

REVISIONS TO JANUARY 14, 2004 LCB DRAFT  
PURSUANT TO SEC HEARING 2/26/04

EXPLANATION – Matter in *yellow highlight and italics* is new; matter in *blue highlight* and brackets is material to be omitted.

PROPOSED REGULATION OF THE STATE  
ENVIRONMENTAL COMMISSION  
LCB File No. R-237-03 SEC Petition 2003-13

January 14, 2004

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

AUTHORITY: §§1-6, NRS 445B.210.

**Section 1.** [~~Chapter 445B of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.~~

~~**Sec. 2.** *“Plastic” means any of the complex organic compounds produced by polymerization, capable of being molded, extruded, cast into various shapes and films or drawn into filaments used in textile fibers.*~~

~~**Sec. 3.** *“Rubbish” means nonputrescible solid waste, consisting of both combustible and noncombustible wastes, such as paper, cardboard, plastic, abandoned automobiles, tin cans, wood, glass, bedding, crockery and similar materials.*~~

~~**Sec. 4.** NAC 445B.001 is hereby amended to read as follows:~~

~~445B.001 As used in NAC 445B.001 to 445B.3497, inclusive, unless the context otherwise requires, the words and terms defined in NAC 445B.002 to 445B.211, inclusive, *and sections 2 and 3 of this regulation*, have the meanings ascribed to them in those sections.~~

~~**Sec. 5.**~~ NAC 445B.22067 is hereby amended to read as follows:

445B.22067 1. The open burning of any combustible refuse, waste, garbage, oil, or for any salvage operations, except as specifically exempted, is prohibited.

2. [~~This section does not apply to open~~] *Open* burning:

(a) ~~[Approved in advance by the Director.]~~ *Is allowed for the purpose of weed abatement, conservation, disease control, game or forest management, personnel training, elimination of hazards, or for open burning of yard waste and other untreated wood waste as provided for in NAC 444.640 if approved in advance by the Director.*

(b) ~~[Concurred in by the Director and authorized by an officer of the State or its political subdivisions for]~~ ~~[Except as otherwise provided in paragraph (b), is allowed at a single-family residence if the residence is not located:~~

~~—(1) Within 10 miles of a facility approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources for the collection or disposal of household waste; or~~

~~—(2) In an area with household waste collection by a collector of solid waste who operates pursuant to a license issued by a local government.~~

~~—(b) Of yard waste and other untreated wood waste is allowed at a single-family residence located in and within 1 mile of the boundaries of Babbitt, Battle Mountain, Caliente, Carlin, Douglas County, East Ely, Elko, Ely, Fallon, Fernley, Gabbs, Hawthorne, Lovelock, McGill, Tonopah, Virginia City, Weed Heights, Wells, Winnemucca and Yerington, and inside the limits of Carson City and in those portions of Lyon County that are within 1 mile of the Carson City line, if:~~

~~—(1) Not specifically prohibited by local ordinances or regulations; and~~

~~—(2) Authorized by the Director or by an officer of the State of Nevada or its political subdivisions.~~

~~—(e)]~~ *Is allowed for* the purpose of weed abatement, conservation, disease control, game or

forest management, personnel training or elimination of hazards **if concurred in by the director and authorized by an officer of the state or its political subdivisions.**

(c) ~~For~~ **if approved by the Director.**

~~(d) Of rubbish~~ **Is allowed for** agricultural purposes and management except where

~~(1) Where~~ prohibited by local ordinances or regulations.

(d) **At** **Is allowed at** single-family residences **unless prohibited by local ordinances or regulations** in all areas of the state except in and within 1 mile of the boundaries of **the following cities, towns and areas:** Babbitt, Battle Mountain, Caliente, Carlin, **Douglas County,** East Ely, Elko **(Township),** Ely, Fallon, Fernley, Gabbs, **Gardnerville, Gardnerville Ranchos, Genoa,** Hawthorne, **Johnson Lane,** Lovelock, McGill, **Minden,** Tonopah, **Topaz Ranch Estates,** Virginia City, Weed Heights, Wells, Winnemucca and Yerington **and on the Nevada side of the Tahoe Basin, in Carson City and in those portions of Douglas and Lyon counties,** **and inside the limits of Carson City and in those portions of Lyon County** that are within 1 mile of the Carson City line. **In these restricted areas, open burning is allowed only if authorized by an officer of the State of Nevada or its political subdivisions and concurred in by the Director and not specifically prohibited by local ordinances or regulations.**

~~(2) Within 10 miles of a facility approved by the Division of Environmental Protection for the collection or disposal of household waste; or~~

~~(3) In an area with household waste collection by a collector of solid waste who operates pursuant to a license issued by a local government.~~

(e) Of small wood fires **is allowed** for recreational, educational, ceremonial, heating or cooking purposes.

3. All open burning must be attended and controlled at all times to eliminate fire hazards.

Sec. 2 [6]. NAC 445B.2207 is hereby amended to read as follows:

445B.2207 1. Except as *otherwise* provided in subsection 6:

(a) Burning in any incinerator other than the multiple chamber type ~~for as approved by the Director~~ is prohibited.

(b) Incinerator burning which produces, for periods totaling 1 minute in 1 hour, a visible emission which is of an opacity equal to or greater than 20 percent is prohibited.

2. Incinerators used for the burning of pathological wastes, wet garbage or high moisture content material must be high temperature types with either grate or solid hearth construction, drying shelves for wet wastes ~~H~~ and an auxiliary heating unit to ensure temperatures of 1400°F (760°C) for not less than 0.3 of a second. The hearth must be frequently cleaned at regular intervals to prevent buildup of residues and deposits.

3. The rated burning capacity, operating and maintenance procedures approved by the Director must be posted conspicuously at or near the incinerator.

4. Allowable PM<sub>10</sub> emissions from incinerators of less than 2,000 lb per hour rated burning capacity may not exceed 1.8 lb/ton of dry refuse charged.

5. Allowable PM<sub>10</sub> emissions from incinerators equal to or greater than 2,000 lb per hour burning capacity must be calculated using the following equation:

$$E = 0.6 (40.7 \times 10^{-5}C)$$

For the purposes of this subsection, “E” means the maximum allowable rate of emission of PM<sub>10</sub> in pounds per hour and “C” means the rate of charge of dry refuse in pounds per hour.

6. Single chamber incinerators *may be used* at single-family residences, in all areas of the State, except in and within 1 mile of the boundaries of ~~[the following cities, towns and areas:]~~ Babbitt, Battle Mountain, Caliente, Carlin, **Douglas County**, East Ely, Elko **(Township)**, Ely,

Fallon, Fernley, Gabbs, [~~Gardnerville, Gardnerville Ranchos, Genoa,~~] Hawthorne, [~~Johnson Lane,~~] Lovelock, McGill, [~~Minden,~~] Tonopah, [~~Topaz Ranch Estates,~~] Virginia City, Weed Heights, Wells, Winnemucca and Yerington [~~and on the Nevada side of the Tahoe Basin, in Carson City and in those portions of Douglas and Lyon counties,~~ **and inside the limits of Carson City and in those portions of Lyon County**] that are within 1 mile of the Carson City line, unless otherwise prohibited by local ordinances or regulations [~~are exempt from the provisions of this section.~~ **located in areas where open burning or burning of yard waste and untreated wood waste is allowed pursuant to NAC 445B.22067.**]

The open burning of any combustible refuse, waste, garbage, oil, or for any salvage operations, except as specifically exempted, is prohibited. Open burning: Is allowed for the purpose of weed abatement, conservation, disease control, game or forest management, personnel training, elimination of hazards, or for open burning of yard waste and other untreated wood waste as provided for in NAC 444.640 if approved in advance by the Director.

Is allowed for the purpose of weed abatement, conservation, disease control, game or forest management, personnel training or elimination of hazards if concurred in by the director and authorized by an officer of the state or its political subdivisions Is allowed for agricultural purposes and management except where prohibited by local ordinances or regulations. Is allowed at single-family residences in all areas of the state except in and within 1 mile of the boundaries of

Certain towns and cities in Nevada . In these restricted areas, open burning is allowed only if authorized by an officer of the State of Nevada or its political subdivisions and concurred in by the Director and not specifically prohibited by local ordinances or regulations

(e) Of small wood fires is allowed for recreational, educational, ceremonial, heating or cooking purposes.

3. All open burning must be attended and controlled at all times to eliminate fire hazards.

Except as otherwise provided in subsection 6:

(a) Burning in any incinerator other than the multiple chamber type is prohibited.