

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

LCB File No. R179-05

September 17, 2007

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

AUTHORITY: §§1 and 2, 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 at the Class I site* 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]~~ *paragraph* 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]~~

2. The solid waste management authority may approve the continuous operation of a Class I site as an alternative to the requirements of subsection 1 if the owner or operator shows that its plan for the continuous operation of the site is sufficient to control disease vectors, fires, odors, blowing litter and scavenging without presenting a threat to public health and safety and the environment.

3. As used in this section ~~[, “operating”]~~ :

(a) *“Continuous operation” means that at all times throughout each 24-hour period:*

(1) Waste is being received, placed, spread or compacted on the working surface of the site; and

(2) At least one piece of heavy equipment is operating on the working surface of the site to spread or compact the waste.

(b) *“Operating day” means the portion of a day during which a site is accepting ~~[and disposing of]~~ or managing 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.}~~

Sec. 2. This regulation becomes effective on April 1, 2008.