

JIM. GIBBONS
Governor



STATE OF NEVADA
STATE ENVIRONMENTAL COMMISSION

901 South Stewart Street, Suite 4001
Carson City, Nevada 89701-5249
Telephone (775) 687-9308
Fax (775) 687-5856
www.sec.nv.gov

ALLEN BIAGGI
Director



CHAIRMAN:
Lew Dodgion
Carson City, NV

August 30, 2007

VICE CHAIRMAN:
Alan Coyner
Administrator
Division of Minerals
Commission on Mineral
Resources

Ms. Brenda Erdoes, Legislative Counsel
C/o Debra Corp
Legislative Counsel Bureau (LCB), Legal Division
401 South Carson Street
Carson City, Nevada 89701-4747

MEMBERS

Re: State Environmental Commission -- Petition #R179-05
Waste Landfill Cover Requirements

Pete Anderson
State Forester
Division of Forestry

Dear Ms. Corp:

Donna Rise, Director
Department of
Agriculture

Enclosed for "re drafting" by the LCB Legal Division is a proposed permanent regulation that amends NAC 444.688.

Eugene Gans
Las Vegas, NV

Please note that LCB has already approved this regulation for consideration by the State Environmental Commission. The Commission is planning to consider the regulation at it's December 2007 regulatory hearing.

Kenneth Mayer - Director
Department of Wildlife

The only change being requested is to section 2. We are only requesting the following date change.

Ira Rackley
Las Vegas, NV

Sec. 2. This regulation becomes effective on ~~January 1, 2007~~ (change to April 1, 2008.)

Tracy Taylor
State Engineer
Division of Water Resources

Please let me know if you have any questions about this request.

Harry Shull
Las Vegas, NV

Sincerely,
John B. Walker

Frances Sponer
State Board of Health
Las Vegas, NV

John B. Walker
Executive Secretary

Stephanne Zimmerman
Las Vegas, NV

JBW/jbw
Enclosure

COUNSEL
David Newton

ec: Rosemarie Reynolds, Deputy Attorney General
Leo Drozdoff, P.E. - NDEP Administrator
Colleen Cripps, NDEP Deputy Admin
Eric Noack - BWM

STAFF
John B. Walker
Executive Secretary

Robert Pearson
Recording Secretary

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

LCB File No. R179-05

August 2, 2006

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 January 1, 2007.