

**REVISED PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R208-03

January 21, 2004

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 brought into this state which is designated as hazardous waste in the state of its origin ~~is~~ *unless the waste:*

- (1) Is remediation waste or delisted waste;*
- (2) Does not meet the requirements of paragraph (a) of subsection 2; and*
- (3) Is disposed of at a facility for the management of hazardous waste.*