

LCB File No. R037-01

PROPOSED REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION

(This proposed regulation was previously adopted as LCB File No. T024-00)

Explanation - Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

Authority: NRS 459.485, 459.490 and 459.500

Section 1. NAC 444.8427 is hereby amended to read as follows:

444.8427 "Facility for community recycling" defined. "Facility for community recycling" means a facility for recycling hazardous waste which has a yearly capacity that is not more than twice the amount of the type of hazardous waste proposed to be recycled that is generated within the region in this state in which the facility is or is proposed to be located, as determined by the generation rate contained in the biennial report required by the provisions of 40 C.F.R. § 262.41, as that section existed on July 1, 2000 ~~[6, 1999]~~.

Sec. 2. NAC 444.84275 is hereby amended to read as follows:

444.84275 "Facility for community storage" defined. "Facility for community storage" means a facility for the storage and consolidation of hazardous waste which has a yearly capacity that is not more than twice the amount of hazardous waste that is generated within the county in which the facility is or is proposed to be located, as determined by the generation rate contained in the biennial report required by the provisions of 40 C.F.R. § 262.41, as that section existed on July 1, 2000 ~~[6, 1999]~~.

Sec. 3. NAC 444.850 is hereby amended to read as follows:

444.850 Definitions. As used in NAC 444.850 to 444.8746, inclusive, unless the context otherwise requires:

1. The words and terms defined in NAC 444.8505 to 444.861, inclusive, have the meanings ascribed to them in those sections.
2. Except for the words and terms otherwise defined in NAC 444.8505 to 444.861, inclusive, the words and terms defined in 40 C.F.R. § 260.10, as that section existed on July 1, 2000 ~~[6, 1999]~~, have the meanings ascribed to them in that section.

Sec. 4. NAC 444.8632 is hereby amended to read as follows:

444.8632 Compliance with federal regulations adopted by reference.

1. In addition to the requirements of NAC 444.850 to 444.8746, inclusive, a person who generates, transports, treats, stores, disposes or otherwise manages hazardous waste or used oil shall comply with all applicable requirements of, and may rely upon applicable exclusions or exemptions under 40 C.F.R. Part 2, Subpart A, Part 124, Subparts A and B, Parts 260 to 270, inclusive, and Parts 273 and 279, as those provisions existed on July 1, 2000 ~~[6, 1999]~~, which, except as otherwise modified by NAC 444.86325, 444.8633 and 444.8634, are hereby adopted by reference. The state environmental commission may use federal statutes and regulations that are cited in 40 C.F.R. Part 2, Subpart A, Part 124, Subparts A and B, Parts 260 to 270, inclusive, and Parts 273 and 279, to interpret these sections and parts.

2. The volumes containing these parts may be obtained from the Superintendent of Documents, P.O. Box 371954, Pittsburgh PA 15250, for the following prices:

- (a) Volume 40 C.F.R. Part 2.....\$33
- (b) Volume 40 C.F.R. Part 124 53
- (c) Volume 40 C.F.R. Parts 260 to 265, inclusive..... 32
- (d) Volume 40 C.F.R. Parts 266 to 299, inclusive 33

Sec. 5. NAC 444.9452 is hereby amended to read as follows:

444.9452 Adoption by reference of provisions of Code of Federal Regulations.

1. All sections, subparts and parts of Title 40 of the Code of Federal Regulations referred to in NAC 444.940 to 444.9555, inclusive, as modified by NAC 444.9453, are hereby adopted by reference as they existed on July **1, 2000** ~~[6, 1999]~~.

2. The volumes containing these sections, subparts and parts may be obtained from the Superintendent of Documents, United States Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250, for the following prices:

- (a) The volume containing 40 C.F.R. Parts 260 to 265, inclusive.....\$32
- (b) The volume containing 40 C.F.R. Parts 266 to 299, inclusive.....33
- (c) The volume containing 40 C.F.R. Part 76142