

**LCB File No. R208-03**

**PROPOSED REGULATION OF THE STATE  
ENVIRONMENTAL COMMISSION**

**Petition 2003-08**

EXPLANATION - Matter in *italics* is new; matter in brackets [ ] is to be omitted.

AUTHORITY: NRS 459.485, 459.490 and 459.500

**Section 1.** NAC 444.843 is hereby amended to read as follows:

444.843 "Hazardous waste" defined.

1. "Hazardous waste" has the meaning ascribed to it in NRS 459.430.

2. The term includes any:

(a) Hazardous waste or constituent of hazardous waste which is subject to regulation under 40 C.F.R. Part 261;

(b) Waste containing polychlorinated biphenyl; and

(c) Waste brought into this state which is designated as hazardous waste in the state of its origin, *except as provided in subsection 3.*

*3. The term does not include remediation waste or delisted waste, regardless of the state of origin, if:*

*(a) It is not a hazardous waste pursuant to paragraph (a) of subsection 2; and*

*(b) It is disposed at a facility for the management of hazardous waste.*

The following new regulations are to be added to the definitions found at NAC 444.8422 to NAC 444.8444 inclusive.

**Sec. 2.** *"Remediation waste" defined.*

*"Remediation waste" has the meaning ascribed to it in 40 CFR 260.10.*

**Sec. 3.** *"Delisted waste" defined.*

*"Delisted waste" means waste that has been excluded by EPA from the lists in Subpart D of part 261 as a result of a successful petition for regulatory amendment under 40 CFR Part 260.20 and 260.22.*