

PROPOSED REGULATION OF THE STATE
ENVIRONMENTAL COMMISSION

LCB File No. R208-03

December 10, 2003

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

AUTHORITY: §§1-5, NRS 459.485, 459.490 and 459.500.

Section 1. Chapter 444 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *“Delisted waste” means waste that the EPA removed from the list of hazardous wastes located in 40 C.F.R. Part 261, Subpart D, as a result of a successful petition for a regulatory amendment pursuant to 40 C.F.R. § 260.20 or 40 C.F.R. § 260.22.*

Sec. 3. *“Remediation waste” has the meaning ascribed to it in 40 C.F.R. § 260.10.*

Sec. 4. NAC 444.842 is hereby amended to read as follows:

444.842 As used in NAC 444.842 to 444.8482, inclusive, unless the context otherwise requires, the words and terms defined in NAC 444.8422 to 444.8444, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 5. NAC 444.843 is hereby amended to read as follows:

444.843 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]~~ *Except as otherwise provided in subsection 3, waste* brought into this state which is designated as hazardous waste in the state of its origin.

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

(a) Does not meet the requirements of paragraph (a) of subsection 2; and

(b) Is disposed of at a facility for the management of hazardous waste.