

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R179-05

November 16, 2005

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

AUTHORITY: § 1, NRS 444.560.

A REGULATION relating to solid waste; authorizing the owner or operator of a Class I site to dispose of solid waste continuously under certain circumstances; and providing other matters properly relating thereto.

Section 1. NAC 444.688 is hereby amended to read as follows:

444.688 **1.** The compacted solid waste of a Class I site must be covered as follows:

~~{1.}~~ **(a)** Except as otherwise provided ~~{by}~~ *in* this section, ~~{all}~~ solid waste *that is disposed of* must be covered at the end of each operating day or at more frequent intervals as necessary to control disease vectors, fires, odors, blowing litter and scavenging with at least 6 inches of compacted earthen material.

~~{2.}~~ **(b)** The solid waste management authority may approve alternative materials to be used for compaction and alternative thicknesses of that material if the owner or operator shows that the alternative materials and thicknesses are capable of controlling disease vectors, fires, odors, blowing litter and scavenging without presenting a threat to public health and safety and the environment.

~~{3.}~~ **(c)** The solid waste management authority may grant a temporary waiver from the requirements of ~~{subsections 1 and 2}~~ *paragraphs (a) and (b)* if the owner or operator can show that extreme seasonal climatic conditions make the requirements impractical.

~~[4.]~~ (d) Unless otherwise approved by the solid waste management authority, at least 12 inches of compacted earthen material must be placed as an intermediate cover on a fill surface if that surface is not to receive waste for more than 90 days. This subsection does not apply to final fill surfaces.

~~[5.]~~ (e) The integrity of daily and intermediate cover must be maintained until further filling or the addition of final cover is made. All cracks, depressions and erosion of the cover for surface and side slopes of fills must be promptly repaired.

~~[6.]~~ (f) Daily and temporary cover must be graded to drain runoff of surface water. The top slope must have a grade of not less than 3 percent.

~~[7. Except as otherwise provided in subsection 8, as used in this section, “operating day” means the portion of a day during which a site is accepting and disposing of solid waste.~~

~~—8. “Operating day” means a period, not to exceed 6 days, that ends with the first interruption of operations which lasts 4 hours if:~~

~~—(a) The site consistently operates without stopping throughout a 24 hour period; and~~

~~—(b) The owner or operator demonstrates to the solid waste management authority that:~~

~~—(1) A daily cover requirement would impose a severe operational constraint on the site; and~~

~~—(2) Disease vectors, fires, odors, blowing litter and scavenging will be adequately controlled.]~~

2. If a Class I site receives solid waste continuously, the owner or operator of the site may continuously dispose of the solid waste at the site if:

(a) The surface of the solid waste is not exposed for more than 24 hours after the placement of the solid waste; and

(b) The area of the exposed solid waste is limited to the smallest practicable space, as approved by the solid waste management authority.