

LCB File No. R105-02

**PROPOSED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

Petition 2002-12 as Submitted to the Legislative Counsel Bureau on June 27, 2002  
for Drafting as a Permanent Regulation

AUTHORITY: NRS 444.560

*New language is italicized and bolded; [language to be deleted is in brackets].*

Section 1. NAC 444.607 is hereby amended to read as follows:

**NAC 444.607 "Public storage bin facility" defined. (NRS 444.560)** "Public *waste* storage bin facility" means a facility that provides one or more portable waste containers which are used for the collection of solid waste for transport to a solid waste disposal site. The term does not include residential or commercial waste containers that are located on or near a site of waste generation.

Section 2. NAC 444.628 is hereby amended to read as follows:

**NAC 444.628 "Transfer station" defined. (NRS 444.560)** "Transfer station" means a solid waste processing site where solid waste is transferred from one vehicle to another vehicle or storage device for temporary storage until transferred to a disposal site. Some processing may be included therein. The term does not include public *waste* storage bin facilities.

Section 3. NAC 444.640 is hereby amended to read as follows:

**NAC 444.640 Open burning; disposal of animal carcasses.**

1. *Except as otherwise provided in this section* open burning of solid wastes at a disposal site, transfer station or other facility which handles solid waste is prohibited.

2. *The solid waste management authority may approve open burning of yard waste and other untreated wood waste at facilities that serve remote communities that have no other practicable alternative for the management of the waste, provided the burning is authorized in accordance with NAC 445B.381.*

3. The provisions of NAC 444.570 to 444.7499, inclusive, do not prevent the disposal of animal carcasses by burning if such burning is done in accordance with NAC 445B.381, except that such burning is not allowed at municipal solid waste landfill units and Class III sites covered by those provisions.

Section 4. NAC 444.6405 is hereby amended to read as follows:

**NAC 444.6405 Permit to operate disposal site: Requirement; exemptions; application; notice of intent to close site or continue operations; revocation and suspension of interim approval.**

1. Except as otherwise provided in subsection 2, the owner or operator of a disposal site must obtain a permit to operate the site from the appropriate solid waste management authority.

2. The following sites are exempt from the provisions of subsection 1:

- (a) Composting bins which are operated at a personal residence for personal use; and
- (b) Municipal composting operations for yard wastes.

3. The owner or operator of a proposed disposal site shall obtain a permit before the construction or operation of that site. An application for a permit must be submitted at least 180 days before the anticipated start of construction, to allow sufficient time for the review and issuance of the permit.

~~4. A disposal site for which a notice of intent to close the site by November 8, 1993, or continue operations after November 8, 1993, has not been submitted to the solid waste management authority shall be deemed to be an open dump. Class I sites which are to continue operations after November 8, 1993, must have a permit issued by the solid waste management authority by October 9, 1996. Class II sites which are to continue operations after November 8, 1993, must have a permit issued by the solid waste management authority by October 9, 1999.~~

~~5. Interim approval shall be deemed to be granted to an owner or operator who submits a notice of intent to continue operations after November 8, 1993, to the solid waste management authority. The owner or operator to whom interim approval is granted must operate and maintain the site in compliance with all applicable statutes and regulations to maintain that approval.~~

~~6. The solid waste management authority may revoke or suspend the interim approval granted pursuant to this section if the owner or operator fails to provide to the authority any documents or other information relating to the application for a permit requested by the authority:~~

~~(a) For a class I site, within 1 year after such a request is made or not later than October 9, 1996, whichever is earlier; or~~

~~(b) For a class II site, within 1 year after such a request is made or not later than October 9, 1999, whichever is earlier.~~

~~7. The interim approval is effective until the site is closed pursuant to subsection 4, the interim approval is revoked or suspended, or a permit is issued for the site.]~~

Section 5. NAC 444.6425 is hereby amended to read as follows:

**NAC 444.6425 Permit to operate disposal site: Duties of solid waste management authority following period for public review.** Within ~~[15]~~ **30** days after the end of the period for public review, the solid waste management authority shall:

1. Issue a permit to operate a disposal site, *which may include conditions or modifications based on public comment*; or

2. Deny the application and send written notice to the applicant which details the reasons why the application is being denied. The written notice must set forth the time and procedure by which the applicant may appeal the decision of the solid waste management authority.

Section 6. NAC 444.662 is hereby amended to read as follows:

**NAC 444.662 Storage of solid wastes before collection.**

1. The owner or occupant, or both, of any premises, business establishment or industry are responsible for the safe and sanitary storage of all solid waste accumulated at the premise until it is removed.

2. All garbage and similar putrescible waste must be stored in:

(a) Durable, nonabsorbent, watertight and easily cleanable containers that are resistant to corrosion and rodents. The covers of such containers must prevent the entry of flies.

(b) Other types of containers acceptable to the solid waste management authority which conform to the intent of NAC 444.660 to 444.666, inclusive.

3. The size and allowable weight of the container is determined by the collection agency, subject to the approval of the solid waste management authority.

4. *Except as otherwise provided in this section*, if garbage and similar putrescible wastes are stored in combination with nonputrescible wastes, containers for the storage of the mixture must meet the requirements for garbage storage. These wastes must not be stored for more than 1 week before collection.

*5. The solid waste management authority may approve the storage of garbage and similar putrescible wastes for more than 1 week before collection in remote communities. The approval must be based on a demonstration by the municipality that the alternative minimum collection frequency will not result in increased litter or odors, the harboring of vectors, the storage of excess waste outside of containers or any other health hazard, public nuisance or impairment to the environment. The solid waste management authority may revoke its approval of an alternative minimum collection frequency.*

~~5~~ 6. Medical wastes must be stored in watertight, tightly covered and clearly labeled containers that are resistant to corrosion and are in a safe location, inaccessible to the public. In addition, medical wastes must be stored in cleanable containers with liners *or in a manner* approved by the solid waste management authority. Medical wastes must not be deposited in containers with other solid wastes. Medical wastes must be transported separately from other solid wastes to an approved disposal site and handled in accordance with a method approved by the solid waste management authority.

~~6~~ 7. Bulky wastes or other nonputrescible wastes unsuitable for storage containers must be stored in a manner that does not cause a nuisance.

Section 7. NAC 444.66647 is hereby amended to read as follows:

**NAC 444.66647 Public *waste* storage bin facility: Notification of establishment; general requirements; final closure. (NRS 444.560)**

1. The owner of a public *waste* storage bin facility shall notify the solid waste management authority in writing not more than 30 days after establishing the facility. The notification must include, without limitation:

- (a) The location of the facility;
- (b) The owner of the facility;
- (c) The name and phone number of the authorized agent of the owner;
- (d) The capacity of the facility in cubic yards;
- (e) The types of solid waste it receives; and
- (f) The population and area to be served by the facility.

2. *Waste* storage bins may have a combined capacity of not more than **160** ~~[100]~~ cubic yards and must be constructed of durable, watertight materials with a lid or screen on top that prevents ~~[access by disease vectors and]~~ the loss of materials during transport. Storage of solid waste outside of the storage bins is prohibited unless approved by the solid waste management authority.

3. If garbage and similar putrescible waste is stored in combination with nonputrescible waste, the wastes must not be stored at the facility for more than 1 week, *unless approved by the solid waste management authority pursuant to section 444.662.*

4. The owner of a public *waste* storage bin facility shall:

~~[(a) Set up directional signs in the community so that the facility can be easily located;]~~

(a) ~~[(b)]~~ Provide access to the facility by an all-weather road;

(b) ~~[(c)]~~ *Construct the facility in a manner that allows the public to conveniently and safely deposit waste materials in the storage bins;*

(c) ~~[(d)]~~ Service the facility as often as is necessary to ensure that there is adequate storage capacity at all times;

(d) *Provide for inspection of the site at least weekly and collect all scattered papers and other lightweight debris;*

(e) *Use fences and other appurtenances to prevent the scattering of papers and other lightweight debris;* and

(f) ~~[(e)]~~ Comply with the requirements regarding signs set forth in NAC 444.690.

5. At final closure, the owner or operator shall remove any remaining wastes to a proper facility and shall remove all storage bins.

Section 8. NAC 444.667 is hereby amended to read as follows:

**NAC 444.670 System to process waste: Compost plant.**

1. A compost plant must not be established until the site location, *design* ~~[(facilities)]~~ and proposed method of operation have been approved by the solid waste management authority, *and a permit has been issued in accordance with the requirements of NAC 444.6405 to 444.6435, inclusive. An application for a permit to operate a compost plant shall include:*

(a) *A description of materials to be composted, including waste characterization sufficient to evaluate the potential for biological or chemical contaminant migration in the event of a release;*

(b) *A plant layout diagram showing property boundaries, fencing, roads, principal processing equipment, storage areas for stockpiles of incoming materials and intermediate and final products;*

(c) *A description of the equipment and personnel necessary to operate the plant;*

(d) *A process description with a schematic diagram that shows loading and unloading areas, and traffic flow routing;*

(e) *The maximum inventory by volume of feedstocks, intermediate materials and products;*

(f) *Proposed product specifications and a program to verify conformance with the specifications;*

(g) *A program for monitoring process parameters, including moisture content and temperature;*

(h) *A description of the final use for the compost or the available markets;*

(i) *Provisions for fire prevention and control;*

(j) *Provisions for odor prevention and control;*

(k) *Provisions for the control of runoff and runoff;*

(l) *Provisions for litter prevention and control;*

(m) *Contingency plans to be taken in the event of unforeseen circumstances that may occur at the facility. The plans shall provide for an organized and coordinated course of action to be taken, and must address:*

- (1) *A fire at the facility;*
- (2) *A release of hazardous or toxic materials;*
- (3) *Facility shutdown for any reason.*

*(n) Provisions for proper disposal of by-products.*

2. Any person or municipality which maintains or operates a composting plant shall maintain and operate the site in conformance with the following standards:

(a) *If the compost plant accepts municipal solid waste and is not fully contained within a building, a [A] buffer zone must be maintained of at least 500 feet from the adjoining property and 1,000 feet from any public roads.*

(b) Incoming solid waste must be confined to as small an area as practicable. At the conclusion of each day of operation, all windblown material resulting from the operation must be collected and returned to the area.

(c) Materials resulting from composting and offered for sale:

(1) Must *meet the Class A pathogen requirements in 40 Code of Federal Regulations, §503.32(a) [contain no pathogenic organisms];*

(2) Must not reheat upon standing;

(3) Must be innocuous; and

(4) Must contain no sharp particles which could cause injury to persons handling the compost.

(d) By-products removed during the processing must be handled ~~[and disposed of]~~ in a sanitary and nuisance-free manner *and disposed of at a facility approved by the solid waste management authority.*

*3. A compost plant must comply with the plans for the design and operation of the facility approved by the solid waste management authority. A compost plant must not:*

*(a) Contribute to the pollution of the air or waters of the state;*

*(b) Cause an impairment of the environment;*

*(c) Cause a health or safety hazard to employees of the facility or the general public; or*

*(d) Cause a public nuisance.*

*4. The solid waste management authority may suspend or revoke its approval to operate a compost plant if the owner or operator of the facility fails to comply with the provisions of NAC 444.570 to 444.7499, inclusive.*

Section 9. NAC 444.702 is hereby amended to read as follows:

**NAC 444.702 Miscellaneous requirements for operation; quarterly reports.**

1. Scavenging at a Class I site is prohibited.

2. Salvaging is prohibited at the working face of a Class I site.

3. The area must be inspected daily and all scattered paper and other lightweight debris returned to the fill area and covered.

4. The operator of a Class I site shall establish provisions concerning weighing or otherwise adequately measuring and recording all solid waste delivered to the site.

5. The operation of a Class I site must be approved by the solid waste management authority.

6. The operator of a Class I site shall submit quarterly to the division a report of the solid waste received at the site. The report must be submitted on a form prescribed by the division.

*7. The owner or operator of a Class I site shall conduct a topographic survey of the site and submit a report to the solid waste management authority by January 1, 2004 and at least every five years thereafter until the site has been closed in accordance with NAC 444.6892. A*

*report of the survey must be submitted by the five-year anniversary of the date on which the last report was submitted. The report must:*

- (a) Be signed by a professional engineer registered in this state;*
- (b) Be at a scale of not more than 200 feet to the inch, including contour intervals of not more than 5 feet;*
- (c) Show the current topography of the site;*
- (d) Indicate the remaining volume and disposal capacity of the site;*
- (e) Indicate the volume used and waste disposed since the original report of design;*
- (f) Calculate the remaining years of the life of the site.*

Section 10. NAC 444.728 is hereby amended to read as follows:

**NAC 444.728 Miscellaneous requirements for operation; semiannual reports.**

1. Salvaging is prohibited at the working face of a Class II site. Scavenging is prohibited at a Class II site.

2. The area must be inspected semiweekly and all scattered papers and other lightweight debris returned to the fill area and covered.

3. The operator of a Class II site shall establish provisions concerning weighing or otherwise adequately measuring and recording all solid waste delivered to the site.

4. The operation of a Class II site must be approved by the solid waste management authority.

5. The operator of a Class II site shall:

(a) Comply with the requirements relating to the maintenance and operation of the site set forth in 40 C.F.R. Parts 258.20 to 258.29, inclusive, effective October 9, 1997; and

(b) Submit semiannually to the division a report of the solid waste received at the site. The report must be submitted on a form prescribed by the division.

*(c) Conduct a topographic survey of the site and submit a report to the solid waste management authority by January 1, 2004 and at least every five years thereafter until the site has been closed in accordance with NAC 444.6892. A report of the survey must be submitted by the five-year anniversary of the date on which the last report was submitted. The report must:*

- (1) Be signed by a professional engineer registered in this state;*
- (2) Be at a scale of not more than 200 feet to the inch, including contour intervals of not more than 5 feet;*
- (3) Show the current topography of the site;*
- (4) Indicate the remaining volume and disposal capacity of the site;*
- (5) Indicate the volume used and waste disposed since the original report of design;*
- (6) Calculate the remaining years of the life of the site.*