

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION
R123-11 -- P2012-02**

November 14, 2011

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

AUTHORITY: NRS 444.560.

A REGULATION relating to solid waste; revising the provisions for appeals of final decisions, clarifying that only the decisions of the Division may be appealed to the State Environmental Commission.

Section 1. NAC 444.748 is hereby amended to read as follows: ([NRS 444.560](#))

1. Any person who believes that an alternative to any standard specified in [NAC 444.570](#) to [444.7499](#), inclusive, will comply with the intent of the specified standard and will protect public health and the environment, may petition the State Environmental Commission for a variance in accordance with its procedural rules. A variance may not be granted if it is inconsistent with the federal criteria for landfills set forth in 40 C.F.R. Part 258, as that part existed on November 8, 1993.

2. Any person who wishes to appeal from a decision or action of the *Division* [solid waste management authority] may do so. Such an appeal must be made in writing in accordance with the State Environmental Commission's procedural rules.

[Environmental Comm'n, Solid Waste Mgt Reg. §§ 6.1 & 6.2, eff. 9-21-77]—(NAC A 11-8-93; 3-1-94)