection by the solid waste management authority at any reasonable time.
7. Notwithstanding any other provision of this chapter, the solid waste management authority may establish alternative schedules for Class III sites for any recordkeeping and notification required pursuant to NAC 444.570 to 444.7499, inclusive, except that the authority will not establish an alternative schedule for the notification required pursuant to subsection 3 of NAC 444.7491.

### **Appeals and Request for Variance**

**Sec. 30.** NAC 444.748 is hereby amended to read as follows:

NAC 444.748 Petition for variance; appeals. (NRS 444.558, 444.560, 444.590)

1. Any person who believes that an alternative to any standard specified in NAC 444.570 to 444.7499, inclusive, will comply with the intent of the specified standard and will protect public health and the environment, may petition the State Environmental Commission for a variance in accordance with its procedural rules. A variance may not be granted if it is inconsistent with the federal criteria for landfills set forth in 40 C.F.R. Part 258, as that part existed on ~~November 8, 1993~~ *July 1, 2025*.
2. Any person who wishes to appeal from a decision or action of the Division may do so. Such an appeal must be made in writing in accordance with the State Environmental Commission's procedural rules.