SOUTHERN NEVADA HEALTH DISTRICT
SOLID WASTE MANAGEMENT AUTHORITY REGULATIONS

Whereas, the Southern Nevada Health District (SNHD) has been established by the County of Clark and the cities of Las Vegas, North Las Vegas, Henderson, Mesquite, and Boulder City as the Public Health Authority for those entities, pursuant to Nevada Revised Statutes (NRS) Chapter 439; has jurisdiction over all public health matters in the Health District; and

Whereas, the Southern Nevada District Board of Health (Board) is the governing body of the SNHD, and the Solid Waste Management Authority (SWMA) within its district of Clark County, Nevada, is authorized to adopt regulations necessary to protect and promote the public health and safety in the geographical area subject to its jurisdiction and is specifically authorized to adopt regulations regarding the storage, collection, transportation, processing, recycling and disposal of solid waste pursuant to NRS 444.580; and

Whereas, the Board finds that the management of solid waste does affect the public health and the environment, and that it is necessary to adopt Solid Waste Management Authority Regulations Governing Solid Waste Management Facilities to promote and regulate the safe and sanitary management of solid waste and special waste; and

Whereas, the Board further finds that the safe and sanitary reuse and recycling of solid waste is preferable to disposal by landfilling; and

Whereas, the Board believes that the following regulations are designed to protect the public health and safety, and the environment, within the context of solid waste management systems; it does therefore publish, promulgate and order compliance with the substantive and procedural requirements hereinafter set forth within Clark County, Nevada.

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Chapter 1 - Administrative Information

1-1 Scope

These regulations, including Appendix 1, establish definitions; set minimum standards for the storage, collection, transportation, PROCESSING, recycling and disposal of SOLID WASTE; outline record keeping and reporting requirements; provide for enforcement; and include provisions for the issuance, suspension and revocation of PERMITS.

1-2 Intent

The purpose of these regulations is to protect the public health, safety and environment through preventive measures and timely correction of public health and environmental risks and SOLID WASTE management issues and to promote the safe and sanitary reuse and recycling of SOLID WASTE.

1-3 Risks to Public Health, Safety and the Environment

A PERSON that stores, receives, processes and/or transports SOLID WASTE must not create risks to public health, safety, and/or the environment. In general, risks are identified as those activities or conditions that cause:

(A) The pollution of the air, land or WATERS OF THE STATE;

(B) A health or safety hazard to the general public or employees of the PERSON that stores, receives, processes and/or transports SOLID WASTE;

(C) A public NUISANCE.

1-4 Definitions

The following definitions shall apply in the interpretation and application of the SOLID WASTE MANAGEMENT AUTHORITY Regulations.

100-YEAR FLOODPLAIN means the lowland and relatively flat lands adjoining the waters that are inundated by a 100-year flood.

ACTIVE LIFE means the period of operation of a SOLID WASTE MANAGEMENT FACILITY beginning with the initial receipt of SOLID WASTE and ending at the completion of closure activities in accordance with these regulations, NAC 444.6891, 444.6892 and 444.6893. (NAC 444.5701)

ACUTELY HAZARDOUS WASTE means a SOLID WASTE that has been found to be hazardous or fatal to humans in low doses or, is otherwise capable of causing or significantly contributing to an increase in serious irreversible or incapacitating reversible, illness as described in 40 CFR 261.11(a)(2).

AQUIFER means a geologic formation, group of formations or portion of a formation capable of yielding usable amounts of GROUNDWATER to wells and springs. (NAC 444.5704)

ASBESTOS means the asbestiform varieties of serpentine (chrysotile), riebeckite (crocidolite), amosite (cummingtonite-grunerite), anthophyllite and actinolite-tremolite. (NRS 618.750)

ASBESTOS-CONTAINING MATERIAL means any material that contains more than one (1) percent ASBESTOS by weight, area or volume.

ASBESTOS WASTE means any ASBESTOS-CONTAINING MATERIAL whether it contains friable or non-friable ASBESTOS that is not intended for further use.

ASH means the bottom ash, fly ash, air pollution control residues or any other residues of the combustion process from the operation of an INCINERATOR or energy recovery facility.

AUTOCLAVE means a strong, pressurized, steam heated vessel used for sterilization.

BULKY WASTE means large items of SOLID WASTE such as appliances, furniture, large automobile parts, trees, branches and other oversize wastes whose large size precludes or complicates handling by normal collection, PROCESSING or disposal methods.

CELL means a portion of a SOLID WASTE LANDFILL which consists of compacted SOLID WASTES completely enclosed in COVER MATERIAL. (NAC 444.57048)

CLASS I SITE means a DISPOSAL SITE which is comprised of at least one MUNICIPAL SOLID WASTE LANDFILL unit, OR CELL, including all contiguous land, structures, appurtenances and improvements on the land used for the disposal of SOLID WASTE and is not a CLASS II SITE or CLASS III SITE. Commonly referred to as a CLASS I LANDFILL. (NAC 444.5705)

CLASS II SITE means a DISPOSAL SITE which is comprised of at least one MUNICIPAL SOLID WASTE LANDFILL unit, OR CELL, which accepts less than twenty (20) tons of SOLID WASTE per day on an annual average, for which there is no evidence of contamination of GROUNDWATER originating from the site, which serves a community that has no other practicable alternatives for waste management, which is located in an area which annually receives no more than twenty-five (25) inches of precipitation and is not a CLASS I SITE or CLASS III SITE. This term includes all contiguous land, structures, appurtenances and improvements on the land used for the disposal of SOLID WASTE. Commonly referred to as a CLASS II LANDFILL. (NAC 444.571)

CLASS III SITE means a DISPOSAL SITE which accepts only INDUSTRIAL SOLID WASTE. Commonly referred to as a CLASS III LANDFILL. (NAC 444.5715)

COMMERCIAL WASTES means all SOLID WASTES including, but not limited to, SOLID WASTES generated by stores, hotels, markets, offices, restaurants, warehouses and other non-manufacturing activities excluding industrial wastes.

COMMINGLED RECYCLABLE MATERIALS means RECYCLABLE MATERIALS of more than one type that are combined together and have been separated from all but residual SOLID WASTE at the point of generation. (CC Title 9.04.010(7))

COMPOSITE LINER means a LINER system consisting of two (2) components: an upper component shall consist of a flexible membrane LINER and the lower component shall consist of a compacted soil layer. The flexible membrane LINER must be installed with direct and uniform contact with the compacted soil component.

COMPOST means the material or product which is developed under controlled conditions and which results from biological degradation processes by which organic wastes decompose.

COMPOSTING means the biological process of degrading organic materials that is facilitated and controlled through the intentional and active manipulation of piles and/or windrows. (NAC 444.572)

COMPOST PLANT means a facility where COMPOST is produced by the process of COMPOSTING .

CONTAMINANT means any physical, chemical, biological or radiological substance or matter which is added to waste. (NAC 444.573)

CONTINGENCY PLAN means a document setting out an organized, planned and coordinated course of action to be followed in the event of a fire, explosion or release of waste that could threaten human health or the environment.

CONTINUOUS OPERATION means that at all times throughout each 24-hour period SOLID WASTE is being received, placed, spread or compacted on the WORKING FACE of the LANDFILL and at least one piece of heavy equipment is operating on the WORKING FACE to spread or compact SOLID WASTE. (NAC 444.688.3.a)

COVER MATERIAL means soil or any other suitable material approved by the SOLID WASTE MANAGEMENT AUTHORITY that is used to cover compacted SOLID WASTE at a LANDFILL.

CROSS-MEDIA means the transfer of a constituent from a medium such as water, land or air to another medium. (NAC 444.5735)

DAILY COVER means at least six (6) inches of compacted earthen material, or other suitable material as approved by the SOLID WASTE MANAGEMENT AUTHORITY, placed over exposed SOLID WASTE at the end of each working day or at such frequencies as needed to prevent or minimize NUISANCE conditions.

DISPLACEMENT means the relative movement of any two sides of a FAULT measured in any direction. (NAC 444.6791(2)(a))

DISPOSAL SITE means any place at which SOLID WASTE is dumped, abandoned, accepted or disposed of by incineration, land filling, COMPOSTING or any other method. The term includes a MUNICIPAL SOLID WASTE LANDFILL. (NAC 444.574 & NRS 444.460)

DIVISION means the Division of Environmental Protection of the State Department of Conservation and Natural Resources. (NAC 444.576)

DISTRICT BOARD OF HEALTH means the Southern Nevada District Board of Health created pursuant to Chapter 439 of the Nevada Revised Statutes. (NRS 439.361-368)

EMERGENCY means an unexpected situation or sudden occurrence of a serious and urgent nature that demands immediate action and that constitutes a threat to life or health or that may cause major damage to property.

ENGINEERING DESIGN means the analysis and design work prepared for construction, operation and closure of a SOLID WASTE DISPOSAL SITE or facility which may contain a preliminary report of design specifications, maps and plans drawn to a convenient and common scale, provides site or facility operation plans and site or facility closure plans and contains all information and data otherwise specified by these regulations.

EXEMPTION means, for the purposes of these regulations, a facility shall be free or largely free of some permitting obligations.

EXPLOSIVE GAS means methane or other combustible gases generated by decomposition in a facility for SOLID WASTE disposal.

FACILITY FOR THE MANAGEMENT OF WASTE TIRES means a site where WASTE TIRES are deposited for PROCESSING, recycling or use as a fuel. A facility that receives WASTE TIRES only inadvertently, unintentionally or that are incidental to the load being received is not a FACILITY FOR THE MANAGEMENT OF WASTE TIRES. (NAC 444A.210)

FAULT means a fracture or zone of fractures in any material along which strata on one side have been displaced with respect to strata on the other side. (NAC 444.6791(2)(b))

FINAL COVER means implementation of the cover plan in the approved application to close all or a portion of a LANDFILL.

FLOODPLAIN means lowland areas adjacent to inland surface waters or dry river beds that are inundated by the base flood.

GAS CONDENSATE means the liquid generated as a result of any gas recovery processes. (NAC 444.5785)

GENERATOR means any PERSON, by site location, whose act or process produces waste or first causes a waste to become subject to these regulations.

GROUNDWATER means all subsurface water comprising the zone of saturation, including perched water. (NAC 444.579)

HAULER OF WASTE TIRES means a PERSON who transports WASTE TIRES or materials derived from WASTE TIRES over the highways of the State. The term does not include a PERSON who transports junk vehicles with no more than five (5) WASTE TIRES associated with each junk vehicle, a PERSON who generates and transports their own WASTE TIRES, governmental agency, a PERSON who transports only used tires to be resold or retreaded, a PERSON who transports WASTE TIRES across state boundaries, but does not load or unload WASTE TIRES within the State, a PERSON who is directed by the SOLID WASTE MANAGEMENT AUTHORITY to transport WASTE TIRES for disposal or a PERSON who transports products made from recycled WASTE TIRES for sale or other distribution. (NAC 444A.230)

HAZARDOUS WASTE means a SOLID WASTE with properties that make it dangerous or potentially harmful to human health and/or the environment. In accordance with the Resource Conservation and Recovery Act, HAZARDOUS WASTE is a waste that appears on one, or more, of the four HAZARDOUS WASTE lists (F-list, K-list, P-list or U-list) or exhibits at least one of the four characteristics (ignitability, corrosivity, reactivity or toxicity). (NAC 444.580 & NRS 459.430)

HAZARD TO AIRCRAFT means an increase in the likelihood of a collision between a bird and an aircraft that may cause damage to the aircraft or injury to its occupant. (NAC 444.6783(2)(b))

HEALTH AUTHORITY means the officers and agents of the District Board of Health and the Southern Nevada Health District.

HOLOCENE means the most recent epoch of the quaternary period, extending from the end of the Pleistocene epoch to the present. (NAC 444.6791(2)(c))

HOUSEHOLD HAZARDOUS WASTE means hazardous products that are used and disposed of by residential, as opposed to industrial or commercial, consumers. HOUSEHOLD HAZARDOUS WASTES are exempted from HAZARDOUS WASTE regulations. (40 CFR 261.4(b)(1))

HOUSEHOLD WASTE means any SOLID WASTE, including GARBAGE, trash and sanitary wastes, derived from households, including single and multiple family residences, hotels, motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and recreation areas used during the daytime. (NAC 444.581)

ILLEGAL DUMPING means causing SOLID WASTE to be placed, deposited or dumped in or upon any street, alley, public highway or road in common use, or upon any private property, public park or other public property other than properly designated or set aside for such purpose by the government for proper land disposal. ILLEGAL DUMPING may be referred to as unlawful dumping.

INERT means non-water soluble and non-putrescible solids together with such minor amounts and types of other materials as will not significantly affect the inert nature of such solids. The term includes, but is not limited to, earth, sand, gravel, concrete which has been in a hardened state for at least sixty days, masonry, asphalt paving fragments and other inert solids.

INTERMEDIATE COVER means at least twelve (12) inches of compact earthen material, or other suitable material as approved by the HEALTH AUTHORITY, placed over SOLID WASTE in areas left temporarily unused for a least one month, but not finally closed.

LANDFILL means an area of land or an excavation in which wastes are placed for permanent disposal. CLASS I, II and III sites represent the types of LANDFILLS.

LATERAL EXPANSION means a horizontal expansion of the waste boundaries of a DISPOSAL SITE. (NAC 444.587)

LEACHATE means a liquid which has passed through or emerged from a MUNICIPAL SOLID WASTE LANDFILL unit, OR CELL, and contains soluble, suspended or miscible materials removed from the waste in the unit. (NAC 444.5875)

LIFT means a compacted layer of SOLID WASTE, typically consisting of several CELLS, which is approximately ten to fifteen feet thick, placed within a defined area of a SOLID WASTE LANDFILL unit, OR CELL, and separated from other LIFTS on the top and bottom by a layer of COVER MATERIAL. (NAC 444.588)

LINER means a continuous layer of natural or man-made materials beneath and on the sides of a LANDFILL which restricts or prevents the downward or lateral escape of SOLID WASTE, its constituents or LEACHATE. A LINER is also used for FINAL COVER of a LANDFILL to prevent and control vertical movement of fluids.

LIQUID WASTES mean waste materials that fail a PAINT FILTER TEST as defined in EPA Method 9095B.

LITHIFIED EARTH MATERIAL means all rock, including all naturally occurring and naturally formed aggregates or masses of minerals or small particles of older rock which formed by the crystallization of magma or by the induration of loose sediments. The term does not include man-made materials, such as fill, concrete and asphalt, unconsolidated earth materials, soils or regolith lying at or near the surface of the earth.

MANIFEST means the document for identifying the quantity, composition, origin, routing and destination of RESTRICTED WASTE and SPECIAL WASTE during its transportation from the point of generation to the point of storage, treatment or disposal.

MATERIALS RECOVERY FACILITY means a SOLID WASTE MANAGEMENT FACILITY that provides for the extraction from SOLID WASTE of RECYCLABLE MATERIALS, materials suitable for use as a fuel or soil amendment or any combination of those materials. This term does not include facilities that receive only RECYCLABLE MATERIALS that have been separated at the source of waste generation if further PROCESSING of the materials generates less than ten (10) percent waste residue by weight on an annual average, a SALVAGE YARD used for the recovery of used motor vehicle parts, or a facility that recovers less than twenty-five (25) percent of recyclable material from the SOLID WASTE received on an annual average. (Clark County Code Chapter 9.04.010(24))

MAXIMUM HORIZONTAL ACCELERATION means the maximum expected horizontal acceleration depicted on a seismic hazard map with a ninety (90) percent or greater probability that the acceleration will not be exceeded in two hundred and fifty (250) years or the maximum expected horizontal acceleration based on a seismic risk assessment for the specific site.

MEDICAL WASTE means any SOLID WASTE that is generated in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, excluding HAZARDOUS WASTE identified or listed under 40 CFR Part 261 or any HOUSEHOLD WASTE as defined in 40 CFR §261.4(b)(1). (Clark County Code Chapter 9.04.010(25))

MEDICAL WASTE MANAGEMENT FACILITY means a facility that collects, stores, transports, transfers, processes, treats and/or disposes of MEDICAL WASTE.

MEDICAL WASTE MANAGEMENT PLAN means a document that must be developed and implemented by MEDICAL WASTE GENERATORS that designates all of the MEDICAL WASTES generated by the facility, waste handling techniques to be used at the facility, CONTINGENCY PLANS for spills and releases, staff training requirements and designation of the PERSON responsible for implementation of the management plan.

MEDICAL WASTE TREATMENT means any validated method, technique or process designed to change the biological character or composition of a MEDICAL WASTE so as to minimize its potential to harm human health or the environment.

MUNICIPAL SOLID WASTE means SOLID WASTE from household, community, commercial and industrial sources that does not contain HAZARDOUS WASTE as defined in 40 CFR Part 261 unless it is HOUSEHOLD WASTE as defined in 40 CFR §261.4(b)(1).

MUNICIPAL SOLID WASTE LANDFILL means a sanitary LANDFILL where one of the main waste streams accepted is MUNICIPAL SOLID WASTE. Also known as a CLASS I SITE or CLASS II SITE.

MUNICIPALITY means any county and any city or town, whether incorporated or unincorporated, and Carson City. (NAC 444.592)

NOTICE OF VIOLATION means a written notice that may be issued by the SOLID WASTE MANAGEMENT AUTHORITY if a PERSON, OWNER, OPERATOR or responsible PERSON is alleged to be in violation of a condition or section of these regulations, presents a threat to human health, public safety or the environment, including a public NUISANCE.

NUISANCE means anything which is injurious to health, offensive to the senses or an obstruction to the free use of property, and thus interferes with the comfortable enjoyment of life or property. (NAC 444.594)

OPEN DUMP means an uncontrolled DISPOSAL SITE where SOLID WASTE is disposed of in a manner which does not comply with NRS 444.630, NAC 444.570 to NAC 444.7499 inclusive or any PERMIT issued thereto. (NAC 444.598)

OPERATOR means the PERSON responsible for the overall operation of a DISPOSAL SITE, SOLID WASTE MANAGEMENT FACILITY or any part of that site. (NAC 444.5985)

OPERATING DAY means the portion of the day during which a site is accepting or managing SOLID WASTE. (NAC 444.688(3)(b))

OWNER means the PERSON who owns a DISPOSAL SITE, SOLID WASTE MANAGEMENT FACILITY or any part of the site. (NAC 444.599)

PASSENGER TIRE EQUIVALENT means a measure of WASTE TIRES or material derived from WASTE TIRES that is expressed as an equivalent number of passenger tires, where one waste tire or twenty (20) pounds of material derived from WASTE TIRES equals one PASSENGER TIRE EQUIVALENT. (NAC 444A.240)

PERMIT means the written approval from the HEALTH AUTHORITY to design, construct and operate a SOLID WASTE MANAGEMENT FACILITY or DISPOSAL SITE, or to manage RESTRICTED WASTE.

PERSON means an association, a corporation, individual, partnership, other legal entity, government or governmental subdivision or agency.

POSTCLOSURE means the period immediately after a DISPOSAL SITE is closed which lasts in accordance with NAC 444.6894. (NAC 444.6065)

PROCESSING means the reduction, separation, recovery, conversion, recycling or otherwise treating SOLID WASTE resulting in change or removal of certain characteristics or properties of that waste.

PUBLICLY OWNED TREATMENT WORKS (POTW) means any device or system used in the treatment, including recycling and reclamation, of municipal sewage or industrial wastes of a liquid nature which is owned by a state or MUNICIPALITY, as defined by section 502(4) of the Clean Water Act (CWA). This definition includes sewers, pipes or other conveyances only if they convey wastewater to a POTW providing treatment. (40 CFR 260.10)

PUTRESCIBLE WASTE means waste capable of being decomposed by microorganisms with sufficient rapidity as to cause NUISANCES from odors or gases. (NAC 444.608)

QUALIFIED GROUNDWATER SCIENTIST means a person who has received a baccalaureate or postgraduate degree in the natural sciences or engineering and has sufficient training and experience in GROUNDWATER hydrology and related fields as may be demonstrated by professional certifications or the completion of accredited programs offered by a college or university which enable him or her to make sound professional judgments regarding the monitoring of GROUNDWATER, the fate and transportation of CONTAMINANTS and required corrective actions. (NAC 444.609)

RECYCLABLE MATERIALS OR RECYCLABLES means SOLID WASTE that can be processed and returned to the economic mainstream in the form of raw materials or products, including but not limited to the following, newspaper, corrugated cardboard, aluminum, yard debris, office paper, glass, tin and steel cans, metal, motor oil, plastic, antifreeze, wood, and food waste. (NAC 444A.100)

RECYCLING CENTER means a facility designed and operated to receive, store or process recyclable material which has been separated at the source from all but residual SOLID WASTE. A RECYCLING CENTER does not include a facility that recycles less than ninety percent (90%) of materials accepted per year, by weight, a MATERIALS RECOVERY FACILITY, a TRANSFER STATION, a COMPOST PLANT, a HAZARDOUS WASTE RECYCLING CENTER or a SOLID WASTE STORAGE BIN FACILITY. (Clark County Code Chapter 9.04.010(38))

REFUSE means those discarded materials that have no useful physical, chemical or biological properties after serving their original purpose and that cannot be reused or recycled for the same or other purposes, including MEDICAL WASTE but excluding mining waste, agricultural waste, source separated RECYCLABLES and incidental non-recycled waste. (Clark County Code Chapter 9.04.010(39))

RESTRICTED WASTE means a SOLID WASTE with properties that make it dangerous or potentially harmful to human health and/or the environment and is prohibited from disposal in a SOLID WASTE LANDFILL. RESTRICTED WASTES includes HAZARDOUS WASTE, UNIVERSAL WASTE, and SPECIAL WASTE.

RESTRICTED WASTE MANAGEMENT PERMIT means an annual PERMIT issued by the SOLID WASTE MANAGEMENT AUTHORITY for RESTRICTED WASTE GENERATORS.

RUN-OFF means any rainwater, LEACHATE or other liquid that drains from any part of a SOLID WASTE MANAGEMENT FACILITY or DISPOSAL SITE.

RUN-ON means any rainwater or other liquid that drains onto any part of a SOLID WASTE MANAGEMENT FACILITY or DISPOSAL SITE.

SALVAGE YARD means any place where salvaged material is regularly dismantled, accumulated, stored or offered for sale, unless such operations are wholly contained in an approved building. (NAC 444.614)

SALVAGING means the controlled removal of material from the SOLID WASTE stream for reuse, sale or recycling. (NAC 444.616)

SCAVENGING means the uncontrolled removal of material from the SOLID WASTE stream for any purpose in a manner which interferes with the safe, efficient operation of the system. (NAC 444.620)

SEISMIC IMPACT ZONE means an area with a ten (10) percent or greater probability that the MAXIMUM HORIZONTAL ACCELERATION in LITHIFIED EARTH MATERIAL will exceed ten (10) percent of the earth's gravitational pull in two hundred and fifty (250) years, as determined by referencing the United States Geological Survey, Open File Report 82-1033, "Probabilistic Estimates of Maximum Acceleration and Velocity in Rock in the Contiguous United States." (NAC 444.6793(2)(c))

SHARPS means an object, likely to be contaminated, or may become contaminated with a pathogen through handling or during transportation and also capable of cutting or penetrating skin or packaging material. SHARPS include, but are not limited to, needles, syringes, scalpels, broken glass, culture slides, and similar items having a point or sharp edge or are likely to break during transportation and result in a point or sharp edge.

SHARPS CONTAINER means a commercially manufactured rigid, puncture resistant container with required labeling that, when sealed, is leak resistant and cannot be opened without great difficulty.

SLUDGE means any solid, semi-solid or LIQUID WASTE generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, air pollution control facility or any other such waste having similar characteristics and effects.

SOLID WASTE means all putrescible and non-putrescible REFUSE in solid or semi-solid form, including, but not limited to, GARBAGE, RUBBISH, junk vehicles, ASHES or INCINERATOR residue, street REFUSE, dead animals, demolition waste, construction waste, SEWAGE, solid or semi-solid commercial and industrial waste. The term does not include HAZARDOUS WASTE managed pursuant to NRS 459.400 to 459.600, inclusive or a vehicle described in subparagraph (2) of paragraph (b) of subsection 1 of NRS 444.620. (NRS 444.490).

SOLID WASTE MANAGEMENT AUTHORITY means the DISTRICT BOARD OF HEALTH and its agents. (NRS 444.495)

SOLID WASTE MANAGEMENT FACILITY means a facility that collects, stores, transports, transfers, processes, treats and/or disposes of SOLID WASTES or conducts resource recovery activities.

SOLID WASTE MANAGEMENT PERMIT means an annual PERMIT issued by the SOLID WASTE MANAGEMENT AUTHORITY for a SOLID WASTE MANAGEMENT FACILITY or DISPOSAL SITE.

SOLID WASTE STORAGE BIN FACILITY means a facility that provides one or more portable containers which are used for the collection of SOLID WASTE for transport to a SOLID WASTE MANAGEMENT FACILITY or DISPOSAL SITE. The term does not include residential or COMMERCIAL WASTE containers that are located on or near the site of waste generation.

SPECIAL WASTE means a SOLID WASTE that requires special handling, trained people and/or special disposal methods. SPECIAL WASTE includes, but is not limited to, ASBESTOS Containing Waste, MEDICAL WASTE, RESTRICTED WASTE, WASTE TIRES, used motor oil, and used anti-freeze.

SURFACE IMPOUNDMENT means a facility or part of a facility which is a natural topographic depression, artificially created excavation or diked area formed primarily of earthen material or lined with artificially created material, which is designed to hold an accumulation of LIQUID WASTES or wastes containing free liquids. The term includes holding, storage, settling and aeration pits, ponds and lagoons. The term does not include an injection well. (NAC 444.6265)

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 SOLID WASTE STORAGE BIN FACILITIES.

UNIVERSAL WASTE means a HAZARDOUS WASTE that may be managed pursuant to 40 CFR Part 273 as opposed to standard HAZARDOUS WASTE management requirements. Examples of UNIVERSAL WASTE include the following: certain types of batteries, lamps, pesticides and mercury containing equipment.

UPPERMOST AQUIFER means the AQUIFER located within the boundaries of a DISPOSAL SITE that is nearest the natural ground surface. The term includes lower AQUIFERS which are hydraulically interconnected within the boundary of the DISPOSAL SITE. (NAC 444.629)

VARIANCE means an approval from the Health Authority, through a process whereby an applicant may request altering the requirements of the regulation if it can be proven that there will be no greater impact on public health, safety, or the environment.

VECTOR means a living insect, other arthropod or animal (not human) capable of carrying infectious disease from one person or animal to another. (NAC 444.630)

WAIVER means an approval from the Health Authority, through a process whereby an applicant may request to be excused from specific portions of these regulations.

WASTE DETERMINATION means a process undertaken by a SOLID WASTE GENERATOR to determine if SOLID WASTE being generated is a RESTRICTED WASTE, SPECIAL WASTE, and/or a HAZARDOUS WASTE.

WASTE GREASE FACILITY means a facility for the collection, storage and/or PROCESSING of waste grease including, but not limited to a PROCESSING plant, a TRANSFER STATION or trans-shipment facility.

WASTE TIRE means a tire that is not fit for use as a tire. (NAC 444A.270) A waste tire is not from a device not considered a vehicle as defined in NRS 484A.320, a low speed vehicle as defined by NRS 484B.637 or an off-highway vehicle as defined by NRS 490.060.

WASTE TO ENERGY/FUEL FACILITY means a facility that produces energy in the form of electricity or a fuel such as methane from SOLID WASTE using some process of conversion. This process may be thermal (gasification, thermal depolymerization, incineration, pyrolysis, plasma arc gasification, etc.) or non-thermal (anaerobic digestion, fermentation, mechanical biological treatment, etc.).

WATERS OF THE STATE means all waters situated wholly, partly within or bordering upon this State, including, but not limited to all streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation and drainage systems and all bodies or accumulations of water, surface and underground, natural or artificial. (NRS 445A.415)

WETLANDS means those areas that are inundated or saturated by surface or GROUNDWATER at a frequency and duration sufficient to support, and which under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils, including swamps, marshes, bogs and other similar areas. (NAC 444.679(2))

WORKING FACE means that portion of a facility for SOLID WASTES disposal where SOLID WASTES are actively unloaded, placed, compacted and covered at any time of operation.

Chapter 2- Standards for Solid Waste Management Facilities

2-1 WAIVER and VARIANCE Procedures

2-1.01 Petition for WAIVER (NRS 444.580)

(A) Any PERSON who believes that an alternative to any standard specified in NAC 444.570 to 444.7499, inclusive, Chapter 2-4 to 2-6, inclusive, and/or Chapter 3 will comply with the intent of the specified standard and will protect public health and the environment, may petition the SOLID WASTE MANAGEMENT AUTHORITY for a WAIVER. A WAIVER may not be granted if it is less stringent than the Federal Regulations.

2-1.02 WAIVER application (NRS 444.580)

(A) An application for a Waiver must be accompanied by:
- (1) The maximum fee prescribed by the SOLID WASTE MANAGEMENT AUTHORITY;
  - (a) Fee for review of application (NRS 444.580) An applicant for a WAIVER shall pay:
    - (i) A fee for each hour spent by staff to review the application; and
    - (ii) The actual cost of travel, per diem, salaries and any other expenses incurred in connection with the application.
- (2) A map showing:
  - (a) The site of the facility or proposed facility; and
  - (b) The location of any area, structure, park, hazard or well described in NAC 444.8456 located within 2 miles of the facility;
  - (c) Any drawings, plans or specifications related to the WAIVER requested; and
  - (d) If it has not previously been submitted, any report of operations required to be submitted to the SOLID WASTE MANAGEMENT AUTHORITY pursuant to this chapter.

(B) Include:
- (1) The name and address of the applicant;
- (2) A detailed description of the regulated activity in which the applicant is engaged or in which he or she wishes to engage;
- (3) A detailed description of the WAIVER requested;
- (4) A statement of the reasons for seeking the WAIVER;
- (5) A detailed analysis of the environmental effects of the facility or proposed facility under the worst expected adverse conditions if the WAIVER is granted;
- (6) A description of the extent to which the facility or proposed facility will affect the local environment and the public health under the worst expected adverse conditions if the WAIVER is granted;
- (7) A description of any:
  - (a) Hardship to the applicant; and
  - (b) Benefit to the environment and public health, that will result from denial of the WAIVER;

(8) In the case of an application relating to an existing facility, a detailed description of any prior judicial or administrative proceeding affecting the facility, with a description of any corrective action taken as a result of the proceeding; and

(9) A detailed description of any prior judicial or administrative proceeding involving:

(a) The applicant or any officer or partner of the applicant; and

(b) The operation of any prior facility for the management of SOLID WASTE, with a description of any corrective action taken as a result of the proceeding.

2-1.03 Fee for review of WAIVER application (NRS 444.580)

(A) An applicant for a WAIVER shall pay:

(1) A fee for each hour spent by staff to review the application; and

(2) The actual cost of travel, per diem, salaries and any other expenses incurred in connection with the application.

2-1.04 Public comment and hearing on WAIVER application; statement of reasons for denial

(A) Before an application is heard, the SOLID WASTE MANAGEMENT AUTHORITY will provide for a period of public notice and comment of not less than 30 days. After the expiration of that period, the application will be heard by the Southern Nevada Health District's Board of Health at its next regularly scheduled meeting or at a meeting scheduled by the Chair of the Board.

2-1.05 Petition for VARIANCE (NRS 444.580)

(A) Any PERSON who believes that an alternative to any standard specified in NAC 444.570 to 444.7499, inclusive, Chapter 2-4 to 2-6, inclusive, and/or Chapter 3 will comply with the intent of the specified standard and will protect public health and the environment, may petition the SOLID WASTE MANAGEMENT AUTHORITY for a VARIANCE. A VARIANCE may not be granted if it is less stringent than Federal Regulations.

2-1.06 VARIANCE application (NRS 444.580)

(A) A variance application must be accompanied by:

(1) The maximum fee prescribed by the SOLID WASTE MANAGEMENT AUTHORITY;

(2) A map showing:

(a) The site of the facility or proposed facility; and

(b) The location of any area, structure, park, hazard or well described in NAC 444.8456 located within 2 miles of the facility;

(3) Any drawings, plans or specifications related to the VARIANCE requested; and

(4) If it has not previously been submitted, any report of operations required to be submitted to the SOLID WASTE MANAGEMENT AUTHORITY pursuant to this chapter.

(B) Include:

(1) The name and address of the applicant;

(2) A detailed description of the regulated activity in which the applicant is engaged or in which he or she wishes to engage;

(3) A detailed description of the VARIANCE requested;

(4) A statement of the reasons for seeking the VARIANCE;

(5) A detailed analysis of the environmental effects of the facility or proposed facility under the worst expected adverse conditions if the VARIANCE is granted;

(6) A description of the extent to which the facility or proposed facility will affect the local environment and the public health under the worst expected adverse conditions if the VARIANCE is granted;

(7) A description of any:

(a) Hardship to the applicant; and

(b) Benefit to the environment and public health, that will result from denial of the VARIANCE;

(8) In the case of an application relating to an existing facility, a detailed description of any prior judicial or administrative proceeding affecting the facility, with a description of any corrective action taken as a result of the proceeding; and

(9) A detailed description of any prior judicial or administrative proceeding involving:

(a) The applicant or any officer or partner of the applicant; and

(b) The operation of any prior facility for the management of SOLID WASTE, with a description of any corrective action taken as a result of the proceeding.

2-1.07 Fee for review for VARIANCE application (NRS 444.580)

(A) An applicant for a VARIANCE shall pay:

(1) A fee for each hour spent by staff to review the application; and

(2) The actual cost of travel, per diem, salaries and any other expenses incurred in connection with the application.

2-1.08 Public comment and hearing on VARIANCE application; statement of reasons for denial (NRS 444.580)

(A) Before an application is heard, the SOLID WASTE MANAGEMENT AUTHORITY will provide for a period of public notice and comment of not less than 30 days. After the expiration of that period, the application will be heard by the Southern Nevada Health District's Board of Health at its next regularly scheduled meeting or at a meeting scheduled by the Chair of the Board.

2-1.09 Duration of VARIANCE; revocation; annual review (NRS 444.580)

(A) The duration of a VARIANCE will be established by the SOLID WASTE MANAGEMENT AUTHORITY in each case, but in no event does a VARIANCE continue in force after the expiration of any PERMIT issued by the SOLID WASTE MANAGEMENT AUTHORITY for the facility involved.

(B) A VARIANCE may be revoked by the SOLID WASTE MANAGEMENT AUTHORITY if it finds, after notice to the OWNER or OPERATOR of the facility and a hearing at which the OWNER or OPERATOR is given an opportunity to be heard:

(1) That the OWNER or OPERATOR has violated any condition(s) of the VARIANCE; or

(2) That continued operation of the facility as permitted by the VARIANCE poses an unreasonable threat to the public health or violates minimum requirements for the protection of public health as established by state and federal laws and regulations.

(C) The HEALTH AUTHORITY will review each VARIANCE at least once each year to ensure continuing compliance with the conditions of the VARIANCE.

2-1.10 Renewal of VARIANCE (NRS 444.580)

(A) A VARIANCE must be renewed before the renewal of any PERMIT issued by the SOLID WASTE MANAGEMENT AUTHORITY for the facility involved.

(B) An application to renew a VARIANCE must contain all of the information included in the original application and a justification for renewal.

2-1.11 Petition for VARIANCE; appeals (NRS 444.580)

(A) Any PERSON who wishes to appeal from a petition VARIANCE decision or action of the SOLID WASTE MANAGEMENT AUTHORITY may do so. Any appeal must be made to the District Court on a petition for judicial review in accordance with NRS 233B.

2-2 Application for PERMIT and PERMIT Modifications for a SOLID WASTE MANAGEMENT FACILITY

2-2.01 Application for PERMIT and PERMIT Modifications

(A) Application for initial PERMIT to operate a SOLID WASTE MANAGEMENT FACILITY:

(1) An application for an initial PERMIT to operate a SOLID WASTE MANAGEMENT FACILITY will not be accepted by the HEALTH AUTHORITY without the following documents included:

(a) Documentation of Land Use approval by the agency of jurisdiction; and

(b) A copy of a submitted application for a business license to operate as a SOLID WASTE MANAGEMENT FACILITY from the agencies of jurisdiction.

(2) Prior to commencing the operation of any SOLID WASTE MANAGEMENT FACILITY, the OWNER or OPERATOR, responsible PERSON or PERSONS, business entity, or agent must make written application for an initial PERMIT on forms provided by the HEALTH AUTHORITY, pay all applicable fees, and receive written approval from the SOLID WASTE MANAGEMENT AUTHORITY to operate. An application for the PERMIT should be submitted at least ninety (90) days before the anticipated start of construction to allow sufficient time for the review and issuance of the initial PERMIT. The application form submitted for approval to operate a SOLID WASTE MANAGEMENT FACILITY shall be stamped and sealed by a professional engineer licensed in the state of Nevada

(3) The initial PERMIT application must have the following information and items brought to, and in the manner prescribed by, the HEALTH AUTHORITY for review and approval. The application must include:

(a) The name, physical location, phone number, and mailing address of:
  (i) The OPERATOR of the facility,
  (ii) The business OWNER(s) of the facility,
  (iii) The property OWNER(s) of the facility, if different
  (iv) The authorized agent of the OWNER, when applicable.

(b) A statement indicating whether the applicant is a natural PERSON, firm or corporation, and:
  (i) When the applicant is a natural PERSON, the name and mailing address shall be provided.
  (ii) When the applicant is a firm or partnership, the name(s) and mailing address(es) of the managing partner(s) shall be provided.
  (iii) When the applicant is a corporation, the names and mailing addresses of the corporate officers shall be provided.
  (iv) When the applicant is a LLC, the name(s) and mailing address(es) of the manager(s) shall be provided.

(c) The signature of the applicant;

(d) Evidence of ownership or a lease agreement for the land on which the facility will be located;

(e) Documentation showing the land use permit(s) issued by the agency of jurisdiction for the facility;

(f) Documentation showing business license(s) have been applied for, or issued, for the operation of the facility;

(g) Documentation showing any other permits necessitated by the Report of Design or the Operating Plan for the SOLID WASTE MANAGEMENT FACILITY issued by agencies of jurisdiction, as applicable; i.e., air quality, fire, stormwater control (Stormwater Pollution Prevention Plan), building department, etc;

(h) A Report of Design, in accordance with Chapter 2-4;

(i) An Operating Plan, in accordance with Chapter 2-5;

(j) The plan for closure of the facility as specified in Chapter 2-6;

(k) A full and complete copy of each instrument obtained to provide financial assurance, including the written estimates of the cost of hiring a third-party to close the facility, as specified in Chapter 2-7; and

(l) Any other information required by the SOLID WASTE MANAGEMENT AUTHORITY**.**

2-2.02 Evaluation of application

(A) The HEALTH AUTHORITY shall, within thirty (30) days after receiving an application for an initial PERMIT to operate a SOLID WASTE MANAGEMENT FACILITY, notify the applicant as to whether the application is complete or deficient in content. A determination of completeness must be based on whether the application contains all specified documents and supporting information required by this regulation, as applicable. The HEALTH AUTHORITY may require the submittal of any such additional documents or information as it deems necessary and may specify the period within which the documents or information must be submitted to the HEALTH AUTHORITY.

2-2.03 Notice concerning completeness of application and compliance

(A) When the HEALTH AUTHORITY determines that an application is complete, the HEALTH AUTHORITY shall evaluate the merits of the application to determine if the application is in compliance with all applicable statutes and regulations. If the HEALTH AUTHORITY determines that the application does not comply with all applicable statutes and regulations, it shall provide a written notice to the applicant. The notice must specify:

(1) Each statute or regulation with which the applicant has failed to comply;

(2) Any documents or other information which the applicant is required to submit to the HEALTH AUTHORITY; and

(3) The period of time within which the applicant is required to submit to the HEALTH AUTHORITY the documents or other information requested.

2-2.04 Public notice and fact sheet, public workshop, and public hearing

(A) Upon completion of the evaluation, the HEALTH AUTHORITY shall prepare and issue a public notice and fact sheet. The public notice and fact sheet shall:

(1) Be sent to the applicant and the local governing body for the area in which the facility is to be located, and published in a newspaper of general circulation for the area in which the facility will be located;

(2) Summarize the action to be taken by the HEALTH AUTHORITY;

(3) State that the HEALTH AUTHORITY will accept comments from the general public for 30 days after the date that the notice is issued;

(4) Describe the procedure for obtaining copies of the documents and comments submitted with the application, and

(5) Describe the proposed SOLID WASTE MANAGEMENT FACILITY, the proposed action, the availability of the documents submitted with the application, and the procedure for public review and comment.

(B) The HEALTH AUTHORITY shall hold scheduled public workshops at which the public will have an opportunity to present comments and/or questions.

2-2.05 HEALTH AUTHORITY response to written comments concerning proposed PERMIT

(A) Comments regarding the proposed issuance or denial of the PERMIT are documented in the record of the public workshops and hearings, and written comments submitted to the HEALTH AUTHORITY are retained as part of the public record. Comments and their resolutions are available for inspection, upon written request, by the affected parties and the general public at a location specified by the HEALTH AUTHORITY.

2-2.06 Duties of HEALTH AUTHORITY to issue, deny, modify, or place conditions on PERMIT to operate

(A) Within 30 days after the end of the period for public review, the HEALTH AUTHORITY shall:

(1) Issue a PERMIT to operate a DISPOSAL SITE; 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 HEALTH AUTHORITY;

(a) The applicant may appeal the decision to deny the PERMIT in writing to the Director of Environmental Health. The request to appeal the decision must be

made within thirty (30) days of receipt of the notice to deny the PERMIT to operate.

(b) The appeal will be heard by the DISTRICT BOARD OF HEALTH.

(3) Review a written appeal to contest the issuance or denial of a PERMIT.

(a) Any individual contesting the issuance of a PERMIT must file a written appeal to the Director of Environmental Health. The request to contest the decision must be made within thirty (30) days of the initial public notice.

(b) The appeal will be heard by the DISTRICT BOARD OF HEALTH.

(B) The HEALTH AUTHORITY may modify or place conditions on a PERMIT issued pursuant to this Chapter based on public comments.

2-2.07 PERMIT issuance, revocation, or suspension, or transfer to subsequent OWNER/OPERATOR

(A) A PERMIT to operate a SOLID WASTE MANAGEMENT FACILITY issued by the HEALTH AUTHORITY:

(1) Must be issued for the life of the design of the facility;

(2) May be modified by the HEALTH AUTHORITY if the statutes or regulations upon which the issuance of the PERMIT is based change, or if a modification is otherwise necessary to protect public health and safety or the environment;

(3) Must specify the amount and types of waste which the facility may receive that is consistent with the design and operational plans of the facility;

(4) May be revoked or suspended when written notice is given by the HEALTH AUTHORITY and the SOLID WASTE MANAGEMENT FACILITY does not remain in compliance with the applicable statutes and regulations; and

(5) Must be issued to a specific OPERATOR(S) or OWNER(S). A PERMIT may be transferred to a subsequent OWNER(S) or OPERATOR(S) only when the HEALTH AUTHORITY, approves the transfer. The new OWNER(S) or OPERATOR(S) must meet all federal, state, and local laws and regulations applicable to the operation of a SOLID WASTE MANAGEMENT FACILITY.

2-2.08 Request for modification of PERMIT to operate a SOLID WASTE MANAGEMENT FACILITY, change of conditions applicable to PERMIT to operate

(A) A PERMIT to operate a SOLID WASTE MANAGEMENT FACILITY may be modified upon the request of the OWNER or OPERATOR of the facility and approval of the HEALTH AUTHORITY. A proposal to modify a PERMIT may be subject to public notice and 30 days of public review, followed by review for approval or denial by the HEALTH AUTHORITY, when the proposed modification includes:

(1) An increase in the amount of waste managed at the facility which is inconsistent with the permitted design, operational plans, or municipal plans concerning the management of waste;

(2) A change in the manner of waste management which is inconsistent with the permitted design, operational plans, or municipal plans concerning the management of waste;

(3) A substantive change in the:

(a) Design of the facility;

(b) Plan for closure;

(c) The mechanism(s) for financial assurance;

(d) Procedures for monitoring the site and taking any corrective actions; and

(e) Any other change which is deemed by the HEALTH AUTHORITY to require public notice and a public hearing

(B) An application to modify the PERMIT of a SOLID WASTE MANAGEMENT FACILITY must be submitted on a form prescribed by the HEALTH AUTHORITY and, when required by the HEALTH AUTHORITY, shall be stamped and sealed by a professional engineer licensed in the State of Nevada.

2-2.09 PERMIT fee schedule

(A) Refer to Chapter 5-3 for explanation of fees.

2-3 Approval for Operation for a SOLID WASTE MANAGEMENT FACILITY

2-3.01 Approval for Operation

(A) A SOLID WASTE MANAGEMENT FACILITY must comply with the plans for design and operation as submitted in the application required by these regulations in accordance with Chapter 2-4 and 2-5, and as approved by the HEALTH AUTHORITY. Each facility location shall require a separate application in accordance with these regulations.

(B) The location, operation, design, and construction of a SOLID WASTE MANAGEMENT FACILITY must comply with all relevant laws, regulations, codes, and ordinances from all applicable federal, state, local agencies of jurisdiction and must not conflict with any franchise agreement.

(C) No PERSON shall operate a SOLID WASTE MANAGEMENT FACILITY in Clark County who has not received a PERMIT from the HEALTH AUTHORITY to do so. A SOLID WASTE MANAGEMENT FACILITY shall not begin operation until the site location has been approved by the agencies of jurisdiction, an initial PERMIT has been approved and issued by the HEALTH AUTHORITY, and a SOLID WASTE MANAGEMENT PERMIT has been issued to the facility.

(D) An initial PERMIT and/or an annual waste management PERMIT issued pursuant to these regulations is/are not transferable from location to location. A new application must be submitted prior to a SOLID WASTE MANAGEMENT FACILITY changing locations.

(E) A PERMIT is not transferable to another PERSON for operations at the same site without review and determination by the HEALTH AUTHORITY that all requirements imposed by law, including these regulations, are satisfied. When a transfer of the PERMIT has been approved by the HEALTH AUTHORITY, a SOLID WASTE MANAGEMENT PERMIT will be issued to the OPERATOR of the SOLID WASTE MANAGEMENT FACILITY. Transfer of more than 50 percent of the outstanding shares of stock of any corporation or limited liability company (LLC) that has been issued a SOLID WASTE MANAGEMENT PERMIT to operate a SOLID WASTE MANAGEMENT FACILITY is considered a transfer of ownership requiring the review and determination specified by this paragraph.

(F) The transfer of the PERMIT is considered a PERMIT modification and is subject to the appropriate fees established by the District Board of Health.

(G) An existing SOLID WASTE DISPOSAL SITE must submit a PERMIT application revision or modification, when applicable, for approval by the HEALTH AUTHORITY, not later than 120 days after the adoption of these regulations to bring the SOLID WASTE MANAGEMENT FACILITY into compliance with these regulations. The PERMIT application revision or modification documents shall address all applicable requirements.

2-4 Report of Design for a SOLID WASTE MANAGEMENT FACILITY

2-4.01 Report of Design document requirements

(A) The Report of Design shall be prepared under the direction of, and signed and stamped by, a professional engineer who is licensed in the state of Nevada.

(B) The Report of Design shall include all information requested in this Section including process diagrams, construction drawings of the site, utilities, and engineered drawings of buildings or structures to support the standards of design of the SOLID WASTE MANAGEMENT FACILITY.

2-4.02 Standards for design

(A) These standards for design are minimum standards. The applicant must meet all applicable requirements of the appropriate agency or agencies of jurisdiction.

(1) The facility must be esthetically compatible with its environs.

(2) The facility must have barriers and appurtenances necessary to control access to the facility.

(3) The facility must have all-weather, asphalt or concrete paved access road(s). The access roads shall be constructed to the standard required by the agency of jurisdiction.

(4) Areas for PROCESSING, tipping, sorting, and storing SOLID WASTE or material derived from SOLID WASTE must:
  (a) Prevent RUN-ON, RUN-OFF, and storm water from contacting SOLID WASTE or material derived from SOLID WASTE ,
  (b) Prevent the accumulation of standing water,
  (c) Comply with applicable fire codes, and
  (d) Not provide harborage to vermin.

(5) The facility must have signage posted which clearly indicates:
  (a) The OWNER and OPERATOR of the site including the name of a responsible PERSON(s) and their EMERGENCY contact phone number(s).
  (b) Speed limit and directional signs, when applicable.
  (c) The hours of operation.
  (d) Materials accepted and excluded.
  (e) Fees charged, when applicable.

2-4.03 Report of design

(A) The report of the design of a SOLID WASTE MANAGEMENT FACILITY must include:

(1) A detailed description of each activity and its location at the facility.

(2) A list of the anticipated quantities and sources of SOLID WASTE to be received at the facility;

(3) A list of the anticipated types, quantities and sources, and design criteria for the following:
  (a) The storage of SOLID WASTE to be received at the facility.
  (b) The storage of processed SOLID WASTE for reuse, recycling, or resale, at the facility

(4) A separate diagram with narrative and plan layout indicating:
  (a) The location and manner in which the SOLID WASTE activities are conducted,
  (b) The location(s) and manner in which SOLID WASTE are processed and stored at the facility.

(5) The design capacities including:
  (a) Storage capacities for processed and unprocessed SOLID WASTE in tons, cubic yards or a unit approved by the HEALTH AUTHORITY.
  (b) PROCESSING capacity in tons, cubic yards or a unit approved by the HEALTH AUTHORITY.

(6) Environmental controls such as dust control, storm water best management practices, VECTOR control or other environmental controls, as needed, for each activity at the facility.

(7) Define the population and area to be served by the facility;

(8) Include a general location map that shows land use and zoning within a one (1)-mile radius of the facility.

(9) Include engineered plans and specifications of the SOLID WASTE MANAGEMENT FACILITY in sufficient detail to demonstrate compliance with the design standards set forth above. The engineered plans must:
  (a) Be prepared under the direction of, and signed and stamped, by a professional engineer who is licensed in the State of Nevada.

(b) Be drawn to scale of not more than 200 feet per inch and must include contour intervals of not more than five (5) feet;
(c) Show existing and proposed contours;
(d) Show access roads and traffic routing inside and around the facility;
(e) Include provisions for the control of surface water RUN-ON and RUN-OFF and show grades, berms, dikes, swales, and other devices used for drainage and control of surface water, when applicable;
(f) Show fencing, equipment, shelter, employee facilities, SOLID WASTE PROCESSING and storage areas, and any other appurtenance;
(g) Show the location of other activities such as equipment storage, vehicle maintenance, and wash-down areas;
(h) Include provisions for dust and odor control necessary to prevent a public NUISANCE, in accordance with applicable laws, regulations, and ordinances of the agencies of jurisdiction.

2-5 Operation Plan

2-5.01 Operation plan requirements

The Operating Plan for a SOLID WASTE MANAGEMENT FACILITY must include, without limitation:

(A) Provisions for the control of access to the facility;
(B) A list of the equipment and machinery that will be used at the facility;
  (1) Provide a plan for obtaining substitute equipment in the event of equipment break down.
  (2) Notify the HEALTH AUTHORITY within 30 days of utilizing new equipment for the management of SOLID WASTE.
(C) Procedures for controlling vehicular traffic;
(D) List the anticipated quantities and sources of SOLID WASTE to be received at the facility;
(E) The types of SOLID WASTE that the facility will not receive and a list of the facilities where such SOLID WASTE will be directed. Include a list of companies that may transport such SOLID WASTE;
(F) A program for detecting and preventing the disposal of regulated HAZARDOUS WASTE and polychlorinated biphenyl wastes, ASBESTOS WASTES, and any other prohibited wastes, as required by the HEALTH AUTHORITY;
(G) Procedures for measuring and/or weighing incoming and outgoing loads of SOLID WASTE and materials derived from SOLID WASTE;
(H) The proposed capacity and expected life of the facility;
(I) The frequency and method of transfer of SOLID WASTE to a facility, authorized by agencies of local jurisdiction, which accepts SOLID WASTE or materials derived from SOLID WASTE;
(J) The maximum time that unprocessed SOLID WASTE and processed SOLID WASTE will be stored at the facility;
(K) Provisions for planned servicing and inspections which include:
  (1) The monitoring of the facility as often as necessary to ensure that there is adequate SOLID WASTE storage at all times.
  (2) Daily collection and proper disposal of all scattered debris at the facility and adjacent properties.

(L) The location of SOLID WASTE storage areas at the facility;

(M) The proposed hours and days of operation;

(N) A CONTINGENCY PLAN that describes procedures for emergencies and alternate SOLID WASTE handling procedures and which stipulates that the HEALTH AUTHORITY must be notified at the time of implementation of such CONTINGENCY PLANS;

(O) A plan for fire prevention and control approved by the fire agency of jurisdiction;

(P) A description of how the OPERATOR of the SOLID WASTE MANAGEMENT FACILITY will comply with the operating standards set forth below.

2-5.02 Operating standards

(A) The OWNER or OPERATOR shall notify the HEALTH AUTHORITY in a timely manner whenever the facility refuses SOLID WASTE or an unusual event occurs at the facility;

(B) At no time may the amount of processed or unprocessed SOLID WASTE, or material derived from SOLID WASTE at the facility exceed the amount approved by the HEALTH AUTHORITY;

(C) SOLID WASTE and material derived from SOLID WASTE may not be stored at the facility for more than 1 year. Unless otherwise approved by the HEALTH AUTHORITY, any SOLID WASTE, or material derived from SOLID WASTE, stored for more than 1 year must be considered waste and properly disposed of at a DISPOSAL SITE that has been approved by the HEALTH AUTHORITY;

(D) Any SOLID WASTE accepted at a SOLID WASTE MANAGEMENT FACILITY must be transferred to a facility that has been issued a PERMIT to receive such SOLID WASTE by the HEALTH AUTHORITY or is permitted by any other SOLID WASTE MANAGEMENT AUTHORITY and/or other applicable agency of jurisdiction having jurisdiction over the location of the facility, or used in a manner that does not constitute disposal;

(E) A facility for the management of SOLID WASTE must be kept in a neat and orderly condition;

(F) Unless the OWNER or OPERATOR is unable to do so because of an EMERGENCY, residual SOLID WASTE must be removed from the facility:

(1) Within 24 hours after acceptance if the SOLID WASTE is putrescible.

(2) Within one week after acceptance if the SOLID WASTE is non-putrescible.

(3) Or another length of time as approved by the HEALTH AUTHORITY.

(G) All SOLID WASTE storage bins, equipment, or containers shall be repaired, as needed, and maintained in good working order;

(H) Any area that is used for tipping, handling or storing SOLID WASTE or material derived from SOLID WASTE, must be free of standing water;

(I) At the final closure of a facility, any remaining SOLID WASTE must be removed to a DISPOSAL SITE or other facility approved by the HEALTH AUTHORITY;

(J) Public areas: All public areas of a SOLID WASTE MANAGEMENT FACILITY must be maintained in a safe, clean and sanitary state. An attendant must be at the public tip area during all hours of operation when open to the public;

(K) Control of Vermin: An OWNER or OPERATOR shall prevent or control populations of DISEASE VECTORS at the facility for the protection of public health and safety and the environment. Appropriate techniques must be instituted by a State of Nevada Certified Applicator whenever required by the HEALTH AUTHORITY to minimize the transmission of disease;

(L) Maintenance areas: Maintenance areas, vehicle wash areas, and machine shops shall be maintained and the storage and use of chemicals and other materials in these areas must be conducted in accordance with the requirements of applicable agencies of jurisdiction;

(M) No SOLID WASTE MANAGEMENT FACILITY shall:

(1) Contribute to the pollution of the air or waters of this State;

(2) Cause an impairment to the environment;

(3) Cause a health or safety hazard to any employee of the facility or the general public; or

(4) Cause a public NUISANCE.

2-5.03 Operating records

(A) The OPERATOR of a SOLID WASTE MANAGEMENT FACILITY shall maintain accurate operating records at the facility or business office. The records must be furnished upon request to the HEALTH AUTHORITY or made available for inspection to the HEALTH AUTHORITY during the regular business hours of the facility or business office. The OWNER or OPERATOR must maintain all required records for at least three years. The records must include:

(1) A daily record of:

(a) The amount of SOLID WASTE received and transported;

(b) Any inadvertent receipt or rejection of prohibited SOLID WASTES;

(c) Any emergencies or unusual events. The HEALTH AUTHORITY shall be notified in a timely manner of any emergencies or unusual events occurring at the facility.

(2) The OWNER or OPERATOR of a SOLID WASTE MANAGEMENT FACILITY shall comply with the following requirements concerning the reporting of RECYCLABLES received at and transported from the facility:

(a) By February 15 of each year, a recycling survey must be submitted to the HEALTH AUTHORITY;

(b) The survey form will be provided to the facility by the HEALTH AUTHORITY;

(c) The survey must be signed by the responsible PERSON operating the facility;

(d) Upon request by the HEALTH AUTHORITY, the responsible PERSON must furnish documentation as requested to verify the recycling survey.

2-6 Closure Requirements

2-6.01 Closure of a SOLID WASTE MANAGEMENT FACILITY

(A) A plan for the closure of a SOLID WASTE MANAGEMENT FACILITY must specify the procedures which are required to remove and dispose of the maximum amount of SOLID WASTE the facility is approved to have on site. The plan must also include a detailed written estimate, in current dollars, of the cost to the HEALTH AUTHORITY to direct the closure of the facility including the hiring, by the HEALTH AUTHORITY, of an unrelated PERSON or party to remove and dispose of all SOLID WASTE, in a CLASS I, II, or III DISPOSAL SITE approved by the HEALTH AUTHORITY to accept such (hereafter, cost of closure). The detailed written estimate of the cost of closure may not consider the resale value of equipment or other materials at the facility.

(B) Each year, the OWNER or OPERATOR shall prepare an updated plan for closure with all changes necessary to maintain compliance with these and all other applicable regulations. The update shall:

(1) Include a detailed written estimate, in current dollars, of the cost of closure;

(2) Include all supporting documentation required by the HEALTH AUTHORITY;

(3) Be submitted to, and for approval by, the HEALTH AUTHORITY, by June 1 or each calendar year and

(4) Upon approval by the HEALTH AUTHORITY, be binding upon the OWNER and OPERATOR until otherwise notified in writing by the HEALTH AUTHORITY.

(C) The OWNER or OPERATOR of a facility shall notify the HEALTH AUTHORITY in writing at least 90 days before the date the facility is expected to close. The facility may not accept any SOLID WASTE after the designated closing date.

(D) The OWNER or OPERATOR shall, within 30 days after receiving the final shipment of SOLID WASTE, remove all remaining SOLID WASTE, litter and inoperable equipment, etc. in accordance with the plan for closure of the facility. Notwithstanding any other times specified in this Section, all PUTRESCIBLE WASTE must be properly disposed of within 24 hours after receipt.

(E) The HEALTH AUTHORITY, shall rescind the PERMIT to operate a facility upon:

(1) The facility being closed in accordance with the facility closure plan as approved and/or amended by the HEALTH AUTHORITY.

(F) The HEALTH AUTHORITY may change the designated closing date for a facility, when such a change is appropriate to ensure that closure of the facility is concluded as promptly as possible and in a manner that protects the environment, public health and safety.

2-7 Financial Assurance

2-7.01 Financial assurance compliance

(A) The OWNER and/or OPERATOR of a SOLID WASTE MANAGEMENT FACILITY shall provide financial assurance to cover the cost of closure as specified in Chapter 2-6 of these regulations.

(B) OWNERS and/or OPERATORS who are entities of the State of Nevada or the Federal Government and whose debts and liabilities are the debts and liabilities of the State of Nevada or the Federal Government are exempt from the provisions of this Section.

(C) The HEALTH AUTHORITY may approve an alternate plan for financial assurance when the alternate plan meets the criteria set forth in these regulations.

2-7.02 Financial assurance requirements

(A) Each year, the OWNER or OPERATOR shall submit a complete copy of the financial assurance mechanism(s) being provided to satisfy the requirements of these regulations and any and all riders, attachments, amendments, etc., to the HEALTH AUTHORITY no later than the first business day of June.

(B) The OWNER or OPERATOR shall increase the amount of financial assurance provided when any change, including any change to the facility PERMIT or conditions at the facility, results in an increase of the cost of closure. Documentation of any changes to the original estimate of cost of closure must be submitted to the HEALTH AUTHORITY when they occur.

(C) The amount of financial assurance may be reduced when the HEALTH AUTHORITY determines that the amount exceeds the cost of closure. The OWNER or OPERATOR shall request approval from the HEALTH AUTHORITY for a reduction of the amount of financial assurance in writing and with all information required by the HEALTH AUTHORITY. A reduction in the amount of financial assurance shall not be implemented until approved in writing by the HEALTH AUTHORITY.

2-7.03 Financial assurance mechanisms

(A) The mechanism(s) used to demonstrate financial assurance pursuant to this Section must ensure that the money necessary to meet the cost of closure will be available to the Chief Health Officer whenever it is needed. The financial assurance may be in the form of:

(1) A surety bond guaranteeing payment or performance

(a) A surety bond must be maintained until the OWNER and OPERATOR are no longer required to demonstrate financial responsibility pursuant to these regulations.

(b) The OWNER or OPERATOR shall notify the HEALTH AUTHORITY that a copy of the bond has been placed in the operating records of the facility.

(c) The surety company issuing the bond must be among those listed as an acceptable surety on federal bonds in Circular 570 of the U.S. Department of the Treasury which is published each July in the Federal Register.

(d) The sum of the bond must be in an amount at least equal to the current estimate for closure.

(e) The surety must become liable on the bond if the OWNER or OPERATOR fails to make payments or perform as guaranteed by the bond.

(f) The terms of the bond must authorize the surety to cancel the bond by sending notice of cancellation by certified mail to the OWNER or OPERATOR and to the HEALTH AUTHORITY at least 120 days before cancellation. When the surety cancels the bond, the OWNER or OPERATOR shall obtain alternate financial assurance as specified in these regulations.

(g) The OWNER or OPERATOR may cancel the bond only when alternate financial assurance is substituted as specified in these regulations, inclusive, or when the OWNER and OPERATOR are no longer required to demonstrate financial responsibility in accordance with the requirements of these regulations.

(2) A letter of credit

(a) An OWNER or OPERATOR may satisfy the requirements of these regulations by obtaining an irrevocable letter of credit which conforms to the requirements of these regulations.

(b) A letter of credit must:

(i) Be obtained by the OWNER or OPERATOR and become effective before the initial receipt of SOLID WASTE.

(ii) Be maintained until the OWNER and OPERATOR are no longer required to demonstrate financial responsibility pursuant to these regulations.

(c) The OWNER or OPERATOR shall notify the HEALTH AUTHORITY that a copy of the letter of credit has been placed in the operating records of the facility.

(d) The issuing institution must be an entity which has the authority to issue letters of credit and whose operations are regulated and examined by a federal or state agency.

(e) A letter from the OWNER or OPERATOR must be filed with the letter of credit in the operating records that includes:

(i) A reference to the letter of credit by number;

(ii) The issuing institution;

(iii) The date of issuance;

(iv) The name of the OWNER or OPERATOR;

(v) The address of the facility; and

(vi) The amount of money assured.

(f) Except as otherwise provided in these regulations, the letter of credit must be irrevocable and issued for a period of at least one (1) year in an amount at least equal to the current cost for closure. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one (1) year unless the issuing institution has cancelled the letter of credit.

(g) The terms of the letter of credit must authorize the issuing institution to cancel the letter of credit by sending notice of cancellation by certified mail to the OWNER or OPERATOR and to the HEALTH AUTHORITY at least 120 days before the

cancellation. When the letter of credit is cancelled by the issuing institution, the OWNER or OPERATOR shall obtain alternate financial assurance.

(h) The OWNER or OPERATOR may cancel the letter of credit only when alternate financial assurance is substituted as specified in this Section or the OWNER and OPERATOR are no longer required to demonstrate financial responsibility in accordance with the requirements of these regulations.

(3) A policy of insurance

(a) An OWNER or OPERATOR may demonstrate financial assurance for closure by obtaining insurance which conforms to the requirements of these regulations.

(b) The insurance must:

(i) Be obtained by the OWNER or OPERATOR and become effective before the initial receipt of SOLID WASTE; and

(ii) Be maintained until the OWNER and OPERATOR are no longer required to demonstrate financial responsibility pursuant to these regulations.

(c) The insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in this State.

(d) The OWNER or OPERATOR shall notify the HEALTH AUTHORITY that a copy of the policy of insurance has been placed in the operating records of the facility and provide documentation to show proof of financial assurance to the HEALTH AUTHORITY.

(e) The policy of insurance must guarantee that money will be available to close the facility whenever final closure occurs. The policy must also guarantee that once closure begins, the insurer is responsible for paying money to the OWNER, OPERATOR or any other PERSON or party authorized to conduct the closure, up to an amount equal to the face amount of the policy.

(f) Except as otherwise provided in this Section, the policy of insurance must be issued for a face amount at least equal to the current estimate for closure. Actual payments by the insurer must not change the face amount, although the insurer's future liability may be lowered by the amount of the payments.

(g) An OWNER, OPERATOR or any other PERSON authorized to conduct the closure may receive reimbursements for related expenditures. Requests for reimbursement may be granted by the insurer only when the remaining value of the policy is sufficient to cover the remaining costs of the closure, and when justification and documentation of the cost is placed in the operating records of the facility. The OWNER or OPERATOR shall notify the HEALTH AUTHORITY that documentation of the justification for reimbursement has been placed in the operating records and that reimbursement has been received.

(h) Each policy of insurance must contain a provision allowing the assignment of the policy to a successor OWNER or OPERATOR. The assignment may be conditional upon the consent of the insurer, if the consent is not unreasonably refused.

(i) The policy of insurance must provide that the insurer may not cancel, terminate or fail to renew the policy except for a failure to pay the premium. An automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. When there is a failure to pay the premium, the insurer may cancel the policy by sending notice of cancellation by certified mail to the OWNER, OPERATOR and HEALTH AUTHORITY at least 120 days before the cancellation. When the insurer cancels the policy, the

OWNER or OPERATOR shall obtain alternate financial assurance as specified in this Section.

(j) The OWNER or OPERATOR may cancel the policy of insurance only when he substitutes alternate financial assurance in accordance with these regulations or when the OWNER and OPERATOR are no longer required to demonstrate financial responsibility in accordance with the requirements of these regulations.

(k) As used in this Section, "face amount" means the total amount the insurer is obligated to pay under the policy.

(4) Alternate mechanisms approved by the HEALTH AUTHORITY

(a) An OWNER or OPERATOR may satisfy the requirements of these regulations by obtaining any other mechanism which:

(i) Is approved by the HEALTH AUTHORITY.

(b) A mechanism obtained pursuant to these regulations must be obtained by the OWNER or OPERATOR before the initial receipt of SOLID WASTE and maintained until the OWNER and OPERATOR are no longer required to demonstrate financial responsibility pursuant to these regulations.

(5) An OWNER or OPERATOR may satisfy the requirements of these regulations by establishing more than one mechanism for financial assurance per facility. The combination of mechanisms must provide financial assurance for an amount at least equal to the current estimate of the cost for closure.

(B) General requirements for all financial assurance mechanisms

(1) An entity providing the mechanism used to demonstrate financial assurance pursuant to these regulations shall reimburse or make payments to the OWNER, OPERATOR or any other PERSON or party designated by the HEALTH AUTHORITY, from that mechanism, for expenses in such amounts as the HEALTH AUTHORITY shall direct in writing.

(2) Any such mechanism must:

(a) Ensure that the amount of money assured is sufficient to cover the cost of closure;

(b) Ensure that money will be available in a timely fashion, when needed; and

(c) Be legally valid, binding and enforceable under applicable state and federal law.

(3) No mechanism may be held or issued by a corporate parent or subsidiary of the OWNER or OPERATOR.

Chapter 3- Additional Standards for Solid Waste Management Facilities

3-1 CLASS I LANDFILLS

3-1.01 Minimum Standards for a CLASS I MUNICIPAL LANDFILL

(A) A CLASS I set which fails to comply with these minimum requirements shall be deemed to be an OPEN DUMP for the purposes of SOLID WASTE planning and is prohibited. (NAC 444.6769)

3-1.02 Application for a PERMIT to operate a CLASS I SITE or LATERAL EXPANSION thereof. (NAC 444.677)

(A) An application for a PERMIT to operate a CLASS I SITE of LATERAL EXPANSION of a CLASS I SITE must be submitted to the SOLID WASTE MANAGEMENT AUTHORITY and must include:

(1) The name, location and mailing address of the:

(a) Site;

(b) OWNER of the site;

(c) OPERATOR of the site; and

(d) Authorized agent of the OWNER

(B) Proof of ownership of the land on which the site will be located.

(C) The report of design of the site required by Section 3-1.10 and Report of Design [Chapter 2, Sections 2-4.01 – 2-4.03]

(D) The plan for monitoring waste required by Sections 3-1.11, 3-1.26 and Operating Plan [Chapter 2, Sections 2-5.01 – 2-5.03]

(E) The plan for operating the site required by Section 3-1.12 & Operating Plan [Chapter 2, SECTIONS 2-5.01- 2-5.03]

(F) A plan for closure required by Sections 3-1.13 – 3-1.14 and 3-1.16 and Closure of a SOLID WASTE MANAGEMENT FACILITY [Chapter 2, Section 2-6.01]

(G) A plan for POSTCLOSURE required by Sections 3-1.15, 3-1.17 – 3-1.18.

(H) A copy of the financial assurance required by Financial Assurance Chapter 2, 2-7.01 – 2-7.03

(I) Any additional information which the SOLID WASTE MANAGEMENT AUTHORITY may require.

3-1.03 Location restrictions: Generally. (NAC 444.678)

(A) The location of a CLASS I SITE must:

(1) Be easily accessible in all kinds of weather to all vehicles expected to use it.

(2) Prevent POLLUTANTS and CONTAMINANTS from the MUNICIPAL SOLID WASTE LANDFILL units at the site from degrading the WATERS OF THE STATE.

(3) Prevent uncontrolled migration of LANDFILL gas at the site.

(4) Have an adequate quantity of earth cover that is workable and compactable and does not contain organic material of a quantity and distribution conducive to harboring and breeding DISEASE VECTORS.

(5) Conform with land use planning of the area.

(6) Not be within one-quarter mile of the nearest inhabited dwelling, place of public gathering or be within one thousand (1,000) feet of a public highway, unless special provisions for the beautification of the site and control of litter and VECTORS are included in the design and approved by the SOLID WASTE MANAGEMENT AUTHORITY.

(7) Meet with the approval of the SOLID WASTE MANAGEMENT AUTHORITY.

(8) Unless approved by the SOLID WASTE MANAGEMENT AUTHORITY, not be within one thousand (1,000) feet of any surface water or one hundred (100) feet of the UPPERMOST AQUIFER.

3-1.04 Airport Safety (NAC 444.6783)

(A) A CLASS I SITE must meet the following safety requirements relating to airports:

(1) An OWNER or OPERATOR of a new or existing MUNICIPAL SOLID WASTE LANDFILL unit or a LATERAL EXPANSION which is located:

(a) Within ten thousand (10,000) feet of the end of any airport runway used by a turbojet aircraft or

(b) Within five thousand (5,000) feet of the end of any airport runway used only by piston-type aircraft shall maintain proof that the unit or LATERAL EXPANSION is designed and operated so that it does not pose a HAZARD TO AIRCRAFT.

(2) The OWNER or OPERATOR shall place the proof in the operating record of the MUNICIPAL SOLID WASTE LANDFILL unit and notify the SOLID WASTE MANAGEMENT AUTHORITY that the proof has been placed in the operating records.

(3) The OWNER or OPERATOR who proposed to locate a new MUNICIPAL SOLID WASTE LANDFILL unit or LATERAL EXPANSION within a five (5) mile radius of the end of any airport runway used by a turbojet or piston-type aircraft shall notify the affected airport and the Federal Aviation Administration.

3-1.05 FLOODPLAINS (NAC 444.6785)

(A) The OWNER or OPERATOR of a new or existing MUNICIPAL SOLID WASTE LANDFILL unit or LATERAL EXPANSION located in a 100-YEAR FLOODPLAIN shall maintain proof that the unit or LATERAL EXPANSION will not:

(1) Restrict the flow of the FLOODPLAIN;

(2) Reduce the temporary capacity of the FLOODPLAIN to store water; and

(3) Result in the washout of SOLID WASTE that poses a hazard to public health, safety and the environment

(B) The OWNER or OPERATOR shall place the proof in the operating records of the MUNICIPAL SOLID WASTE LANDFILL unit and notify the SOLID WASTE MANAGEMENT AUTHORITY that the proof has been placed within the operating records.

3-1.06 WETLANDS (NAC 444.679)

(A) A new MUNICIPAL SOLID WASTE LANDFILL unit or a LATERAL EXPANSION may not be located in WETLANDS unless that OWNER or OPERATOR satisfactorily demonstrates to the SOLID WASTE MANAGEMENT AUTHORITY that:

(1) The presumption, if applicable pursuant to section 404 of the federal Clean Water Act of 1977, 33 U.S.C. § 1344, as that section existed on November 8, 1993, that a practicable alternative to the proposed unit or LATERAL EXPANSION is available which does not involve WETLAND is clearly rebutted.

(2) The construction and operation of the MUNICIPAL SOLID WASTE LANDFILL unit or LATERAL EXPANSION will not:

(a) Cause or contribute to violations of any applicable state water quality standard set forth in NAC 445A.450 to 445A.492, inclusive;

(b) Violate any applicable toxic effluent standard or prohibition set forth in section 307 of the federal Clean Water Act of 1977, 33 U.S.C. § 1317, as that section existed on November 8, 1993;

(c) Jeopardize the continued existence of endangered or threatened species, or result in the destruction or adverse modification of a critical habitat, protected by the federal Endangered Species Act of 1973, 16 U.S.C. §§1531 *et seq*., as that existed on November 8, 1993; and

(d) Violate any requirement set forth in the Marine Protection, Research and Sanctuaries Act of 1972, 33 U.S.C. §§1401 *et seq*., for the protection of a marine sanctuary, as that act existed on November 8, 1993.

(3) The site will not cause or contribute to any significant degradation of the WETLANDS. The OWNER or OPERATOR shall demonstrate the integrity of the MUNICIPAL SOLID WASTE LANDFILL unit or LATERAL EXPANSION and its ability to protect ecological resources by showing:

(a) The potential erosion, stability and migration of soils, muds and deposits of the WETLANDS that are used to support the site;

(b) The potential erosion, stability and migration of dredged and fill materials used to support the site;

(c) The volume and chemical composition of the waste managed at the site;

(d) The potential impact on fish, wildlife and other aquatic resources and their habitat;

(e) The potential effects of a catastrophic release of waste to the WETLANDS and the resulting impacts on the environment; and

(f) Any additional factors required by the SOLID WASTE MANAGEMENT AUTHORITY to show that the ecological resources in the WETLANDS are protected.

(4) To the extent required by section 404 of the Clean Water Act, 33 U.S.C. § 1344, as that section existed on November 8, 1993, or any applicable state laws, actions have been taken to attempt to achieve no net loss of WETLANDS, as defined by acreage and function, by first avoiding impacts to WETLANDS to the maximum extent practicable as required by paragraph I, then minimizing the unavoidable impacts to the maximum extent practicable, and then offsetting the remaining unavoidable impacts on the WETLANDS through all appropriate and practicable mitigation actions such as restoration of existing degraded WETLANDS or the create of an artificially created WETLAND.

(5) Sufficient information is available to make a reasonable determination with respect to these demonstrations.

3-1.07 FAULT Areas (NAC 444.6791)

(A) A new MUNICIPAL SOLID WASTE LANDFILL unit or LATERAL EXPANSION must not be located within two hundred (200) feet of a FAULT that has had a DISPLACEMENT in the HOLOCENE time unless the OWNER or OPERATOR demonstrates to the SOLID WASTE MANAGEMENT AUTHORITY that an alternative setback distance of less than two hundred (200) feet will prevent damage to the structural integrity of the unit and will protect public health, safety, and the environment.

3-1.08 SEISMIC IMPACT ZONES (NAC 444.6793)

(A) A new MUNICIPAL SOLID WASTE LANDFILL unit or LATERAL EXPANSION may not be located in a SEISMIC IMPACT ZONE, unless the OWNER or OPERATOR submits proof to the SOLID WASTE MANAGEMENT AUTHORITY that all structures for the containment, including LINERS, systems for the collection of

LEACHATE and systems for the control of surface water, are designed to resist the MAXIMUM HORIZONTAL ACCELERATION in LITHIFIED EARTH MATERIAL for the site. The OWNER or OPERATOR shall place the proof in the operating records for the site and notify the SOLID WASTE MANAGEMENT AUTHORITY that the proof has been placed into the operating records.

3-1.09 Unstable Areas (NAC 444.6795)

(A) The OWNER or OPERATOR of a new or existing MUNICIPAL SOLID WASTE LANDFILL unit or LATERAL EXPANSION located in an unstable area shall maintain proof that engineering measures have been incorporated into the structural design of the unit or LATERAL EXPANSION to ensure that the integrity of the unit or LATERAL EXPANSION will not be disrupted. The OWNER or OPERATOR shall place the proof in the design report and the operating records of the unit and notify the SOLID WASTE MANAGEMENT AUTHORITY that the proof has been placed into the operating records.

(B) To determine if an area is unstable, the OWNER or OPERATOR shall consider:

(1) On-site or local soil conditions that may result in significant differential settling;

(2) On-site or local geologic or geomorphic features;

(3) On-site or local human-made features or events (both surface and subsurface).

(4) The topography of the site shall maximize protection against prevailing winds on-site and minimize the amount of precipitation catchment area up gradient of the site.

(5) LANDFILLS shall isolate wastes from the public and the environment. Sites and facilities shall demonstrate suitable isolation to the SOLID WASTE MANAGEMENT AUTHORITY, at a minimum, addressing all Sections in Chapter 2 and 40 CFR 258.40 in sufficient detail and clarity to justify to the SOLID WASTE MANAGEMENT AUTHORITY and governing body having jurisdiction that wastes and any potential LEACHATE will be controlled within the fill area. Emphasis will be placed on favorable geologic conditions over engineered improvements of marginal geological conditions.

(6) LANDFILLS shall not place wastes below or into surface water or ground water. The operation of sites and facilities that place waste into ground water after the effective date of these regulations is prohibited.

3-1.10 Design Criteria (NAC 444.681)

(A) A new MUNICIPAL SOLID WASTE LANDFILL or LATERAL EXPANSION must be constructed:

(1) In accordance with a design approved by the SOLID WASTE MANAGEMENT AUTHORITY that is sufficient to protect the WATERS OF THE STATE from degradation by POLLUTANTS or CONTAMINANTS; or

(2) With a COMPOSITE LINER and a system for the collection of LEACHATE which is designed and constructed to maintain less than a 30 centimeter depth of LEACHATE over the LINER. The COMPOSITE LINER must have an upper component consisting of a flexible membrane LINER of at least 30 mil and a lower component consisting of a layer of compacted soil that is at least 2 feet with a hydraulic conductivity of no more than 10^{-7} centimeters per second. Components of the flexible membrane LINER consisting of high density polyethylene must be at least 60 mil. The flexible LINER must be installed in direct and uniform contact with the compacted soil;

(3) The OWNER or OPERATOR of a MUNICIPAL SOLID WASTE LANDFILL unit shall develop and carry out a program for quality assurance and quality control for the construction of all LINER systems required by NAC 444.681; and

(4) The OWNER or OPERATOR of a MUNICIPAL SOLID WASTE LANDFILL unit shall submit a summary of this program to the SOLID WASTE MANAGEMENT AUTHORITY before waste may be placed in the MUNICIPAL SOLID WASTE LANDFILL unit.

(B) To approve the design of a new MUNICIPAL SOLID WASTE LANDFILL unit or LATERAL EXPANSION, the SOLID WASTE MANAGEMENT AUTHORITY shall consider:

(1) The hydrogeologic characteristics of the facility and surrounding land;

(2) The climate of the area;

(3) The volume and physical and chemical characteristics of the anticipated LEACHATE;

(4) Any other relevant factors.

3-1.11 Plan for monitoring water; suspension of monitoring requirements (NAC 444.683)

(A) The plan for monitoring water for a CLASS I SITE must provide a complete description of a system capable of monitoring the performance of the design of the site, including monitoring of the GROUNDWATER to detect the release of POLLUTANTS or CONTAMINANTS from the MUNICIPAL SOLID WASTE LANDFILL unit into the WATERS OF THE STATE.

(B) The plan must:

(1) Identify the location and construction of monitoring points;

(2) Specify monitoring parameters and the frequency of monitoring those parameters;

(3) Specify procedures for quality assurance for all field and laboratory work;

(4) Provide for the semiannual submittal of monitoring data to the SOLID WASTE MANAGEMENT AUTHORITY;

(5) Establish procedures which must be used if monitoring provides evidence of LEACHATE migration

(6) Comply with Section 3-1.26 GROUNDWATER monitoring and corrective action (NAC 444.7481 to 444.7499, inclusive).

(C) The SOLID WASTE MANAGEMENT AUTHORITY may suspend monitoring requirements if the OWNER or OPERATOR of a CLASS I SITE demonstrates that there is no potential for migration of pollutants or CONTAMINANTS from the site to WATERS OF THE STATE during the ACTIVE LIFE of the site, including the period of closure and POSTCLOSURE. The demonstration must be:

(a) Certified by a QUALIFIED GROUNDWATER SCIENTIST and approved by the SOLID WASTE MANAGEMENT AUTHORITY; and

(b) Based on:

(i) Measurements collected at a specific field site, sampling and an analysis of physical, chemical and biological processes affecting the fate and transportation of POLLUTANTS or CONTAMINANTS; and

(ii) Predictions of the fate and transportation of the POLLUTANTS or CONTAMINANTS that consider the maximum rate of the migration of CONTAMINANTS and the impact of the POLLUTANTS or CONTAMINANTS on public health and safety and the environment.

3-1.12 Plan for operating; Additional requirements (NAC 444.684)

(A) In addition to the requirements in Operating Plan [Sections 2-5.01- 2-5.03] a CLASS I LANDFILL site must:

(1) Provide for the disposal of any SPECIAL WASTES specifically permitted by the SOLID WASTE MANAGEMENT AUTHORITY.

(2) Have a CONTINGENCY PLAN to remediate the release of any hazardous or toxic materials.

(3) Have a CONTINGENCY PLAN for any LEACHATE spills from tanks or releases from SURFACE IMPOUNDMENTS.

(B) Operation and maintenance (NAC 444.686)

(1) The operation of a CLASS I SITE must be in a manner which will not create odors, unsightliness or other NUISANCES;

(2) The WORKING FACE must be kept as narrow as is consistent with safe and efficient operation or equipment;

(3) BULKY WASTE material which may provide harborage for rodents must not be used on the final surface and/or any side slopes;

(4) SOLID WASTE must be spread and compacted in thin layers. In the construction of each CELL it must be spread in layers that do not exceed two feet prior to compaction. Equipment for compaction must be appropriately sized and must make a minimum of two passes over each layer of waste;

(5) SOLID WASTE must not be placed within two hundred (200) feet of the boundary line of a CLASS I SITE unless a shorter distance is approved by the SOLID WASTE MANAGEMENT AUTHORITY. In approving a setback of less than two hundred (200) feet, the SOLID WASTE MANAGEMENT AUTHORITY shall consider the uses of the surrounding land, the surrounding topography, and the operations conducted at the site.

(C) Covering of compacted SOLID WASTE; CONTINUOUS OPERATION as alternative (NAC 444.688).

(1) The compacted SOLID WASTE of a CLASS I SITE must be covered as follows:

(a) Except as otherwise provided in this section, SOLID WASTE that is disposed of at a 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 by at least six (6) inches of compacted earthen material;

(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, safety, and the environment;

(c) The SOLID WASTE MANAGEMENT AUTHORITY may grant a temporary WAIVER from the requirements of paragraphs (a) and (b) if the OWNER or OPERATOR can show that extreme seasonal climatic conditions make the requirements impractical;

(d) Unless otherwise approved by the SOLID WASTE MANAGEMENT AUTHORITY, at least twelve (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 ninety (90) days. This paragraph does not apply to final fill surfaces;

(e) The integrity of DAILY and INTERMEDIATE COVER must be maintained until further filling or the addition of the FINAL COVER is made. All cracks, depressions and erosion of the cover for surface and sides slopes of fills must be promptly repaired;

(f) DAILY and temporary COVER must be graded to drain RUN-OFF of surface water. The top slope must have a grade of not less than three (3) percent.

(i) The SOLID WASTE MANAGEMENT AUTHORITY may approve the

CONTINUOUS OPERATION of a CLASS I SITE as an alternative to the requirement 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, safety, and the environment.

(D) Requirements for design and construction of system for FINAL COVER (NAC 444.6891)

(1) The OWNER or OPERATOR of a CLASS I SITE shall install a system for a FINAL COVER which is designed to minimize infiltration and erosion. Except as otherwise provided in subsection 2, the system must be designed and constructed to:

(a) Have a permeability that is less than or equal to the permeability of any system for a bottom LINER or natural subsoils present or have a permeability no greater than 1 X 10^{-5} centimeters per second, whichever is less;

(b) Minimize infiltration through the closed MUNICIPAL SOLID WASTE LANDFILL unit by the use of an infiltration layer which contains at least eighteen (18) inches of earthen material; and

(c) Minimize erosion of the FINAL COVER by the use of erosion layer which contains at least six (6) inches of earthen material which is capable of sustaining the growth of native plants;

(d) The SOLID WASTE MANAGEMENT AUTHORITY may approve an alternative design for a FINAL COVER which includes:

(i) An infiltration layer which achieves an equivalent reduction in infiltration as the infiltration layer specified in paragraphs (a) and (b) of subsection 1; and

(ii) An erosion layer which provides equivalent protection from wind and water erosion as the erosion layer specified in paragraph (c) of subsection 1.

(2) The FINAL COVER must be graded to drain surface water from the cover. The top slope must have a grade of not less than three (3) percent. The design of the FINAL COVER must be sufficient to control erosion and maintain the stability of the slope.

3-1.13 Notice of intent to close; general requirements concerning closure (NAC 444.6892)

(A) At least fifteen (15) days before beginning the closure of a MUNICIPAL SOLID WASTE LANDFILL unit at a CLASS I SITE pursuant to Section 2-6, an OWNER or OPERATOR shall provide notice to the SOLID WASTE MANAGEMENT AUTHORITY of the intent to close the unit.

(B) The OWNER or OPERATOR shall begin activities for the closure of the MUNICIPAL SOLID WASTE LANDFILL unit no later than thirty (30) days after the date on which the unit receives the final receipt of wastes or if the unit has remaining capacity and there is a reasonable likelihood that the unit will receive additional wastes, no later than one (1) year after the most recent receipt of wastes. Extensions beyond the one (1) year deadline may be granted by the SOLID WASTE MANAGEMENT AUTHORITY if the OWNER or OPERATOR demonstrates that the unit has the capacity to receive additional wastes and the OWNER or OPERATOR has taken and will continue to take all actions necessary to prevent threats to public health, safety, and the environment from the open unit.

(C) The OWNER or OPERATOR of a CLASS I SITE shall complete activities for the closure of each MUNICIPAL SOLID WASTE LANDFILL unit at the site in accordance with the plan for closure

within one hundred and eighty (180) days of beginning the closure. Extensions of the period for closure may be granted by the SOLID WASTE MANAGEMENT AUTHORITY if the OWNER or OPERATOR demonstrates that the closure will, of necessity, take longer than one hundred and eighty (180) days and that the OWNER or OPERATOR has taken and will continue to take all actions to prevent threats to public health, safety, and the environment from the open unit.

(D) After the closure of each MUNICIPAL SOLID WASTE LANDFILL unit, the OWNER or OPERATOR of the site shall notify the SOLID WASTE MANAGEMENT AUTHORITY that a certification, signed by an independent licensed professional engineer and approved by the SOLID WASTE MANAGEMENT AUTHORITY verifying that closure has been completed in accordance with the plan for closure, has been placed in the operating record of the site.

3-1.14 Requirements after closure of all MUNICIPAL SOLID WASTE LANDFILL units within a CLASS I SITE (NAC 444.6893)

(A) After the closure of all MUNICIPAL SOLID WASTE LANDFILL units within a CLASS I SITE, the OWNER or OPERATOR of the site shall:

(1) Record a notation that complies with the requirements of paragraph (B) on the deed to the property on which the site is located or on any other instrument which is normally examined during a title search; and

(2) Notify the SOLID WASTE MANAGEMENT AUTHORITY that the notation has been recorded and a copy of the notation has been placed in the operating records of the site.

(B) The notation on the deed or other instrument must in perpetuity notify any potential purchaser of the property that:

(1) The land has been used as a LANDFILL; and

(2) Its use is restricted in accordance (NAC 444.6896).

(C) The OWNER or OPERATOR may request permission from the SOLID WASTE MANAGEMENT AUTHORITY to remove the notation from the deed or other instrument if all wastes are removed from the site.

3-1.15 Program for POSTCLOSURE for each MUNICIPAL SOLID WASTE LANDFILL unit within a CLASS I SITE. (NAC 444.6894)

(A) After the closure of each MUNICIPAL SOLID WASTE LANDFILL unit of a CLASS I SITE, the OWNER or OPERATOR of the site shall conduct a program for the POSTCLOSURE for that unit. Except as otherwise provided in paragraph (B), the program must be conducted for thirty (30) years and consist of at least the following:

(1) The integrity and effectiveness of any FINAL COVER must be maintained, including making repairs to the cover as necessary to correct the effects of settlement, subsidence, erosion or other events, and preventing RUN-ON and RUN-OFF from eroding or otherwise damaging FINAL COVER.

(2) The system to collect LEACHATE must be maintained and operated in accordance with the requirements in NAC 444.681;

(3) The GROUNDWATER must be monitored in accordance with Section 3-1.26 (NAC 444.7481 to 444.7499, inclusive) and the system for monitoring GROUNDWATER must be maintained, if applicable;

(4) The system for monitoring LANDFILL gas must be maintained and operated in accordance with Section 3-1.27 (NAC 444.667).

(B) The length of the program for POSTCLOSURE may be:

(1) Decreased by the SOLID WASTE MANAGEMENT AUTHORITY if the OWNER or OPERATOR

demonstrates that the reduced period is sufficient to protect public health, safety, and the environment and this demonstration is approved by the SOLID WASTE MANAGEMENT AUTHORITY; or

(2) Increased by the SOLID WASTE MANAGEMENT AUTHORITY if it determines that the lengthened period is necessary to protect public health, safety, and the environment.

(C) After the completion of the program for POSTCLOSURE each MUNICIPAL SOLID WASTE LANDFILL unit at a CLASS I SITE, the OWNER or OPERATOR shall notify the SOLID WASTE MANAGEMENT AUTHORITY that a certification, signed by an independent licensed professional engineer and approved by the SOLID WASTE MANAGEMENT AUTHORITY verifying that the program has been completed in accordance with the plan for POSTCLOSURE, has been placed in the operating record.

3-1.16 Plan for FINAL COVER or closure of CLASS I SITE (NAC 444.6895)

(A) A plan for closing a CLASS I SITE must include:

(1) A description of the action necessary to close all municipal SOLID WASTE LANDFILL units within the site at any time during their ACTIVE LIFE;

(2) A description of the FINAL COVER required by Section 3-1.12 [subsection D (1-2)];

(3) An estimate of the largest area of the MUNICIPAL SOLID WASTE LANDFILL unit that would require FINAL COVER at any time during the ACTIVE LIFE of the unit if the site is closed;

(4) An estimate of the total maximum inventory of wastes to be placed on the DISPOSAL SITE during the entire estimated life of the site;

(5) The equipment and structures for the removal of wastes, decommissioning and decontamination;

(6) The placement and installation of devices to monitor or control waste, vadose zone and LANDFILL gases, if necessary; and

(7) A schedule for completing all construction and related activities needed to close the DISPOSAL SITE in accordance with Section 2-6.01 [subsections C and D].

3-1.17 Plan for POSTCLOSURE; use of property during or after period of POSTCLOSURE (NAC 444.6896)

(A) A plan for POSTCLOSURE which specifies how and at what frequency a MUNICIPAL SOLID WASTE LANDFILL unit will be maintained and monitored during the period of POSTCLOSURE must include:

(1) A program for monitoring water which complies with the requirements of Section3-1.26;

(2) A program for inspection and maintenance of:

(a) The FINAL COVER;

(b) Structures for drainage and protection from floods; and

(c) Systems for monitoring and controlling LANDFILL gases;

(3) The name, address, and telephone number of the PERSON or office to contact about the unit during the period of POSTCLOSURE;

(4) A description of the planned uses of the property during the period of POSTCLOSURE; and

(5) Any other information which the SOLID WASTE MANAGEMENT AUTHORITY may require.

(B) Any use of the property during or after the period of POSTCLOSURE must not disturb the integrity of the FINAL COVER, LINERS, any other components of the system for containment

or the function of the monitoring system unless necessary to comply with the requirements of Section 3-1.26.

3-1.18 Maintenance of plans for closure and POSTCLOSURE in operating records of site (NAC 444.6897)

(A) The OWNER or OPERATOR of a CLASS I SITE shall maintain a copy of the plans for closure and POSTCLOSURE in the operating records of the site;

(B) To receive a PERMIT to operate a DISPOSAL SITE, the plans for closure and POSTCLOSURE must be placed in the operating records of the DISPOSAL SITE by the initial receipt of waste;

(C) The OWNER or OPERATOR shall notify the SOLID WASTE MANAGEMENT AUTHORITY immediately upon placing the plans in the operating records;

(D) The OWNER or OPERATOR shall include plans for closure and POSTCLOSURE in his or her application for a PERMIT to operate the site.

3-1.19 Disposal of Liquids (NAC 444.692)

(A) An OWNER or OPERATOR of a CLASS I SITE shall restrict the types and amounts of liquids disposed of in a CLASS I SITE except as permitted by the SOLID WASTE MANAGEMENT AUTHORITY in accordance with paragraphs (B) and (C).

(B) Liquids which are in bulk or not in containers may not be placed in a MUNICIPAL SOLID WASTE LANDFILL unit unless:

(1) The waste is HOUSEHOLD WASTE other than septic waste; or

(2) The waste is LEACHATE or GAS CONDENSATE from the MUNICIPAL SOLID WASTE LANDFILL unit and the new or existing unit or LATERAL EXPANSION is designed with a COMPOSITE LINER and system for the collection of LEACHATE as described in Section 3-1.10 [Subsection A part (2)].

(C) Containers holding LIQUID WASTE may not be placed in a MUNICIPAL SOLID WASTE LANDFILL unit unless:

(1) The container is a small container similar in size to a container which would normally be found in HOUSEHOLD WASTE;

(2) The container is designed to hold liquids for use other than storage; and

(3) The LIQUID WASTE is HOUSEHOLD WASTE.

3-1.20 PUTRESCIBLE WASTES; VECTOR control (NAC 444.694)

(A) Any dead animals, carrion, slaughterhouse wastes and other highly PUTRESCIBLE WASTES accepted at the land DISPOSAL SITE must be placed in a separate trench or area and covered immediately;

(B) VECTOR control must be instituted, whenever necessary in the judgment of the SOLID WASTE MANAGEMENT AUTHORITY, to minimize transmission of disease.

3-1.21 Control of erosion and dust (NAC 444.696)

(A) Suitable grasses must be planted, as required, in completed areas of the LANDFILL to prevent erosion, surface deterioration and fugitive dust;

(B) Adequate water must be available at all times for dust control and for compaction of COVER MATERIAL.

3-1.22 Access; roads (NAC 444.698)

(A) Access to a MUNICIPAL SOLID WASTE LANDFILL unit must be controlled as to time of use and as to those authorized to use the site in order to prevent unauthorized vehicular traffic and ILLEGAL DUMPING. Access must be controlled by using artificial or natural barriers, or both, as appropriate, to protect public health and safety and the environment. An attendant must be on duty to control access during hours of operation;

(B) Permanent roads may be provided from the public road system to the site. Temporary roads may be provided as necessary to the WORKING FACE. All roads must be passable during inclement weather.

3-1.23 Facilities for personnel (NAC 444.700)

(A) Suitable shelter and sanitary facilities must be provided for operating personnel and waste transport personnel.

3-1.24 Miscellaneous requirements for operation; quarterly reports; topographic or other volumetric surveys and reports (NAC 444.702)

(A) SCAVENGING at a CLASS I SITE is prohibited;

(B) SALVAGING is prohibited at the WORKING FACE of a CLASS I SITE;

(C) A CLASS I SITE must be inspected daily and all scattered paper and other lightweight debris returned to the fill area and covered;

(D) 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;

(E) The operation of a CLASS I SITE must be approved by the SOLID WASTE MANAGEMENT AUTHORITY.

(F) The OPERATOR of a CLASS I SITE shall submit quarterly to the SOLID WASTE MANAGEMENT AUTHORITY a report of the SOLID WASTE received at the site. The report must be submitted on a form prescribed by the SOLID WASTE MANAGEMENT AUTHORITY.

(G) The OPERATOR of a CLASS I SITE shall at least once every 5 years (until the site is closed in accordance with NAC 444.6891, 444.6892 and 444.6893) conduct a topographic survey, or other volumetric survey approved by the SOLID WASTE MANAGEMENT AUTHORITY, of the site and submit a report to the SOLID WASTE MANAGEMENT AUTHORITY. Except as otherwise provided in this subsection, each such report must be submitted not later than 5 years after the date on which the immediately preceding report was submitted. Each 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 of since the original report of design; and

(6) Calculate the remaining life of the site, in years.

3-1.25 Operating records required to be kept; notice to SOLID WASTE MANAGEMENT AUTHORITY (NAC 444.7025)

(A) The OWNER or OPERATOR of a CLASS I SITE shall record and retain at the site in the operating records or at a location approved by the SOLID WASTE MANAGEMENT AUTHORITY, the following information as it becomes available:

(1) Any demonstration of restrictions on location required by NAC 444.678 to 444.6795, inclusive;

(2) Records of inspection, training procedures and procedures for notification required by NAC 444.6665;

(3) Results from the monitoring of gas and any remediation plans required by NAC 444.667;

(4) Any documentation relating to the design of the MUNICIPAL SOLID WASTE LANDFILL unit for the placement of LEACHATE or GAS CONDENSATE in the unit as required by Chapter 3-1.19 subsection (B)(2) or NAC 444.692;

(5) Any demonstration, certification, finding, monitoring, testing or analytical data from the program for monitoring GROUNDWATER required by NAC 444.7481 to 444.7499, inclusive;

(6) Plans for closure and POSTCLOSURE and any monitoring, testing or analytical data required by NAC 444.6891 to 444.6896, inclusive; and

(7) Any documentation of cost estimates and financial assurance required by NAC 444.685.

(B) The OWNER or OPERATOR shall notify the SOLID WASTE MANAGEMENT AUTHORITY when the documentation has been placed in or added to the operating records. All information contained

in the operating records must be furnished upon request to the SOLID WASTE MANAGEMENT AUTHORITY or be made available at all reasonable times for inspection by the SOLID WASTE MANAGEMENT AUTHORITY.

(C) The SOLID WASTE MANAGEMENT AUTHORITY may establish alternative schedules for recordkeeping and notification required by NAC 444.570 to 444.7499, inclusive, except for the notification required by paragraph (c) of subsection 1 of NAC 444.6783 and by subsection 3 of NAC 444.7491.

3-1.26 GROUNDWATER Monitoring and Corrective Action

(A) Suspension and continuation of monitoring requirements. (NAC 444.7481)

(1) The requirements for monitoring GROUNDWATER set forth in NAC 444.7483 to 444.7492, inclusive, may be suspended by a SOLID WASTE MANAGEMENT AUTHORITY for a MUNICIPAL SOLID WASTE LANDFILL unit if the OWNER or operator can demonstrate that there is no potential for migration of hazardous constituents from that unit to the UPPERMOST AQUIFER during the ACTIVE LIFE of the unit, including the period of closure and POSTCLOSURE. The demonstration must be certified by a QUALIFIED GROUNDWATER SCIENTIST and approved by the SOLID WASTE MANAGEMENT AUTHORITY. The demonstration must be based upon:

(a) Measurements collected at specific field sites and the sampling and analysis of physical, chemical and biological processes affecting the fate and transportation of CONTAMINANTS; and

(b) Predictions of the fate and transportation of CONTAMINANTS which are based on the maximum possible rate of the migration of the CONTAMINANTS and a consideration of the impacts on public health and safety and the environment.

(2) Once monitoring of GROUNDWATER begins at a MUNICIPAL SOLID WASTE LANDFILL unit, the OWNER or OPERATOR of the unit shall continue to monitor the GROUNDWATER throughout the ACTIVE LIFE of the unit, including the period of closure and POSTCLOSURE, as specified in NAC 444.6894.

(B) Alternative schedule for complying with monitoring requirements. (NAC 444.7482)

(1) A SOLID WASTE MANAGEMENT AUTHORITY may establish an alternative schedule for the OWNERS or OPERATORS of existing MUNICIPAL SOLID WASTE LANDFILL units or LATERAL EXPANSIONS within the area of its jurisdiction to comply with NAC 444.7483 to 444.7499, inclusive. The schedule must ensure that at least 50 percent of all existing MUNICIPAL SOLID WASTE LANDFILL units within the area of its jurisdiction are in compliance by October 9, 1994, and all existing MUNICIPAL SOLID WASTE LANDFILL units within the area of its jurisdiction are in compliance by October 9, 1996. In establishing the schedule for compliance, the SOLID WASTE MANAGEMENT AUTHORITY shall consider potential risks posed by the units or LATERAL EXPANSIONS to public health and safety and the environment, including the:

(a) Proximity of persons and environmental conditions that may be affected by those risks;

(b) Design of the MUNICIPAL SOLID WASTE LANDFILL unit;

(c) Age of the MUNICIPAL SOLID WASTE LANDFILL unit;

(d) Size of the MUNICIPAL SOLID WASTE LANDFILL unit;

(e) Types and quantities of wastes disposed of at the unit, including sewage SLUDGE; and

(f) Resource value of the underlying AQUIFER, including:

(i) Its current and future uses;

(ii) Its proximity and rate of withdrawal of users; and

(iii) The quality and quantity of GROUNDWATER.

(2) The SOLID WASTE MANAGEMENT AUTHORITY may establish alternative schedules for demonstrating compliance with:

(a) The provisions of NAC 444.7483 that require notification of the placement of the certification in the operating plan;

(b) The provisions of NAC 444.7489 relating to:

(i) Notification and the placement of the notice in the operating record of any statistically significant increase in levels of constituents listed in 40 CFR Part 258 Appendix I; and

(ii) The program for assessment monitoring;

(c) The provisions of NAC 444.749 relating to:

(i) The sampling and analyzing of constituents listed in 40 CFR Part 258 Appendix II;

(ii) Placement in the operating record of the notice that constituents listed in Appendix II have been detected and notification of that notice; and

(iii) Sampling for constituents listed in Appendix I or II;

(d) The provisions of NAC 444.7491 relating to notification and the placement of the notice in the operating record of any statistically significant increase above the standard for the protection of GROUNDWATER;

(e) The provisions of NAC 444.7491 and 444.7493 relating to the assessment of corrective measures;

(f) The provisions of NAC 444.7494 relating to the selection of a remedy and notification of the placement of documents relating to the selection in the operating record; and

(g) The provisions of NAC 444.7498 and 444.7499 relating to the notification of the placement in the operating record of:

(i) Alternative measures of corrective action; and

(ii) Certification of the completion of the remedy.

(C) Requirements concerning system for monitoring GROUNDWATER. (NAC 444.7483)

(1) The OWNER or OPERATOR of a MUNICIPAL SOLID WASTE LANDFILL unit shall install a system for monitoring GROUNDWATER which consists of a sufficient number of wells, installed at appropriate locations and depths, to yield samples of GROUNDWATER from the UPPERMOST AQUIFER which:

(a) Represent the quality of background GROUNDWATER which has not been affected by leakage from the unit. A determination of background quality may include the sampling of wells that are not hydraulically upgradient of the waste management area if:

(i) Hydrogeologic conditions do not allow the OWNER or OPERATOR to determine which wells are hydraulically upgradient; or

(ii) Sampling at other wells will provide an indication of the quality of the background GROUNDWATER which is as representative or more representative than that provided by the upgradient wells.

(b) Represent the quality of GROUNDWATER at the boundary of the waste management unit.

(i) The monitoring system must be installed to ensure detection of CONTAMINANTS in the GROUNDWATER in the UPPERMOST AQUIFER. When physical obstacles preclude installation of wells to monitor GROUNDWATER at the boundary of the waste management unit, a down gradient monitoring system may be installed at the closest practicable

distance hydraulically down gradient from the boundary which ensures detection of contamination of GROUNDWATER in the UPPERMOST AQUIFER.

(2) If a DISPOSAL SITE has more than one MUNICIPAL SOLID WASTE management LANDFILL unit, the SOLID WASTE MANAGEMENT AUTHORITY may approve a system for monitoring GROUNDWATER with multiple units instead of separate systems for each MUNICIPAL SOLID WASTE LANDFILL unit, if the system complies with the requirements of subsection 1 and is as protective of public health and safety and the environment as the separate systems. To approve a system with multiple units, the SOLID WASTE MANAGEMENT AUTHORITY shall consider the:

(a) Number, spacing, and orientation of the MUNICIPAL SOLID WASTE LANDFILL units;

(b) Hydrogeologic setting;

(c) History of the DISPOSAL SITE;

(d) ENGINEERING DESIGN of the MUNICIPAL SOLID WASTE LANDFILL units; and

(e) Type of waste accepted at the MUNICIPAL SOLID WASTE LANDFILL units.

(3) Monitoring wells must be cased in a manner which maintains the integrity of the bore hole of the monitoring well. The casing must be screened or perforated and packed with gravel or sand, if necessary, to enable the collection of samples of GROUNDWATER. The annular space above the sampling depth must be sealed to prevent contamination of samples and the GROUNDWATER.

(4) The OWNER or OPERATOR shall notify the SOLID WASTE MANAGEMENT AUTHORITY that documentation concerning the design, installation, development and decommission of any monitoring wells, piezometers and other measurement, sampling and analytical devices has been placed in the records of the site. The monitoring wells, piezometers and other measurement, sampling and analytical devices must be operated and maintained so that they perform to design specifications throughout the life of the monitoring program.

(5) The number, spacing, and depths of the monitoring systems must be:

(a) Determined based upon technical information for each specific site, including a thorough characterization of the:

(i) Thickness of the AQUIFER and the rate and direction of the flow of GROUNDWATER, including seasonal and temporal fluctuations; and

(ii) Saturated and unsaturated geologic units and fill materials overlying the UPPERMOST AQUIFER, materials comprising the UPPERMOST AQUIFER and materials comprising the confining unit defining the lower boundary of the UPPERMOST AQUIFER, including, without limitation, the thicknesses, stratigraphy, lithology, hydraulic conductivities, porosities and effective porosities of these materials; and

(b) Certified by a QUALIFIED GROUNDWATER SCIENTIST and approved by the SOLID WASTE MANAGEMENT AUTHORITY. Within 14 days after receiving certification and approval, the OWNER or OPERATOR shall place the certification in the records for the site.

(6) As used in this section:

(a) "Annular space" means the space between the bore hole and well casing.

(b) "Boundary of the waste management unit" means a vertical surface located at the hydraulically down gradient limit of the unit that extends down in the UPPERMOST AQUIFER.

(D) Program for sampling and analysis. **(**NAC 444.7484)

(1) The OWNER or OPERATOR shall notify the SOLID WASTE MANAGEMENT AUTHORITY that the documentation of the program for sampling and analysis has been placed in the records of the DISPOSAL SITE.

(2) A system for monitoring GROUNDWATER must include:

(a) Consistent sampling and analytical procedures designed to ensure monitoring results which provide an accurate representation of the quality of the background and downgradient GROUNDWATER at the monitoring wells installed in compliance with NAC 444.7483.

(b) Procedures and techniques for:

(i) The collection, preservation and shipment of samples;

(ii) Analyzing samples;

(iii) The control of the chain of custody; and

(iv) Quality assurance and quality control.

(c) Methods for sampling and analysis which are appropriate for sampling GROUNDWATER and which accurately measure hazardous constituents and other monitoring parameters in samples of GROUNDWATER. Samples of GROUNDWATER must not be filtered in the field before they are analyzed in the laboratory.

(3) The sampling procedures and frequency must be protective of public health and safety and the environment.

(4) Each time GROUNDWATER is sampled, the elevations of GROUNDWATER must be measured in each well immediately before purging and the OWNER or OPERATOR shall determine the rate and direction of the flow of GROUNDWATER. The elevations of GROUNDWATER in wells which monitor the same DISPOSAL SITE must be measured within a period that is short enough to avoid temporal variations in the flow of GROUNDWATER which could preclude an accurate determination of the rate of flow and direction of GROUNDWATER.

(5) The OWNER or OPERATOR shall determine the quality of the background GROUNDWATER in a hydraulically upgradient or background well for each of the monitoring parameters or constituents required by the system for monitoring GROUNDWATER which applies to the MUNICIPAL SOLID WASTE LANDFILL unit, as determined pursuant to NAC 444.7487 or 444.749. The quality of the background GROUNDWATER may be determined at wells that are not located hydraulically upgradient from the MUNICIPAL SOLID WASTE LANDFILL unit if the monitoring system meets the requirements of NAC 444.7483.

(6) The number of samples collected to establish data concerning the quality of GROUNDWATER must be consistent with the appropriate statistical procedures set forth in NAC 444.7485. The sampling procedures used must be those specified by NAC 444.7488 for detection monitoring, NAC 444.749 for assessment monitoring and NAC 444.7493 for corrective action.

(E) Statistical methods for evaluating data; performance standards. **(**NAC 444.7485**)**

(1) An OWNER or OPERATOR shall specify in the records for the DISPOSAL SITE one of the following statistical methods to be used in evaluating data from monitoring GROUNDWATER for each hazardous constituent:

(a) A parametric analysis of VARIANCE followed by procedures for multiple comparisons to identify statistically significant evidence of contamination. This method must include an estimation and testing of the contrasts between the mean for each compliance well and the background mean levels for each constituent.

(b) An analysis of VARIANCE based on ranks followed by procedures for multiple comparisons to identify statistically significant evidence of contamination. This method must include an estimation and testing of the contrasts between the median for each compliance well and the background median levels for each constituent.

(c) A procedure using tolerance or predictional intervals whereby an interval for each constituent is established from the distribution of the background data and the level of each constituent in each compliance well is compared to the upper tolerance or prediction limit.

(d) A procedure using a control chart which gives limits of control for each constituent.

(e) Any other statistical method which meets the performance standards set forth in subsection (3). The OWNER or OPERATOR shall place a written justification for using the statistical method in the operating records for the DISPOSAL SITE and notify the SOLID WASTE MANAGEMENT AUTHORITY of the use of this alternative method. The justification must demonstrate that the alternative method meets the performance standards set forth in subsection (3).

(2) The statistical method chosen pursuant to this section must be conducted separately for each hazardous constituent in each well.

(3) Any statistical method chosen pursuant to this section must comply with the following performance standards, as appropriate:

(a) The statistical method used to evaluate data from monitoring GROUNDWATER must be appropriate for the distribution of chemical parameters or hazardous constituents. If the distribution of the chemical parameters or hazardous constituents is shown by the OWNER or OPERATOR to be inappropriate for a normal theory test, then the data must be transformed or a theory test that does not use data from the distribution of chemical parameters or hazardous constituents must be used. If the distributions for the constituents differ, more than one statistical method may be used, if needed.

(b) If a procedure which compares individual wells is used to compare the concentration of constituents for an individual compliance well with background concentrations of constituents or a standard for the protection of GROUNDWATER, the test must be done at a Type I error level that is no less than 0.01 for each testing period. If a procedure using multiple comparisons is used, the Type I error level for each testing period must be no less than 0.05, and the Type I error level of no less than 0.01 for comparisons of individual wells must be maintained. This performance standard does not apply to tolerance intervals, prediction intervals or control charts.

(c) If a control chart is used to evaluate data, the control chart and its associated values for its parameters must be protective of public health and safety and the environment. The parameters must be determined after considering the number of samples in the background database, the distribution of data and the range of the concentration values for each constituent.

(d) If a tolerance interval or a predictional interval is used to evaluate data from monitoring GROUNDWATER, the levels of confidence and, for tolerance intervals, the percentage of the population of samples which the interval must contain, must be protective of public health and safety and the environment. These parameters must be determined after considering the number of samples in the background database, the data distribution and the range of the concentration values for each constituent of concern.

(e) The statistical method must account for data below the limit of detection with one or more statistical procedures which are protective of public health and safety and the environment. Any practical quantitation limit which is used in the

statistical method must be the lowest concentration level which can be reliably achieved within specified limits of precision and accuracy during routine conditions for the operation of a laboratory which are available to the DISPOSAL SITE.

(f) If necessary, the statistical method must include procedures to control or correct for seasonal and spatial variability and temporal correlation in the data.

(4) As used in this section, "Type I error" means an error which occurs when a true null hypothesis is rejected erroneously and, as a result, a test for the monitoring of GROUNDWATER incorrectly indicates contamination or an increase in contamination at a regulated unit.

(F) Determination of statistically significant increase over background values. **(**NAC 444.7486**)**

(1) Within 14 days after completing sampling and analysis, the OWNER or OPERATOR shall determine whether there is a statistically significant increase over background values for each parameter or constituent at each monitoring well required in the system for monitoring GROUNDWATER which applies to the MUNICIPAL SOLID WASTE LANDFILL unit, as determined pursuant to NAC 444.7487 or 444.749.

(2) In determining whether a statistically significant increase has occurred, the OWNER or OPERATOR shall compare the quality of the GROUNDWATER of each parameter or constituent at each monitoring well designated pursuant to NAC 444.7483 to the background value of that constituent, according to the statistical procedures and performance standards set forth in NAC 444.7485.

(G) Constituents required to be monitored; establishment of list of alternative parameters for inorganic materials. **(**NAC 444.7487**)**

(1) An OWNER or OPERATOR shall monitor constituents at all wells monitoring GROUNDWATER pursuant to NAC 444.7483. At a minimum, the constituents listed in Appendix I must be monitored.

(2) The SOLID WASTE MANAGEMENT AUTHORITY may delete any of the parameters for monitoring constituents listed in 40 CFR Subsection 258 Appendix I for a MUNICIPAL SOLID WASTE LANDFILL unit if it is shown that the deleted constituents are not reasonably expected to be contained in or derived from the waste contained in the unit.

(3) The SOLID WASTE MANAGEMENT AUTHORITY may establish a list of alternative parameters for inorganic materials for a MUNICIPAL SOLID WASTE LANDFILL unit, in lieu of any of the following:

(a) Antimony;
(b) Arsenic;
(c) Barium;
(d) Beryllium;
(e) Cadmium;
(f) Chromium;
(g) Cobalt;
(h) Copper;
(i) Lead;
(j) Nickel;
(k) Selenium;
(l) Silver;
(m) Thallium;
(n) Vanadium; and
(o) Zinc,

(i) If the alternative parameters provide a reliable indication of releases of inorganic materials from the MUNICIPAL SOLID WASTE LANDFILL unit into the GROUNDWATER.

(4) In establishing alternative parameters, the SOLID WASTE MANAGEMENT AUTHORITY shall consider:

(a) The types, quantities and concentrations of constituents in waste managed at the MUNICIPAL SOLID WASTE LANDFILL unit;

(b) The mobility, stability and persistence of constituents or their reaction products in the unsaturated zone beneath the MUNICIPAL SOLID WASTE LANDFILL unit;

(c) The detectability of indicator parameters, constituents and reaction products in the GROUNDWATER; and

(d) The concentration or values and coefficients of variation of monitoring parameters or constituents in the GROUNDWATER background.

(H) Program for detection monitoring. **(**NAC 444.7488**)**

(1) Except as otherwise provided in subsection (2), all constituents listed in 40 CFR Part 258 Appendix I or in the list of alternative parameters established pursuant to NAC 444.7487 must be monitored at least semiannually during the ACTIVE LIFE of a MUNICIPAL SOLID WASTE LANDFILL unit, including the period of closure and POSTCLOSURE. At least four independent samples from each background and down gradient well must be collected and analyzed for the constituents during the first semiannual sampling. At least one sample from each background and down gradient well must be collected and analyzed during subsequent semiannual sampling.

(2) The SOLID WASTE MANAGEMENT AUTHORITY may specify an appropriate alternative schedule for monitoring constituents listed in 40 CFR Part 258 Appendix I or the list of alternative parameters. The alternative schedule may require monitoring not less than annually. The alternative schedule must be based on the:

(a) Lithology of the AQUIFER and unsaturated zone;

(b) Hydraulic conductivity of the AQUIFER and unsaturated zone;

(c) Rate of flow of GROUNDWATER;

(d) Minimum distance between the upgradient edge of the MUNICIPAL SOLID WASTE LANDFILL unit and downgradient monitoring well screen; and

(e) Resource value of the AQUIFER.

(I) Procedures upon determination of statistically significant increase of 40 CFR Part 258 Appendix I constituents or alternative parameters. **(**NAC 444.7489**)**

(1) If an OWNER or OPERATOR determines, pursuant to NAC 444.7485, that there is a statistically significant increase over background for one or more of the constituents listed in 40 CFR Part 258 Appendix I or the list of alternative parameters established pursuant to NAC 444.7487, at any monitoring well at the boundary specified by NAC 444.7483, the OWNER or OPERATOR shall:

(a) Within 14 days after making this determination, place a notice in the records of the DISPOSAL SITE indicating which constituents have shown statistically significant increases and notify the SOLID WASTE MANAGEMENT AUTHORITY that this notice was placed in the operating records; and

(b) Except as otherwise provided in subsection (2), establish a program for assessment monitoring pursuant to NAC 444.749 and 444.7491 within 90 days after making the determination.

(2) The OWNER or OPERATOR may demonstrate that a source other than a MUNICIPAL SOLID WASTE LANDFILL unit caused the contamination or that the statistically significant increase

resulted from an error in sampling, analysis or statistical evaluation or from a natural variation in the quality of GROUNDWATER. A report documenting this demonstration must be certified by a QUALIFIED GROUNDWATER SCIENTIST, approved by the SOLID WASTE MANAGEMENT AUTHORITY and placed in the operating records of the DISPOSAL SITE. If a successful demonstration is made and approved, the OWNER or OPERATOR may continue monitoring constituents as specified in this section and NAC 444.7487 and 444.7488. If, after 90 days, a successful demonstration is not made, the OWNER or OPERATOR shall initiate a program for assessment monitoring pursuant to NAC 444.749 and 444.7491.

(J) Program for assessment monitoring. **(**NAC 444.749**)**

(1) If a statistically significant increase over background has been detected for one or more of the constituents listed in 40 CFR Part 258 Appendix I or the list of alternative parameters established pursuant to NAC 444.7487, an OWNER or OPERATOR shall establish a program for assessment monitoring.

(2) Except as otherwise provided in subsection (3), within 90 days after initiating a program for assessment monitoring, and annually thereafter, the OWNER or OPERATOR shall sample and analyze the GROUNDWATER for all constituents identified in 40 CFR Part 258 Appendix II. At least one sample from each down gradient well must be collected and analyzed during each sampling. For any constituent detected in the down gradient wells as a result of this analysis, at least four independent samples from each background and down gradient well must be collected and analyzed to establish background for the constituents. The SOLID WASTE MANAGEMENT AUTHORITY may specify an appropriate subset of wells to be sampled and analyzed for constituents listed in 40 CFR Part 258 Appendix II during assessment monitoring. The SOLID WASTE MANAGEMENT AUTHORITY may delete any of the parameters for monitoring constituents listed in 40 CFR Part 258 Appendix II for a MUNICIPAL SOLID WASTE LANDFILL unit if it is shown that the deleted constituents are not reasonably expected to be in or derived from the waste contained in the unit.

(3) The SOLID WASTE MANAGEMENT AUTHORITY may specify an appropriate alternative schedule for monitoring all constituents listed in 40 CFR Part 258 Appendix II. The alternative schedule must be based on the:

(a) Lithology of the AQUIFER and unsaturated zone;

(b) Hydraulic conductivity of the AQUIFER and unsaturated zone;

(c) Rate of flow of GROUNDWATER;

(d) Minimum distance between the upgradient edge of the MUNICIPAL SOLID WASTE LANDFILL unit and down gradient monitoring well screen;

(e) Resource value of the AQUIFER; and

(f) Nature, fate and transportation of any constituents detected in accordance with this section.

(4) After obtaining the results from the initial or subsequent samplings pursuant to subsection (2) or (3), the OWNER or operator shall:

(a) Within 14 days, place a notice in the operating records of the DISPOSAL SITE identifying the constituents listed in 40 CFR Part 258 Appendix II which have been detected and submit the sampling results to the SOLID WASTE MANAGEMENT AUTHORITY.

(b) Within 90 days, and on at least a semiannual basis thereafter:

(i) Resample all wells specified by NAC 444.7483;

(ii) Conduct analyses for all constituents listed in 40 CFR Part 258 Appendix I or the list of alternative parameters established pursuant to NAC 444.7487, and for those constituents in 40 CFR Part 258 Appendix II

which are detected as a result of sampling pursuant to subsection (2) or (3); and

(iii) Record their concentrations in the operating records for the DISPOSAL SITE.

At least one sample from each background and downgradient well must be collected and analyzed during the samplings. The SOLID WASTE MANAGEMENT AUTHORITY may specify an alternative schedule for monitoring the constituents referred to in this section. The alternative schedule for constituents listed in 40 CFR Part 258 Appendix I or the list of alternative parameters established pursuant to NAC 444.7487 may not require monitoring not less than annually. The alternative schedule must be based on the factors specified in subsection (3).

(c) Establish background concentrations for any constituents detected pursuant to paragraph (b) or subsection (2) or (3).

(K) Procedures upon determination of concentrations of 40 CFR Part 258 Appendix II constituents. **(**NAC 444.7491**)**

(1) If the concentrations of all constituents listed in 40 CFR Part 258 Appendix II are shown to be at or below background values, using the statistical procedures set forth in NAC 444.7485, for two consecutive samplings, the OWNER or OPERATOR shall notify the SOLID WASTE MANAGEMENT AUTHORITY of this finding and may return to the monitoring procedures set forth in NAC 444.7488.

(2) If the concentrations of any constituents listed in 40 CFR Part 258 Appendix II are above background values, but all concentrations are below the standard for the protection of GROUNDWATER established pursuant to NAC 444.7492, using the statistical procedures in NAC 444.7485, the OWNER or OPERATOR shall continue monitoring in accordance with this section.

(3) Except as otherwise provided in subsection (4) below, if one or more constituents listed in 40 CFR Part 258 Appendix II are detected at statistically significant levels above the standard for the protection of GROUNDWATER in any sampling, the OWNER or OPERATOR shall:

(a) Within 14 days of this finding, place a notice in the operating records for the DISPOSAL SITE identifying the constituents which have exceeded the standard and notify the SOLID WASTE MANAGEMENT AUTHORITY and all appropriate local government officials that the notice has been placed in the operating records;

(b) Characterize the nature and extent of the release by installing additional monitoring wells as necessary;

(c) Install at least one additional monitoring well at the boundary of the MUNICIPAL SOLID WASTE LANDFILL unit in the direction of the migration of the CONTAMINANT and sample this well in accordance with NAC 444.749;

(d) Notify all PERSONS who own or reside on the land which directly overlies any part of the plume of contamination if CONTAMINANTS have migrated off the site as indicated by the sampling of wells in accordance with this section; and

(e) Initiate an assessment of corrective measures pursuant to NAC 444.7493.

(4) In lieu of complying with the provisions of subsection (3), the OWNER or OPERATOR may demonstrate that a source other than a MUNICIPAL SOLID WASTE LANDFILL unit caused the contamination or that the statistically significant increase resulted from error in sampling, analysis or statistical evaluation or from a natural variation in the quality of the GROUNDWATER. A report documenting this demonstration must be certified by a

QUALIFIED GROUNDWATER SCIENTIST, approved by the SOLID WASTE MANAGEMENT AUTHORITY and placed in the operating records of the unit. If a successful demonstration is made, the OWNER or OPERATOR shall continue monitoring in accordance with the program for assessment pursuant to this section, and may return to detection monitoring if the constituents are at or below background in accordance with subsection (1). Until a successful demonstration is made, the OWNER or OPERATOR shall comply with the provisions of subsection (3).

(L) Establishment of standard for protection of GROUNDWATER. **(**NAC 444.7492**)**

(1) The Solid Waste Management Authority shall establish a standard for the protection of GROUNDWATER for each constituent listed in 40 CFR Part 258 Appendix II detected in the GROUNDWATER as follows:

(a) For a constituent for which a maximum CONTAMINANT level has been set forth pursuant to the Safe Drinking Water Act, 42 U.S.C. §§ 300f *et seq*., and 40 CFR Part 141, as those sections existed on November 8, 1993, the maximum CONTAMINANT level for that constituent.

(b) For a constituent for which a maximum CONTAMINANT level has not been adopted, a level equal to:

(i) The background concentration of the constituent; or

(ii) An appropriate level that is based on the protection of public health and safety and complies with the following requirements:

(I) The level must be established in compliance with state and federal guidelines for assessing the health risks of environmental POLLUTANTS;

(II) The level must be based on scientific studies conducted in accordance with the Toxic Substances Control Act Good Laboratory Practice Standards, 40 CFR Part 792, as those standards exist on March 1, 1994, or equivalent studies;

(III) For carcinogens, the level must represent a concentration of the constituent that is associated with an excess risk of cancer caused by a continuous lifetime exposure which is within a range of 1×10^{-4} to 1×10^{-6}, inclusive; and

(IV) For systemic toxicants, the level must represent a concentration to which a human being could be exposed on a daily basis without an appreciable risk of deleterious effects during the course of his or her lifetime. As used in this sub-subparagraph, "systemic toxicant" includes toxic chemicals that cause deleterious effects other than cancer or a mutation.

(iii) For a constituent for which the background level is higher than the maximum CONTAMINANT level set forth in paragraph (a), the background concentration of the constituent.

(2) In establishing standards pursuant to paragraph (b) of subsection 1, the Solid Waste Management Authority may consider:

(a) Multiple CONTAMINANTS in the GROUNDWATER;

(b) Potential threats to sensitive areas of the environment; and

(c) Other threats specific to that site or potential threats to GROUNDWATER.

(M) Assessment of corrective measures upon determination that level of any 40 CFR Part 258 Appendix II constituent exceeds standard for protection of GROUNDWATER; public notice and comment. **(**NAC 444.7493**)**

(1) Within 90 days after finding that any of the constituents listed in 40 CFR Part 258 Appendix II have been detected at a statistically significant level exceeding the standards for the protection of GROUNDWATER established pursuant to NAC 444.7492, the OWNER or OPERATOR shall initiate an assessment of corrective measures. Such an assessment must be completed within a reasonable period specified by the SOLID WASTE MANAGEMENT AUTHORITY and submitted for review and approval by the SOLID WASTE MANAGEMENT AUTHORITY.

(2) The OWNER or OPERATOR shall continue monitoring in accordance with NAC 444.749 and 444.7491 until the SOLID WASTE MANAGEMENT AUTHORITY approves the assessment of corrective measures.

(3) The assessment must include an analysis of the effectiveness of potential corrective measures in meeting all of the requirements and objectives of the remedy in accordance with NAC 444.7494, 444.7495 and 444.7496, including, but not limited to:

(a) The performance, reliability, ease of implementation and potential impacts of appropriate potential remedies, including safety impacts, CROSS-MEDIA impacts and the control of exposure to any residual contamination;

(b) The time required to begin and complete the remedy;

(c) The costs of carrying out the remedy; and

(d) Any state or local statutory or regulatory requirements or other environmental or public health and safety requirements which may substantially affect the implementation of the remedy.

(4) The SOLID WASTE MANAGEMENT AUTHORITY shall issue a public notice and accept public comment for 30 days before the selection of a remedy. If requested during the period of public comment, a public hearing must be held to discuss the assessment of corrective measures.

(N) Selection and approval of remedy by SOLID WASTE MANAGEMENT AUTHORITY. **(**NAC 444.7494**)**

(1) Based on the results of the assessment of corrective measures conducted pursuant to NAC 444.7493 and the public comments received, if any, the SOLID WASTE MANAGEMENT AUTHORITY may approve a remedy which:

(a) Is protective of public health and safety and the environment;

(b) Complies with the standard for the protection of GROUNDWATER established pursuant to NAC 444.7492;

(c) Controls the sources of releases so as to reduce or eliminate, to the maximum extent practicable, further releases of constituents listed in Appendix II which may pose a threat to the public health and safety or the environment; and

(d) Complies with standards for the management of wastes as specified in subsection 3 of NAC 444.7498.

(2) In selecting a remedy, the SOLID WASTE MANAGEMENT AUTHORITY shall consider:

(a) The long-term and short-term effectiveness and protectiveness of a potential remedy, and the degree of certainty that the remedy will prove successful, based on the:

(i) Magnitude of reducing existing risks;

(ii) Magnitude of residual risks and the likelihood of further releases caused by waste remaining after the implementation of a potential remedy;

(iii) Type and degree of long-term management required, including monitoring, operation and maintenance;

(iv) Short-term risks which might be posed to the community, workers or the environment during implementation of a potential remedy,

including potential threats to public health and safety and the environment associated with the excavation, transportation, and redisposal or containment of the constituent;

(v) Time until full protection is achieved;

(vi) Potential for exposure of persons and environmental conditions to remaining wastes, considering the potential threat to public health and safety and the environment associated with the excavation, transportation, redisposal or containment;

(vii) Long-term reliability of the engineering and institutional controls; and

(viii) Potential need for the replacement of the remedy.

(b) The effectiveness of the remedy in controlling the source to reduce further releases based on the extent to which:

(i) Practices for containment will reduce further releases; and

(ii) Technologies for treatment may be used.

(c) The ease or difficulty of carrying out a potential remedy based on the consideration of the following factors:

(i) The degree of difficulty associated with constructing the technology;

(ii) The expected operational reliability of the technologies;

(iii) The need to coordinate with and obtain necessary approvals and permits from other agencies;

(iv) The availability of necessary equipment and specialists; and

(v) The available capacity and location of needed treatment, storage and disposal services.

(d) The practicable capability of the OWNER or OPERATOR to carry out the remedy, including a consideration of his or her technical and economic capability.

(e) The degree to which concerns of the community are addressed by the potential remedy.

(O) Schedule for initiation and completion of remedial activities. **(**NAC 444.7495**)**

(1) An OWNER or OPERATOR shall submit to the SOLID WASTE MANAGEMENT AUTHORITY a schedule for initiating and completing remedial activities. The schedule must require the initiation of remedial activities within a reasonable period and must be approved by the SOLID WASTE MANAGEMENT AUTHORITY. In proposing the schedule, the OWNER or OPERATOR shall consider:

(a) The extent and nature of contamination;

(b) The practical capabilities of remedial technologies in achieving compliance with standards for the protection of GROUNDWATER established pursuant to NAC 444.7492 and other objectives of the remedy;

(c) The availability of systems for the treatment or disposal of wastes managed during the implementation of the remedy;

(d) The desirability of utilizing technologies which are experimental or not widely available, but which may offer significant advantages over readily available technologies in terms of effectiveness, reliability, safety or ability to achieve remedial objectives;

(e) The potential risks to public health and safety and the environment from exposure to contamination before the completion of the remedy;

(f) The resource value of the AQUIFER, including:

(i) The current and future uses;

(ii) The proximity and rate of withdrawal of users;

(iii) The quantity and quality of GROUNDWATER;
(iv) The potential damage to wildlife, crops, vegetation and physical structures caused by exposure to a constituent;
(v) The hydrogeologic characteristics of the DISPOSAL SITE and surrounding land;
(vi) The cost of removing and treating GROUNDWATER; and
(vii) The cost and availability of alternative water supplies;
(g) The practicable capability of the OWNER or OPERATOR to carry out the remedial activities; and
(h) Any other relevant factors.

(P) EXEMPTIONS from requirement of remediation. **(**NAC 444.7496**)**
(1) The SOLID WASTE MANAGEMENT AUTHORITY may jointly determine that remediation of a release of a constituent listed in 40 CFR Part 258 Appendix II from a MUNICIPAL SOLID WASTE LANDFILL unit is not necessary if the OWNER or OPERATOR demonstrates to the SOLID WASTE MANAGEMENT AUTHORITY and the Administrator that:
(a) The GROUNDWATER is additionally contaminated by substances that have originated from a source other than a MUNICIPAL SOLID WASTE LANDFILL unit and those substances are present in such concentrations that the clean up of the release from the MUNICIPAL SOLID WASTE LANDFILL unit would provide no significant reduction in risk to persons or environmental conditions that are or may be affected by the release;
(b) The constituents are present in GROUNDWATER which:
(i) Is not currently or reasonably expected to be a source of drinking water; and
(ii) Is not hydraulically connected with waters to which the constituents are migrating or are likely to migrate in concentrations which would exceed the standards for the protection of GROUNDWATER established pursuant to NAC 444.7492;
(c) Remediation of the releases is technically impracticable; or
(d) Remediation would result in unacceptable CROSS-MEDIA impacts.

(Q) Program for monitoring corrective action; performance of remedial activities; interim measures to protect public. **(**NAC 444.7497**)**
(1) Based on the schedule established pursuant to NAC 444.7495 for the initiation and completion of remedial activities, the OWNER or OPERATOR shall:
(a) Establish and carry out a program for monitoring the corrective action for the GROUNDWATER which:
(i) At a minimum, meets the requirements for monitoring set forth in NAC 444.749 and 444.7491;
(ii) Indicates the effectiveness of the remedy; and
(iii) Demonstrates compliance with the standard for the protection of GROUNDWATER in accordance with paragraph (b) of subsection 1 of NAC 444.7499;
(b) Carry out the remedy selected pursuant to NAC 444.7494, 444.7495 and 444.7496; and
(c) Take any interim measures necessary to ensure the protection of public health and safety and the environment. Interim measures must, to the greatest extent practicable, be consistent with the objectives, and contribute to the performance, of any remedy which may be required pursuant to NAC 444.7494,

444.7495 and 444.7496. In determining whether interim measures are necessary, the OWNER or OPERATOR shall consider:

(i) The time required to develop and carry out a final remedy;

(ii) The actual or potential exposure of nearby populations or environmental conditions to hazardous constituents;

(iii) The actual or potential contamination of supplies for drinking water or sensitive ecosystems;

(iv) The further degradation of the GROUNDWATER which may occur if remedial action is not initiated expeditiously;

(v) Weather conditions which may cause hazardous constituents to migrate or be released;

(vi) The risk of fire or explosion, or the potential for exposure to hazardous constituents as a result of an accident or failure of a container or handling system; and

(vii) Any other situations which may pose threats to public health and safety and the environment.

(R) Ineffectiveness of selected remedy; impracticability of currently available methods of remediation. **(**NAC 444.7498**)**

(1) The SOLID WASTE MANAGEMENT AUTHORITY may determine, based on information developed after the initiation of a remedy or any other information, that compliance with the requirements of NAC 444.7494 is not being achieved by the remedy selected. If the SOLID WASTE MANAGEMENT AUTHORITY makes such a determination, the OWNER or OPERATOR shall carry out any other method or technique which could practicably comply with the requirements, unless the SOLID WASTE MANAGEMENT AUTHORITY determines pursuant to subsection (2) that compliance cannot be practicably achieved.

(2) If the SOLID WASTE MANAGEMENT AUTHORITY determine that compliance with the requirements of NAC 444.7494 cannot be practically achieved with any currently available methods, the OWNER or OPERATOR shall:

(a) Obtain certification from a QUALIFIED GROUNDWATER SCIENTIST and the approval of the SOLID WASTE MANAGEMENT AUTHORITY and Administrator that compliance with NAC 444.7494 cannot be practically achieved with any currently available methods;

(b) Carry out alternative measures to control exposure of PERSONS or the environment to residual contamination, as necessary to protect public health and safety and the environment;

(c) Carry out alternate measures for the control of the sources of contamination, or for the removal or decontamination of equipment, units, devices or structures which are:

(i) Technically practicable; and

(ii) Consistent with the overall objective of the remedy; and

(d) Obtain the approval of the SOLID WASTE MANAGEMENT AUTHORITY for the alternative measures before carrying out those measures.

(3) All SOLID WASTES managed pursuant to a remedy required by NAC 444.7494, 444.7495 and 444.7496 or an interim measure required by NAC 444.7497 must be managed in a manner which:

(a) Is protective of public health and safety and the environment; and

(b) Complies with all applicable requirements set forth in the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6901 *et seq*., as that act existed on November 8, 1993.

(S) Remedy deemed complete; certification of completion. **(**NAC 444.7499**)**

(1) A remedy selected pursuant to NAC 444.7494, 444.7495 and 444.7496 shall be deemed to be complete when each of the following occurs:

(a) The OWNER or OPERATOR complies with the standards for the protection of GROUNDWATER established pursuant to NAC 444.7492 at all points within the plume of contamination which lie beyond the system of wells for monitoring the GROUNDWATER established pursuant to NAC 444.7483.

(b) The OWNER or OPERATOR demonstrates that concentrations of constituents listed in 40 CFR Part 258 Appendix II have not exceeded the standards for the protection of GROUNDWATER for a period of 3 consecutive years using the statistical procedures and performance standards set forth in NAC 444.7485. The SOLID WASTE MANAGEMENT AUTHORITY may specify an alternative length of time during which the OWNER or OPERATOR may demonstrate that concentrations of constituents listed in 40 CFR Part 258 Appendix II have not exceeded the standards for the protection of GROUNDWATER, taking into consideration the:

(i) Extent and concentration of the release;

(ii) Behavioral characteristics of the constituents in the GROUNDWATER;

(iii) Accuracy of monitoring or modeling techniques, including any seasonal, meteorological or other environmental variables which may affect the accuracy of those techniques; and

(iv) Characteristics of the GROUNDWATER.

(c) All actions required to complete the remedy have been taken.

(2) Within 14 days after the completion of the remedy, the OWNER or OPERATOR shall notify the SOLID WASTE MANAGEMENT AUTHORITY that a certification that the remedy has been completed in compliance with the requirements of subsection (1) has been placed in the operating records of the DISPOSAL SITE. The certification must be signed by the OWNER or OPERATOR and a QUALIFIED GROUNDWATER SCIENTIST and approved by the SOLID WASTE MANAGEMENT AUTHORITY.

(3) When, upon completion of the certification, the SOLID WASTE MANAGEMENT AUTHORITY determines that the remedy for corrective action has been completed in accordance with the requirements of subsection (1), the OWNER or OPERATOR is no longer required to comply with the requirements for financial assurance for corrective action pursuant to NAC 444.6852.

3-1.27 LANDFILL Gas

(A) Operating criteria: Control of EXPLOSIVE GAS. **(**NAC 444.667**)**

(1) An OWNER or OPERATOR shall provide for the control of EXPLOSIVE GAS at the MUNICIPAL SOLID WASTE LANDFILL unit in accordance with the provisions of this section.

(2) The OWNER or OPERATOR shall ensure that:

(a) The concentration of methane gas generated at the unit does not exceed 25 percent of the lower explosive limit for methane in structures, excluding components for any system to control or recover the gas; and

(b) The concentration of methane gas does not exceed the lower explosive limit for methane at the boundary of the unit.

(3) The OWNER or OPERATOR shall carry out a routine program for monitoring methane gas to ensure that the standards set forth in subsection (2) are met. Except as otherwise provided in subsection (4), the level of methane must be monitored at least quarterly each year. The type and frequency of monitoring must be determined based on the:
   (a) Conditions of the soil;
   (b) Hydrogeologic conditions surrounding the unit;
   (c) Hydraulic conditions surrounding the unit; and
   (d) Location of the structures and boundaries of the unit.

(4) The SOLID WASTE MANAGEMENT AUTHORITY may, after public review and comment, allow the OWNER or OPERATOR of a CLASS II SITE to monitor the level of methane gas less frequently than one time each quarter. In deciding whether to allow such a deviation, the SOLID WASTE MANAGEMENT AUTHORITY shall consider:
   (a) The unique characteristics of small communities;
   (b) Climatic and hydrogeologic conditions; and
   (c) Whether allowing the deviation would have an adverse effect on human health or the environment.

(5) If the OWNER or OPERATOR detects levels of methane gas exceeding the limits specified in paragraph (a) of subsection (2), he or she shall:
   (a) Immediately take all necessary actions to ensure protection of public health and safety and notify the SOLID WASTE MANAGEMENT AUTHORITY;
   (b) Except as otherwise provided in subsection (6), within seven (7) days after detection, place in the operating records for the unit the levels of methane gas detected and a description of the actions taken to protect public health and safety; and
   (c) Except as otherwise provided in subsection 6, within sixty (60) days after detection, carry out a plan for remediation for the releases of methane gas, place a copy of the plan in the operating records and notify the SOLID WASTE MANAGEMENT AUTHORITY that the plan has been carried out. The plan must describe the nature and extent of the problem and the proposed remedy.

(6) The SOLID WASTE MANAGEMENT AUTHORITY may establish alternative schedules for demonstrating compliance with paragraphs (b) and (c) of subsection (5).

(7) As used in this section, "lower explosive limit" means the lowest percent by volume of a mixture of EXPLOSIVE GASES in air that will propagate a flame at 25°C and at atmospheric pressure.

3-2 CLASS II LANDFILLS

3-2.01 Minimum requirements; operating records; contamination of GROUNDWATER. (NAC 444.704)

(A) All CLASS II SITES must comply with the minimum requirements set forth in this and all following sections. A CLASS II SITE which fails to satisfy the minimum requirements shall be deemed to be an OPEN DUMP for the purpose of the disposal of SOLID WASTE and is prohibited.

(B) The OWNER or OPERATOR of a new or existing MUNICIPAL SOLID WASTE LANDFILL unit or a LATERAL EXPANSION which meets the criteria for a CLASS II SITE pursuant to the definition of a "CLASS II SITE" NAC 444.571 shall place in the operating records of the unit such information as necessary to demonstrate how the unit or LATERAL EXPANSION meets the criteria.

(C) An OWNER or OPERATOR of a new or existing MUNICIPAL SOLID WASTE LANDFILL unit or a LATERAL EXPANSION which meets the criteria for a CLASS II SITE who has knowledge that the unit or LATERAL EXPANSION has contaminated the GROUNDWATER shall:

(1) Notify the SOLID WASTE MANAGEMENT AUTHORITY of the contamination; and

(2) Comply with the requirements for a CLASS I SITE set forth in NAC 444.645 Chapter 3, 3-1.01 – 3-1.27, 444.6665 Chapter 2 Section 2-5.01 subsection (F), Operations for detecting and preventing disposal of HAZARDOUS WASTE and PCB waste to 444.6678 Chapter 2 Section 2-5.01 subsection (K), Operations VECTOR control, inclusive, 444.6765 Chapter 2 Section 2-6.01 subsections (A)-(K), Closure to 444.7025 Chapter 2 Section 2-5.03, Operating Records, inclusive, and 444.7481 Chapter Suspension and continuation of monitoring requirements to 444.7499 Chapter 3, Section 3-1.25 subsections (M) – (S) Remedy deemed complete; certification of completion, inclusive.

3-2.02 Provisions for employees; compliance with certain provisions; deviations (NAC 444.7045)

(A) The OWNER or OPERATOR of a CLASS II SITE shall provide suitable shelter, drinking water and sanitary facilities for the employees who work at the CLASS II SITE.

(B) Except as otherwise provided in subsection (3), the OWNER or OPERATOR of a CLASS II SITE shall comply with:

(1) Closure of the MUNICIPAL SOLID WASTE LANDFILL units as in CLASS I LANDFILL standards Section 3-1.13;

(2) Post closure maintenance of MUNICIPAL SOLID WASTE LANDFILL units as in CLASS I LANDFILL standards Section 3-1.15;

(3) Financial Assurance as in Section 2-7;

(4) If the CLASS II SITE contains at least one MUNICIPAL SOLID WASTE LANDFILL unit:

(a) Operations as in CLASS I LANDFILL standards Section 3-1.12;

(b) Prohibited discharge of POLLUTANTS or CONTAMINANTS into surface water and RUN-ON/RUN-OFF control as in Section 2-4;

(c) Access roads as in CLASS I LANDFILL standards Section 3-1.22;

(d) Operating records required as in Section 2-5.03 and Section 3-1.25.

(5) Closure of existing MUNICIPAL SOLID WASTE LANDFILL unit for failure to prove compliance with certain provisions as in Section 3-1.13;

(6) Location restrictions as in Section 3-1.03 through Section 3-1.09;

(7) Requirements for design and construction of system of FINAL COVER Section 3-1.16.

(C) The SOLID WASTE MANAGEMENT AUTHORITY may, after public review and comment, allow the OWNER or OPERATOR to deviate from the provisions concerning the infiltration barrier set forth in Section 3-1.12. In deciding whether to allow the deviation, the SOLID WASTE MANAGEMENT AUTHORITY shall consider:

(1) The unique characteristics of small communities;

(2) Climatic and hydrogeologic conditions; and

(3) Whether allowing the deviation would have an adverse effect on human health or the environment.

3-2.03 Application for PERMIT to operate CLASS II SITE or LATERAL EXPANSION thereof (NAC 444.705)

(A) An application for a PERMIT to operate a CLASS II SITE or a LATERAL EXPANSION of a CLASS II SITE must be submitted to the SOLID WASTE MANAGEMENT AUTHORITY and must include items as listed in Section 3-1.02.

3-2.04 Location requirements (NAC 444.706)

(A) The location of a CLASS II SITE must:

(1) Not be within one-half mile of the nearest inhabited dwelling or place of public gathering or within one thousand (1,000) feet of a public highway, unless special

provisions for the beautification of the site and the control of litter and VECTORS are included in the design and approved by the SOLID WASTE MANAGEMENT AUTHORITY.

(2) Meet with the approval of the SOLID WASTE MANAGEMENT AUTHORITY.

3-2.05 Report for design (NAC 444.708)

(A) The report for the design of a CLASS II SITE must include a design that:

(1) Is intended to protect the WATERS OF THE STATE from degradation by POLLUTANTS or CONTAMINANTS; and

(2) Complies with the requirements set forth in subsections 1 to 7, inclusive, of NAC 444.680.

3-2.06 Required installation of certain systems (NAC 444.711)

(A) The SOLID WASTE MANAGEMENT AUTHORITY may require the OWNER or OPERATOR of a CLASS II SITE to install:

(1) A system for monitoring GROUNDWATER which complies with the provision of NAC 444.7483 GROUNDWATER Monitoring and Corrective Action; or

(2) A system for monitoring moisture in the unsaturated zone, if the SOLID WASTE MANAGEMENT AUTHORITY determines that the system is necessary to protect the WATERS OF THE STATE from degradation by POLLUTANTS or CONTAMINANTS.

3-2.07 Plan for operating (NAC 444.712)

(A) The plan for operating a CLASS II SITE must:

(1) Comply with CLASS I LANDFILLS Chapter 3-1.12 (NAC 444.684); and

(2) Demonstrate how the site will comply with NAC 444.6665 to 444.6678, inclusive, and 444.714 to 444.728, inclusive.

3-2.08 Operation and maintenance (NAC 444.714)

(A) The operation and maintenance of a CLASS II SITE must be in accordance with NAC 444.686 Section 3-1.12.

3-2.09 Cover of SOLID WASTES (NAC 444.716)

(A) Except as otherwise provided in Section 3-1.12, SOLID WASTES at a CLASS II SITE must be covered in accordance with NAC 444.688.

(B) The SOLID WASTE MANAGEMENT AUTHORITY may, after public review and comment, allow the OWNER or OPERATOR of a CLASS II SITE to cover SOLID WASTE less frequently than set forth in NAC 444.688. In deciding whether to allow the deviation, the SOLID WASTE MANAGEMENT AUTHORITY shall consider:

(1) The unique characteristics of small communities;

(2) Climatic and hydrogeologic conditions; and

(3) Whether allowing the deviation would have an adverse effect on human health or the environment.

3-2.10 FINAL COVER and closure for certain sites; deviations (NAC 444.7175)

(A) The OWNER or OPERATOR of a CLASS II SITE that stops receiving waste before October 9, 1997, shall:

(1) Except as otherwise provided in subsection (B), comply with the requirements for a FINAL COVER set forth in NAC 444.6891; and

(2) Complete activities for the closure of each MUNICIPAL SOLID WASTE LANDFILL unit at the site within 180 days after the last receipt of waste.

(B) The SOLID WASTE MANAGEMENT AUTHORITY may, after public review and comment, allow the OWNER or OPERATOR to deviate from the provisions concerning the infiltration barrier set forth in NAC 444.6891. In deciding whether to allow the deviation, the SOLID WASTE MANAGEMENT AUTHORITY shall consider:

(1) The unique characteristics of small communities;

(2) Climatic and hydrogeologic conditions; and

(3) Whether allowing the deviation would have an adverse effect on Human health or the environment.

3-2.11 Disposal of SPECIAL WASTES (NAC 444.720)

(A) Sewage solids or liquids and other SPECIAL WASTES must not be disposed of in a CLASS II SITE except when special permission has been given by the SOLID WASTE MANAGEMENT AUTHORITY.

3-2.12 PUTRESCIBLE WASTES; VECTOR control (NAC 444.722)

(A) Follow standards in CLASS I LANDFILL Section 3-1.20.

3-2.13 Control of erosion and dust (NAC 444.724)

(A) Suitable grasses must be planted, as required, in completed areas of the LANDFILL to prevent erosion, surface deterioration and fugitive dust.

3-2.14 Access; Roads (NAC 444.726)

(A) Follow standards in CLASS I LANDFILL Section 3-1.22.

3-2.15 Miscellaneous requirements for operation; semiannual reports; topographic or other volumetric surveys and reports (NAC 444.728)

(A) Follow standards in CLASS I LANDFILL Section 3-1.24.

3-3 CLASS III LANDFILLS

3-3.01 Minimum standards; reduction or WAIVER of requirements (NAC 444.731)

(A) Except as otherwise provided in subsections (B) and (C), each CLASS III SITE must comply with the standards for location, design, construction, operation and maintenance set forth in NAC 444.733 to 444.747, inclusive.

(B) A SOLID WASTE MANAGEMENT AUTHORITY may adopt less restrictive standards for a CLASS III SITE which receives waste material which is INERT or unlikely to create an environmental hazard or threaten the health of the general public.

(C) A SOLID WASTE MANAGEMENT AUTHORITY may waive the requirements for a CLASS III SITE if the OWNER or OPERATOR of that site demonstrates that:

(1) All waste which is placed in the LANDFILL is incidental to his or her industrial operation;

(2) The LANDFILL is located on property controlled by the OPERATOR of the industrial operation; and

(3) The LANDFILL will not receive any HAZARDOUS WASTES and is unlikely to produce POLLUTANTS or CONTAMINANTS that may degrade WATERS OF THE STATE.

(D) An OWNER or OPERATOR who applies for a WAIVER must submit a plan to the SOLID WASTE MANAGEMENT AUTHORITY for approval. The plan must include:

(1) A description of the type and estimated amount of material which will be placed in the LANDFILL; and

(2) A program for the maintenance of the site.

3-3.02 Application for PERMIT to operate CLASS III SITE or LATERAL EXPANSION thereof (NAC 444.733)

(A) An application for a PERMIT to operate a CLASS III SITE or a LATERAL EXPANSION of a CLASS III SITE must be submitted to the SOLID WASTE MANAGEMENT AUTHORITY. Unless otherwise determined by the SOLID WASTE MANAGEMENT AUTHORITY, the application must include:

(1) The plan to characterize SOLID WASTE required by NAC 444.737; and

(2) All include items as listed in CLASS I LANDFILLS Section 3-1.02.

3-3.03 Plan to characterize SOLID WASTE (NAC 444.737)

(A) A plan to characterize SOLID WASTE for a CLASS III SITE must be sufficient to:

(1) Determine that the waste is not a HAZARDOUS WASTE;

(2) Identify physical and chemical characteristics of the waste which may create an environmental hazard or threaten the health of the general public; and

(3) Provide for the periodic characterization of the waste stream as needed.

3-3.04 Location (NAC 444.735)

(A) The location of a CLASS III SITE must:

(1) Be easily accessible in all kinds of weather to all vehicles expected to use it.

(2) Safeguard against water pollution originating from the decomposed SOLID WASTE at the site.

(3) Safeguard against uncontrolled movement or collection of gas originating from the decomposed waste at the site.

(4) Have an adequate quantity of COVER MATERIAL that is workable, compactable and does not contain organic material of a quantity and distribution conducive to the harboring and breeding of DISEASE VECTORS.

(5) Conform to the land use planning of the area.

(6) Not be within one-fourth mile of the nearest inhabited domestic dwelling or place of public gathering or be within one thousand (1,000) feet of a public highway, unless special provisions for the beautification of the site and the control of litter VECTORS are included in the design and approved by the SOLID WASTE MANAGEMENT AUTHORITY.

(7) Not be within one thousand (1,000) feet of any surface water or be within one hundred (100) feet of the UPPERMOST AQUIFER, unless approved by the SOLID WASTE MANAGEMENT AUTHORITY.

(8) Be approved by the SOLID WASTE MANAGEMENT AUTHORITY.

3-3.05 Report for design (NAC 444.739)

(A) A report for the design of a CLASS III SITE must:

(1) Be signed by a professional engineer registered in this State.

(2) Include a general location map showing land use and zoning within one (1) mile of the DISPOSAL SITE.

(3) Include a topographic map of the area which must:

(a) Be at a scale of not more than two hundred (200) feet to the inch, including contour intervals of not more than five (5) feet;

(b) Indicate the proposed fill areas;

(c) Indicate any proposed borrow areas;

(d) Indicate access roads;

(e) Indicate a typical cross section of a LIFT;

(f) Indicate grades for proper drainage of each LIFT;

(g) Indicate the placement of special devices for drainage and controlling gas, if required;

(h) Indicate fencing, equipment for shelter, facilities for employees and all other relevant data to indicate clearly that the LANDFILL will be developed, operated and completed in an orderly manner.

(4) Define anticipated types, quantities and sources of SOLID WASTES to be disposed of at the site.

(5) Demonstrate the design is sufficient to protect the WATERS OF THE STATE from degradation by POLLUTANTS or CONTAMINANTS. The demonstration must consider, without limitation:
  (a) The hydrogeologic characteristics of the site and surrounding area;
  (b) The climatic factors of the area; and
  (c) The volume and physical and chemical characteristics of predicted LEACHATE generation.
(6) Provide proof of compliance with the provisions relating to the RUN-OFF and control of surface water set forth in NAC 444.6885 and 444.6887.
(7) Define the source, type and quantity of COVER MATERIAL for the site.

3-3.06 Plan for monitoring water; suspension of monitoring requirements (NAC 444.741)

(A) A plan for monitoring water for a CLASS III SITE must provide for a system capable of monitoring the performance of the design of the site, including the monitoring of the unsaturated zone or GROUNDWATER depending on local conditions.

(B) The plan must:
(1) Identify the location and construction of monitoring points to be used to detect the migration of POLLUTANTS or CONTAMINANTS from the site to the WATERS OF THE STATE;
(2) Specify monitoring parameters and the frequency of monitoring those parameters;
(3) Specify procedures to ensure quality for all field and laboratory work;
(4) Provide for the semiannual submittal of monitoring data to the SOLID WASTE MANAGEMENT AUTHORITY;
(5) Define procedures which will be followed if monitoring provides evidence of potential design failure; and
(6) Comply with the provisions of NAC 444.7481 to 444.7499, inclusive, if the plan includes the monitoring of GROUNDWATER.

(C) The SOLID WASTE MANAGEMENT AUTHORITY may suspend monitoring requirements if the OWNER or OPERATOR of a CLASS III SITE demonstrates that there is no reasonable potential for migration of POLLUTANTS or CONTAMINANTS from the site to WATERS OF THE STATE.

3-3.07 FINAL COVER or closure; POSTCLOSURE (NAC 444.743)

(A) A CLASS III SITE must comply with requirements set forth in NAC 444.6891 to 444.6894, inclusive, concerning closure and POSTCLOSURE.

3-3.08 Control of erosion and dust (NAC 444.745)

(A) Suitable grasses must be planted at a CLASS III SITE, if required, in completed areas of the LANDFILL to prevent erosion, surface deterioration and fugitive dust;

(B) The OPERATOR of the site shall ensure that an adequate amount of water is available at all times for the control of dust and the compaction of COVER MATERIAL.

3-3.09 Miscellaneous requirements; reports; records; notification (NAC 444.747)

(A) SCAVENGING at a CLASS III SITE is prohibited;

(B) The area of a CLASS III SITE must be inspected daily and all scattered paper and other lightweight debris returned to the fill area and covered;

(C) The OPERATOR of a CLASS III SITE shall:
(1) Establish provisions concerning weighing or otherwise adequately measuring and recording all SOLID WASTE received at the site; and
(2) Submit annually to the DIVISION a report of the SOLID WASTE received at the site. The report must be submitted on a form provided by the DIVISION within 30 days following the end of each calendar year.

(D) The operation of a CLASS III SITE must be approved by the SOLID WASTE MANAGEMENT AUTHORITY;

(E) The OWNER or OPERATOR of a CLASS III SITE shall record and retain in its operating records at its site or at another location approved by the SOLID WASTE MANAGEMENT AUTHORITY:

(1) Any documentation of cost estimates and financial assurance required pursuant to NAC 444.685;

(2) Plans for closure and POSTCLOSURE care and any monitoring, testing or analytical data required pursuant to NAC 444.6891 to 444.6896, inclusive;

(3) How the site conforms to the restrictions on location set forth in NAC 444.735;

(4) Any plan to characterize SOLID WASTE required pursuant to NAC 444.737; and

(5) Any demonstration, certification, finding, monitoring, testing or analytical data from the program for monitoring GROUNDWATER required pursuant to NAC 444.7481 to 444.7499, inclusive.

(F) The OWNER or OPERATOR shall promptly notify the SOLID WASTE MANAGEMENT AUTHORITY after the OWNER or OPERATOR has placed the information in the operating record of its facility pursuant to Section 2-5.03. The information must be furnished upon request to the SOLID WASTE MANAGEMENT AUTHORITY or be made available for inspection by the SOLID WASTE MANAGEMENT AUTHORITY at any reasonable time.

(G) Notwithstanding any other provision of this chapter, the SOLID WASTE MANAGEMENT AUTHORITY may establish alternative schedules for CLASS III SITES for any recordkeeping and notification required pursuant to NAC 444.570 to 444.7499, inclusive, except that the authority will not establish an alternative schedule for the notification required pursuant to subsection 3 of NAC 444.7491.

3-4 COMPOST PLANT

3-4.01 Additional requirements (NAC 444.670)

(A) Must comply with Chapter 2 Standards for SOLID WASTE MANAGEMENT FACILITIES;

(B) In Addition COMPOST PLANTS must include the following:

(1) Proposed product specifications

(2) A program for monitoring the parameters of the process, including moisture content and temperature;

(3) Provisions for proper disposal of by-products.

(C) Any PERSON or MUNICIPALITY which maintains or operates a COMPOST PLANT shall maintain and operate the site in conformance with the following standards:

(1) If the COMPOST PLANT accepts putrescible SOLID WASTE and if not fully contained within a building, a buffer zone must be maintained at least five hundred (500) feet from the adjoining property and one thousand (1,000) feet from any public roads.

(2) Incoming SOLID WASTE must be confined to as small an area as practicable.

(3) Materials resulting from COMPOSTING and offered for sale:

(a) Must meet the requirements relating to the maximum allowable density of fecal coliform or Salmonella sp. Bacteria for Class A sewage SLUDGE set forth in 40 CFR §503.32(a);

(b) Must not reheat upon standing;

(c) Must be innocuous;

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

(4) By-products removed during the PROCESSING must be handled in a sanitary and NUISANCE-free manner and disposed of at a facility approved by the HEALTH AUTHORITY.

3-5 Materials Recovery Facilities

3-5.01 Additional Requirements (NAC 444.7474)

(A) Must comply with Chapter 2 Standards for SOLID WASTE MANAGEMENT FACILITIES;

(B) Additional Standards for Design:

(1) Areas that will receive, store or process PUTRESCIBLE WASTE must be enclosed by a structure with at least three sides, have a concrete or asphalt paved floor and contain drainage controls that prevent RUN-ON, RUN-OFF and the accumulations of standing water.

(2) Areas that will receive, store or process non-PUTRESCIBLE WASTE must have a concrete or asphalt paved floor and contain drainage controls that prevent RUN-ON, RUN-OFF and the accumulations of standing water.

(C) Additional Operating Standards:

(1) Unless the OWNER or OPERATOR is unable to do so because of an EMERGENCY, putrescible SOLID WASTE or SOLID WASTE that is mixed with putrescible SOLID WASTE must be removed from a MATERIALS RECOVERY FACILITY within seventy-two (72) hours after acceptance by the facility.

(2) Non-putrescible SOLID WASTE may not be stored at a MATERIALS RECOVERY FACILITY for more than one (1) week.

(3) Recovered materials may not be stored at the facility for more than one (1) year. Any materials stored longer than one (1) year must be considered waste and properly disposed of at a DISPOSAL SITE that has been issued a PERMIT by the SOLID WASTE MANAGEMENT AUTHORITY as necessary.

(4) SOLID WASTE and/or recovered materials may not be stored in piles which are more than fifteen (15) feet in height or have an area at the base which is more than five thousand (5,000) square feet.

(5) A distance of at least twelve (12) feet must be maintained between adjacent piles of material and at least ten (10) feet between any pile of materials and the boundary of the facility.

3-6 MEDICAL WASTE Management Facilities

3-6.01 Additional requirements (NAC 444.6405)

(A) EXEMPTIONS:

(1) MEDICAL WASTE GENERATORS that temporarily accumulate their own MEDICAL WASTE for onsite treatment or offsite shipment to a commercial treatment, storage or disposal facility.

For purposes of this section "temporarily accumulate" means the GENERATOR may:

(a) Store putrescible MEDICAL WASTE onsite for up to thirty (30) days without refrigeration if the waste is packaged consistent with United States Department of Transportation (US DOT) requirements for infectious substances (49 CFR §§173.196 or 173.197) prior to being placed in the accumulation area;

(b) Store putrescible MEDICAL WASTE onsite for up to ninety (90) days if the waste is packaged consistent with US DOT requirements for infectious substances (49 CFR §§173.196 or 173.197) and placed in refrigeration (forty-five (45) degrees Fahrenheit or less) or frozen; and/or

(c) Store non-putrescible MEDICAL WASTES, such as SHARPS CONTAINERS, waste pharmaceuticals and trace chemotherapy waste, onsite for up to ninety (90) days if the waste is packaged in containers that are taken out of service, are in good condition and secured to prevent unauthorized access.

(2) MEDICAL WASTE GENERATORS that operate equipment for treatment of MEDICAL WASTES generated onsite or that is generated through the normal operation of their business at

other locations operated by the same business and self-transported by private motor carrier from their other location for consolidation and/or treatment.

(3) Those entities that conduct MEDICAL WASTE consolidation and storage activities as a community service limited only to households, such as a household MEDICAL WASTE collection program, a SHARPS collection program or a pharmaceutical take-back program. Such entities must ensure consolidated wastes are sent to an approved MEDICAL WASTE TREATMENT or disposal facility.

(4) Those facilities for HAZARDOUS WASTE disposal that are regulated under a Division or USEPA permit.

(5) Facility must have a MEDICAL WASTE MANAGEMENT PLAN.

(B) Must comply with Chapter 2 Standards for SOLID WASTE MANAGEMENT FACILITIES; Additionally must include:

(1) Technology validation process – A detailed description of the technology validation process steps and the waste treatment process, including capacity of the unit, composition and volume of waste the technology is designed to treat and the composition and volume of waste representing the worst case scenario for the technology. For infectious waste treatment processes, this shall also include a description of the time intervals and locations for biological indicator samples that were placed in the load and the procedures for testing the biological indicator samples to determine final concentrations after treatment. This information should be provided by the manufacturer;

(2) Technology verification process – a detailed description of the verification testing procedures to be used on a routine basis by the waste treater to verify for the SOLID WASTE MANAGEMENT AUTHORITY that the technology remains effective onsite under actual operating conditions;

(a) Onsite verification testing must be completed on representative test loads before production startup of a newly installed treatment system at the waste treaters facility. The waste treater must maintain documentation of the onsite verification testing and monitoring results for each test load, including any deviations from the critical limits and corrective actions taken;

(b) For infectious waste treatment processes, verification procedures shall use biological monitoring. Parametric monitoring may be allowed if the technology manufacturer has successfully demonstrated to the SOLID WASTE MANAGEMENT AUTHORITY that appropriate critical limits are met to achieve adequate biological inactivation and that the parameters to be monitored are directly correlated to biological inactivation;

(c) A description of the treatment technology including manufacturer's name and equipment model number or description, standard operating procedures which have been proven to be effective and the description of preventative maintenance procedures. For infectious waste treatment processes, a description of the required residence time for waste in the treatment zone and a description of the type and frequency of biologic and/or parametric verification monitoring, including calibration of parametric controls, should be included;

(d) The waste treater must provide a detailed written operations and maintenance plan that includes the technology manufacturer's specifications and instructions;

(e) The waste treater must follow the written operations and maintenance procedures provided by the technology manufacturer and maintain documentation of onsite treatment and monitoring results for each waste load, including any deviations from the critical limits and corrective actions taken in the event of a deviation.

(3) A description of annual OPERATOR training requirements including loading and unloading of the treatment system to minimize occupational exposure and physical injury, EMERGENCY procedures for handling malfunctioning systems and documentation requirements for system failure during operation;

(4) A description of control systems including air flow, waste moving/mixing systems, procedures to be used for facility startup and scheduled and/or unscheduled shutdown, warning systems and waste feed cutoff, if applicable;

(5) Exterior doors, gates or lids to lids to MEDICAL WASTE storage areas shall be marked with the biohazard symbol, if applicable, and the words "Caution – MEDICAL WASTE Storage Area – Unauthorized Persons Keep out" or similar language;

(6) MEDICAL WASTE shall be stored in a manner and location that maintains the integrity of the packaging and provides protection from water, precipitation and wind. Storage units shall be constructed of easily cleanable materials that are impervious to liquids and resistant to corrosion from disinfectants, have adequate drainage and are free of standing water;

(7) MEDICAL WASTE shall be stored no more than fourteen (14) days from the date of receipt at a storage facility before being transported to an approved treatment or disposal facility.

(C) Additional Standards for Design:

(1) Must be prohibited from accepting controlled substances as defined by the Controlled Substances Act (21 U.S.C. § 802(6)), unless the facility is also a US Drug Enforcement Agency registrant and is authorized to accept and manage these substances. Controlled substances from household MEDICAL WASTE GENERATORS are exempt from this requirement.

3-7 RECYCLING CENTERS

3-7.01 Recycling Centers (NAC 444.6405)

(A) Must comply with Chapter 2 Standards for SOLID WASTE MANAGEMENT FACILITIES.

3-8 SOLID WASTE STORAGE BIN FACILITIES

3-8.01 Additional requirements (NAC 444.66647)

(A) Must comply with Chapter 2 Standards for SOLID WASTE MANAGEMENT FACILITIES;

(B) Additional Standards for Design:

(1) No PROCESSING of SOLID WASTE is allowed;

(2) No transferring SOLID WASTE from container to container is allowed;

(3) A means that allows the public to deposit waste materials conveniently and safety into the waste storage bins;

(4) Storage of SOLID WASTE outside of waste storage bins is prohibited other than those SPECIAL WASTES and HOUSEHOLD HAZARDOUS WASTES collected and stored in areas specifically designated for their storage;

(5) The amount or volume of used motor oil, Chlorofluorocarbon (CFC) containing appliances or HOUSEHOLD HAZARDOUS WASTE disposed of by each customer shall not exceed the volume generated by a typical household.

3-9 TRANSFER STATIONS

3-9.01 Additional requirements (NAC 444.666–444.66645)

(A) Must comply with Chapter 2 Standards for SOLID WASTE MANAGEMENT FACILITIES;

(B) Additional Standards for Design:

(1) Areas for PROCESSING, tipping, sorting, and storing that:

(a) Are located within a building or structure approved by the agency of jurisdiction and have a floor with a hard surface such as concrete or asphalt pavement and a drainage structure for the recovery of liquids, which has drains connected directly to a sewer system, or Individual Sewage Disposal System (ISDS) through a sand and oil interceptor;

(b) The drainage from the floor of such an area must be disposed of as industrial waste in the public sewerage system if approved by the agency of jurisdiction, or in an ISDS approved by the SOLID WASTE MANAGEMENT AUTHORITY.

(C) Additional Operating Standards:

(1) Operating plans shall include the periodic pumping of the sand and oil interceptor, periodic pumping of the ISDS, and maintenance of the drainage collection system;

(2) All liquid discharged to PUBLICLY OWNED TREATMENT WORKS shall have the appropriate discharge permits from the agency of jurisdiction;

(3) Include special storage areas at the TRANSFER STATION; i.e., RECYCLABLES, HOUSEHOLD HAZARDOUS WASTES, CFC-containing equipment and appliances, and used motor oil. ASBESTOS materials shall not be accepted at TRANSFER STATIONS.

3-10 WASTE GREASE FACILITIES

3-10.01 Additional requirements (NAC 444.6405)

(A) Must comply with Chapter 2 Standards for SOLID WASTE MANAGEMENT FACILITIES;

(B) Additional Standards for Design:

(1) The area beneath the waste grease storage tank(s) will be designed to provide 110% secondary containment for the contents of the largest storage tank;

(2) The transfer of grease between storage containers must be conducted through enclosed conduits (hoses, pipes, etc).

(C) Additional Operating Standards:

(1) Any residual water from collected grease will be sent through a wastewater treatment process, as approved by the publically owned treatment works (POTW), before disposal into a sanitary sewer.

3-11 WASTE TIRE Management Facilities

3-11.01 WASTE TIRE Management Facilities (NAC 444A.280-444A.430)

(A) Must comply with Chapter 2 Standards for SOLID WASTE MANAGEMENT FACILITIES.

3-12 WASTE TO ENERGY/FUEL FACILITIES

3-12.01 Additional requirements (NAC 444.6405 & 444.672)

(A) Must comply with Chapter 2 Standards for SOLID WASTE MANAGEMENT FACILITIES;

(B) Additional Standards for Design:

(1) A flow chart description showing the mechanical components of the system depicting all process variables including; energy sources, air and water inputs and outputs and volumes of process derived product(s) and residual waste;

(2) Descriptions of the process stream including; a materials balance calculation, physical and chemical composition for process derived product and specific plans for

separation, storage and disposal of any unmarketable materials;

(3) Specifications and anticipated performance of equipment used for pollution control of the process derived product and residual waste.

(C) Additional Operating Records:

(1) Provisions for providing any calculations, drawings or monitoring results the SOLID WASTE MANAGEMENT AUTHORITY may require including, but not limited to; continuous monitoring results, residue test results and any information regarding air or water discharges.

Chapter 4-Disposal & Management Standards for SPECIAL WASTES

4-1 ASBESTOS WASTE Management

4-1.01 Standards for handling and transportation (NAC 444.971)

(A) All ASBESTOS and Asbestos dust that is intended for transport must be wetted with a water and surfactant mixture and stored in:

(1) A plastic bag which is not less than six (6) mils thick so it will not leak;

(2) A combination of plastic bags which equal at least six (6) mils in thickness; or

(3) A container made of cardboard or metal which is lined with plastic.

(B) Each container used to dispose ASBESTOS must bear a label that conforms with the requirements of the United States Environmental Protection Agency (USEPA) or Occupational Safety and Health Act (OSHA) and contains one of the following statements:

CAUTION
CONTAINS ASBESTOS FIBERS
AVOID OPENING OR BREAKING CONTAINER
BREATHING ASBESTOS IS HAZARDOUS TO YOUR HEALTH

Or

CAUTION CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
MAY CAUSE SERIOUS BODILY HARM

Or

DANGER
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD

(C) The vehicle used to transport ASBESTOS must be fully enclosed or be covered so as to prevent damage to the containers or the release of ASBESTOS fibers.

4-1.02 PERMIT required for transportation; submission of information to obtain PERMIT (NAC 444.972)

(A) Before a transporter may transport ASBESTOS, he or she must obtain the written approval of the SOLID WASTE MANAGEMENT AUTHORITY.

(B) A transporter who seeks approval to transport ASBESTOS shall submit the following information in writing:

(1) The name, address and license number of the transporter and any subcontractor;

(2) The address and description of the place from which the ASBESTOS is collected;

(3) The projected starting and completion dates for transportation and disposal of the ASBESTOS;

(4) The procedure which will be used to comply with this section concerning the transportation and disposal of the ASBESTOS; (NAC 444.965 to 444.976) and

(5) The name and address of the site where the ASBESTOS will be disposed of.

4-1.03 Notification required before delivery; disposal at site other than CLASS I DISPOSAL SITE (NAC 444.974)

(A) Each transporter shall notify the OPERATOR at least twenty-four (24) hours before delivery of the ASBESTOS.

(B) ASBESTOS may be disposed of at a site other than a CLASS I DISPOSAL SITE if such disposal is approved by the SOLID WASTE MANAGEMENT AUTHORITY or any other agency having jurisdiction.

4-1.04 Inspection upon delivery; notice of noncompliance with standards; acceptance of non-complying load (NAC 444.975)

(A) Each OPERATOR who accepts ASBESTOS shall inspect each load to verify that each container and label complies with the requirements prescribed above. If there is any noncompliance with those requirements which may cause the release of fibers during disposal, the OPERATOR shall notify the SOLID WASTE MANAGEMENT AUTHORITY.

(B) If the OPERATOR notifies the SOLID WASTE MANAGEMENT AUTHORITY of noncompliance and the authority authorizes the OPERATOR to accept the ASBESTOS, the OPERATOR shall comply with the requirements set forth in Section 4-1.05.

4-1.05 Duties of OPERATOR who accepts ASBESTOS (NAC 444.976)

(A) Each OPERATOR who accepts ASBESTOS shall:

(1) Designate a separate area of the DISPOSAL SITE for ASBESTOS;

(2) Maintain records of the location and quantity of ASBESTOS which he or she accepts;

(3) Place each container in LANDFILL in a manner that limits breakage;

(4) Cover ASBESTOS within twenty-four (24) hours after placement with at least six (6) inches of materials that is not ASBESTOS;

(5) Soak any ASBESTOS which is in a container that does not comply with the requirements of Chapter 4-1.01;

(6) Rinse out any vehicle which contained any ASBESTOS which is in a container that does not comply with the requirements of Section 4-1.01;

(7) Immediately cover any ASBESTOS which is in a container that does not comply with the requirements of Section 4-1.01;

(8) Compact ASBESTOS after it is covered as prescribed in paragraph (4) above;

(9) Cover ASBESTOS with at least thirty (30) inches of compacted material that is not ASBESTOS after the area designated for the disposal of ASBESTOS is no longer used;

(10) Grade and stabilize the material which covers ASBESTOS;

(11) Control access to any area where ASBESTOS is disposed of; and

(12) Place a sign at each point of access to the site which reads:

ASBESTOS WASTE DISPOSAL SITE
BREATHING ASBESTOS DUST
MAY CAUSE LUNG DISEASE AND CANCER
Or
DANGER

CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
CANCER AND LUNG DISEASE HAZARD

4-2 MEDICAL WASTE Management

4-2.01 MEDICAL WASTE Management (NAC 444.662)

(A) MEDICAL WASTE 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 WASTE must be stored in cleanable containers with liners or in compliance with 49 CFR §§173.196 & 173.197.

(B) MEDICAL WASTES must not be deposited in containers with other SOLID WASTES.

(C) MEDICAL WASTES must be transported separately from other SOLID WASTES to an approved treatment facility or DISPOSAL SITE.

(D) Final disposition of MEDICAL WASTE consisting of recognizable human anatomical remains must be by internment, cremation, incineration or entombment.

(E) Standards for MEDICAL WASTE TREATMENT:

(1) Treatment must be appropriate to the type of MEDICAL WASTE. All waste must be handled in a manner to ensure complete treatment of the waste such that no portion of the container or bulk volume of waste remains untreated.

(a) Acceptable methods of treatment for infectious wastes shall be those methods that render the waste non-infectious. Such methods may include, but are not limited to, thermal (autoclaving, incineration, heat, microwaving, macrowaving, pyrolysis or gasification), chemical (chlorine, or chlorine derivatives, ozone or sodium hydroxide), or other methods as approved by the HEALTH AUTHORITY that will not present an endangerment to the facility personnel or the public.

(i) Infectious waste must be treated to achieve at least a 4 Log_{10} reduction in Bacillus stearothermophilus, Bacillus subtillis or Bacillus atrophaeus endospores and at least a 6 Log_{10} reduction in Mycobacterium phlei or Mycobacterium bovis.

(I) Encapsulation, solidification and/or compaction without rendering the waste non-infectious are not adequate forms of treatment.

(ii) Acceptable methods of treatment for trace chemotherapy and waste pharmaceuticals include incineration, encapsulation, stabilization or other methods approved by the SOLID WASTE MANAGEMENT AUTHORITY.

(b) The treatment technology manufacturer must incorporate recognized standards for determining appropriate validation and verification testing methodology and protocols to verify for the SOLID WASTE MANAGEMENT AUTHORITY that the overall technology and the specific equipment perform as designed and are capable of consistently treating the waste to meet at least the minimum treatment standards in paragraph (i) above.

(F) After MEDICAL WASTE has been properly treated it may be handled as SOLID WASTE.

4-3 RESTRICTED WASTE Management

4-3.01 RESTRICTED WASTE Management Program

GENERATORS of RESTRICTED WASTES are subject to permitting by the SOLID WASTE MANAGEMENT AUTHORITY and shall comply with the requirements of Section 4-3.

(A) RESTRICTED WASTE MANAGEMENT PERMIT EXEMPTIONS:

(1) HOUSEHOLD HAZARDOUS WASTE;
(2) Household SOLID WASTE;
(3) Facilities may be exempt from obtaining a RESTRICTED WASTE MANAGEMENT PERMIT if:
  (a) the RESTRICTED WASTE is inspected and/or permitted by:
    (i) Environmental Protection Agency (USEPA) under the Resource Conservation and Recovery Act (RCRA) Compliance Evaluation Inspection;
    (ii) Nevada Department of Environmental Protection (NDEP) under the HAZARDOUS WASTE Management Program;
    (iii) PUBLICLY OWNED TREATMENT WORK (POTW) under a National Pollution Discharge Elimination System (NPDES) permit;
    (iv) SOLID WASTE MANAGEMENT AUTHORITY as a permitted SOLID WASTE MANAGEMENT FACILITY.
  (b) The RESTRICTED WASTE generated per calendar year is:
    (i) Less than 1 (gallon) or 8 (eight) pounds;
    (ii) Not elemental Mercury or categorized as a ACUTELY HAZARDOUS WASTE as defined by 40 CFR 261.33;
    (iii) Compliant with the minimum standards and requirements set forth in Chapter 4-3.02;
  (c) The only RESTRICTED WASTE generated is:
    (i) UNIVERSAL WASTE-excluding lead acid batteries
    (ii) Untreated MEDICAL WASTE

4-3.02 Minimum Standards for GENERATORS of RESTRICTED WASTE

(A) GENERATORS of SOLID WASTE must make a SOLID WASTE DETERMINATION through GENERATOR knowledge or evidence of laboratory results that demonstrate SOLID WASTE generated is not a RESTRICTED WASTE.
(B) RESTRICTED WASTE must be stored, staged and kept separate from SOLID WASTE.
(C) A container used to store RESTRICTED WASTE must:
  (1) Be structurally sound;
  (2) Not pose a spill risk;
  (3) Be compatible with the characteristic(s) of RESTRICTED WASTE(s) being stored inside;
  (4) Be kept closed when not in use.
(D) A container used to store RESTRICTED WASTE must be labeled according to its contents and the label must be readily visible and legible.
(E) If more than one type of RESTRICTED WASTE is stored in a container, the RESTRICTED WASTES must be chemically compatible.
(F) Documentation proving proper disposal of all RESTRICTED WASTES must be kept onsite or readily available for review upon date of inspection for three (3) years.
(G) GENERATORS of RESTRICTED WASTE must comply with all requirements of federal, state, and local laws and regulations governing the operation, management, transport, storage and/or disposal of RESTRICTED WASTE.

4-3.03 PERMIT Issuance, Category & Inspection Frequency, Transferability, and Reclassification

(A) Prior to PERMIT Issuance, a GENERATOR of RESTRICTED WASTE must:

(1) Supply the following information:

(a) The name, physical location, phone number, fax number, and mailing address of the facility or location where RESTRICTED WASTE is generated and/or stored.

(b) Contact information for the business owner, business owner's representative or OPERATOR of the facility.

(2) Comply with the minimum standards and requirements set forth in Chapter 4-3.02.

(B) PERMIT Transferability:

(1) RESTRICTED WASTE MANAGEMENT PERMITS issued pursuant to these regulations are not transferable.

(C) PERMIT Category & Inspection Frequency:

(1) All GENERATORS of RESTRICTED WASTE will be initially issued a Category I RESTRICTED WASTE MANAGEMENT PERMIT after completing the requirements set forth for PERMIT issuance. Category I RESTRICTED WASTE Management inspections will be conducted onsite annually or as needed to ensure compliance.

(2) An application may be submitted for PERMIT reclassification to a Category II RESTRICTED WASTE MANAGEMENT PERMIT. The SOLID WASTE MANAGEMENT AUTHORITY will evaluate the types and quantities of RESTRICTED WASTE generated by permittee to determine eligibility. Category II RESTRICTED WASTE Management inspections will be conducted onsite once every three calendar years or as needed to ensure compliance.

(D) PERMIT Reclassification Eligibility Requirements:

(1) GENERATORS of RESTRICTED WASTE eligible for a Category II RESTRICTED WASTE MANAGEMENT PERMIT must:

(a) Generate less than 50 gal or 400 lbs of RESTRICTED WASTE in a single calendar year;

(b) Not generate ACUTELY HAZARDOUS WASTE as defined by 40 CFR 261.33;

(c) Must be compliant with the requirements of the RESTRICTED WASTE Management Program listed above in Chapter 4-3.02.

(E) PERMIT Reclassification Process:

(1) Meet reclassification eligibility requirements to apply for Category II RESTRICTED WASTE MANAGEMENT PERMIT status.

(2) Submit a reclassification application for Category II RESTRICTED WASTE MANAGEMENT PERMIT and be approved by an Environmental Health Supervisor.

(F) PERMIT Reclassification Revocation:

(1) A Category II RESTRICTED WASTE MANAGEMENT PERMIT may be revoked for any of the following:

(a) Failure to submit Annual RESTRICTED WASTE Management Self Assessment before expiration date of current PERMIT;

(b) A RESTRICTED WASTE Management Inspection identifies that the GENERATOR of RESTRICTED WASTE is outside of eligibility requirements for reclassification.

4-3.04 Disposal by Landfilling

(A) No person shall dispose of, or offer for disposal, a RESTRICTED WASTE in a MUNICIPAL SOLID WASTE LANDFILL in Clark County.

(B) The inadvertent or unintentional disposal of a restricted waste in a MUNICIPAL SOLID WASTE LANDFILL SHALL not be considered a violation of these regulations.

4-4 Septic Tank Pumping and Raw Sewage Disposal & Management

4-4.01 Septic tank pumpings and raw sewage (NAC 444.654)

(A) Septic tank pumpings and raw sewage must not be disposed of by land spreading, unless it is specifically determined and approved in writing by the SOLID WASTE MANAGEMENT AUTHORITY that such disposal can be conducted with assured, adequate protection of public health, safety and the environment;

(B) The disposal of raw sewage and septic tank pumpings at a MUNICIPAL SOLID WASTE LANDFILL or a CLASS III SITE are prohibited.

4-4.02 Untreated sewage SLUDGE (NAC 444.656)

(A) Untreated sewage SLUDGES must not be:

(1) Used as a fertilizer on root crops, vegetables, low growing berries or fruits that may be eaten raw;

(2) Applied to land later than one (1) year prior to planting, where vegetables are to be grown;

(3) Used on grass in public parks or other areas at a time or in such a way that people could unknowingly come in contact with it;

(4) Given or sold to the public without their knowledge as to its origin.

4-5 WASTE TIRE Hauling & Management

4-5.01 WASTE TIRE Haulers

(A) PERMIT requirement; application; display (NAC 444A.440)

(1) A HAULER OF WASTE TIRES shall obtain a PERMIT from the SOLID WASTE MANAGEMENT AUTHORITY at least fourteen (14) days before beginning operation. The HAULER OF WASTE TIRES shall display the PERMIT number or an official United States Department of Transportation (USDOT) number on the vehicle he or she uses to transport WASTE TIRES or materials derived from WASTE TIRES.

(2) Each HAULER OF WASTE TIRES who applies for a PERMIT must complete an application on a form prescribed by the SOLID WASTE MANAGEMENT AUTHORITY. The application must include the license number and the name of the registered owner of the vehicle used to transport WASTE TIRES or material derived from WASTE TIRES.

(3) A PERMIT number for a HAULER OF WASTE TIRES issued by the SOLID WASTE MANAGEMENT AUTHORITY must be recognized by any other SOLID WASTE MANAGEMENT AUTHORITY.

(4) A HAULER OF WASTE TIRES who obtains a PERMIT number pursuant to this section is required to comply with any applicable requirements adopted by local government for a PERMIT.

(B) MANIFEST to transport WASTE TIRES: Contents; copies to certain persons; penalty for noncompliance. (NAC 444A.450)

(1) A HAULER OF WASTE TIRES shall initiate a MANIFEST to transport WASTE TIRES from the place where he or she takes possession of the WASTE TIRES from a GENERATOR of WASTE TIRES to

the place where he or she deposits the WASTE TIRES at a FACILITY FOR THE MANAGEMENT OF WASTE TIRES or a DISPOSAL SITE approved by the HEALTH AUTHORITY. The MANIFEST must include:

(a) Name of the GENERATOR of the WASTE TIRES;

(b) PASSENGER TIRE EQUIVALENTS or total tons of WASTE TIRES to be transported;

(c) Name and PERMIT number of HAULER OF WASTE TIRES;

(d) Date of transport;

(e) Destination of WASTE TIRES;

(f) Number of tires sold for reuse, if any; and

(g) Signatures of the GENERATOR of WASTE TIRES, HAULER OF WASTE TIRES and the OPERATOR of the FACILITY FOR THE MANAGEMENT OF WASTE TIRES or DISPOSAL SITE approved by the HEALTH AUTHORITY.

(2) The HAULER OF WASTE TIRES shall:

(a) Provide the OWNER or OPERATOR of the FACILITY FOR THE MANAGEMENT OF WASTE TIRES or DISPOSAL SITE approved by the SOLID WASTE MANAGEMENT AUTHORITY with a completed copy of the MANIFEST; and

(b) Return a completed copy of the MANIFEST to the GENERATOR of WASTE TIRES not later than thirty (30) days after the date of the hauler of the WASTE TIRES takes possession of the WASTE TIRES.

(3) A HAULER OF WASTE TIRES who fails to comply with the provisions of this section may be subject to enforcement action, including the revocation of his or her PERMIT to haul WASTE TIRES.

(C) Semiannual reports: Submission; contents (NAC 444A.460)

(1) A HAULER OF WASTE TIRES shall submit semiannual reports to the SOLID WASTE MANAGEMENT AUTHORITY. The reports shall be submitted by August 15 and February 15 of each year. The report must include:

(a) The registration number of the HAULER OF WASTE TIRES;

(b) The type and quantity of WASTE TIRES collected during the reporting period;

(c) The destination of the WASTE TIRES collected; and

(d) A HAULER OF WASTE TIRES who fails to comply with the provisions of this section may be subject to enforcement action, including the revocation of his or her PERMIT to haul WASTE TIRES.

(2) The names and GENERATORS of the WASTE TIRES or premises from which the WASTE TIRES were collected.

4-5.02 Transportation of WASTE TIRES (NAC 444A.470)

(A) Except as otherwise provided below, a GENERATOR of WASTE TIRES shall not enter into a contract to have WASTE TIRES collected with a PERSON who is not a permitted HAULER OF WASTE TIRES.

(B) A GENERATOR of WASTE TIRES may haul the WASTE TIRES he or she generates or contract with a collector of SOLID WASTE who operates pursuant to a license issued by a local government to collect those WASTE TIRES. A GENERATOR of WASTE TIRES shall maintain receipts for the disposition of its WASTE TIRES for at least three (3) years. The GENERATOR of WASTE TIRES shall make the receipts

available for the inspection by the SOLID WASTE MANAGEMENT AUTHORITY during regular business hours and shall list the number, weight or volume of WASTE TIRES disposed in this manner.

4-5.03 Disposal by landfilling

(A) No PERSON shall dispose of, or offer for disposal, a WASTE TIRE in a MUNICIPAL SOLID WASTE LANDFILL in Clark County.

(B) When all facilities for the management of WASTE TIRES cannot, in a timely manner, receive and process all WASTE TIRES which are generated in Clark County, the HEALTH AUTHORITY or the SOLID WASTE MANAGEMENT AUTHORITY shall make a finding that disposal of a WASTE TIRE at any location other than a MUNICIPAL SOLID WASTE LANDFILL is impracticable. In making such a finding, the HEALTH AUTHORITY may also suspend the Regulations that govern WASTE TIRE management in whole or in part. At the earliest regularly scheduled meeting the SOLID WASTE MANAGEMENT AUTHORITY shall affirm or rescind the finding. An affirmed finding shall be effective until rescinded by the SOLID WASTE MANAGEMENT AUTHORITY or its designee.

(C) A PERSON, or company, may request a WAIVER from these regulations by application to the HEALTH AUTHORITY. Any such application shall be processed in a timely manner consistent with these regulations. The SOLID WASTE MANAGEMENT AUTHORITY may place conditions upon any WAIVER. The SOLID WASTE MANAGEMENT AUTHORITY is not obligated to grant a WAIVER.

(D) The inadvertent or unintentional disposal of a WASTE TIRE in a MUNICIPAL SOLID WASTE LANDFILL shall not be considered a violation of these regulations.

Chapter 5- Inspection, Enforcement, and Fees

5-1 Inspection

5-1.01 Inspection Protocol:

(A) An OWNER or OPERATOR of a SOLID WASTE MANAGEMENT FACILITY or a RESTRICTED WASTE GENERATOR must allow the agent or agents of the HEALTH AUTHORITY, i.e., Environmental Health Specialists/Deputy Health Officers, entry to his facility during operating hours in order to conduct an inspection of RESTRICTED WASTE, SOLID WASTE, materials derived from SOLID WASTE, structures, equipment, operations, and waste related records. The purpose of the inspection is to ensure compliance with the provisions of the PERMIT issued by the HEALTH AUTHORITY, these regulations, and all applicable federal, state, and/or local laws, regulations, ordinances, and codes.

(B) Inspections, surveys, and visits may be made as often as the HEALTH AUTHORITY determines is necessary to ensure compliance with all applicable laws, regulations, ordinances, and codes. Copies of waste related records, diagrams, and other documents shall be provided upon request and photographs shall be taken of the site, equipment, and operations, as deemed necessary, by the HEALTH AUTHORITY during the inspection.

(C) The agent or agents of the HEALTH AUTHORITY shall properly identify themselves with a photo-identification card/badge upon entry on the site.

(D) NO PERSON shall interfere with the Environmental Health Specialists/Deputy Health Officers and/or other employees of the HEALTH AUTHORITY in the performance of their duties.

(E) An inspection report will be provided to the OWNER or OPERATOR of the issued PERMIT. All violations shall be corrected within the timeframe specified in the inspection report.

(F) A Cease and Desist Order, Administrative Order and/or NOTICE OF VIOLATION may be issued for violations of any SWMA regulations for which a hearing is provided by law.

5-2 Enforcement

5-2.01 Enforcement Protocol:

(A) The HEALTH AUTHORITY may suspend or revoke its approval for a PERMIT when the OWNER or OPERATOR fails to comply with the provisions of the PERMIT, or applicable federal, state, and/or local, laws, regulations, ordinances, and codes.

(B) Whenever the HEALTH AUTHORITY finds a condition in the operation of a facility which, in the judgment of the HEALTH AUTHORITY, constitutes a substantial hazard to public health and/or the environment, the HEALTH AUTHORITY may, without warning, notice or hearing, issue a written order to the OWNER or OPERATOR citing the condition, specifying the corrective action to be taken, and specifying the time within which the action must be taken. The order may state that the PERMIT is immediately suspended and all operations shall be immediately discontinued. Any PERSON to whom such an order is issued shall comply with it immediately. Upon written request to the HEALTH AUTHORITY received within five (5) business days following service of the order, the PERSON shall be afforded a hearing within thirty (30) days of the date said request is received by the HEALTH AUTHORITY to contest the terms of the order or suspension of the PERMIT.

(C) For substantial hazards to public health or the environment, repeated violations of any of the requirements of these regulations, or for interference with the Environmental Health Specialists/Deputy Health Officers in the performance of their duties, the PERMIT may be permanently revoked after an opportunity for a hearing has been provided by the HEALTH AUTHORITY. Before taking such an action, the HEALTH AUTHORITY shall notify the OWNER in writing,

stating the reasons for which the PERMIT may be suspended for cause, pending its revocation or a hearing relative thereto.

(D) The HEALTH AUTHORITY may permanently revoke a PERMIT following service of the notice unless a written request for a hearing is filed with the HEALTH AUTHORITY within five (5) business days of service.

(E) The hearings provided for in this Section shall be conducted by a SWMA Hearing Officer at a time and place designated in writing. Based upon the record of the hearing, the SWMA Hearing Officer shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written order specifying the Hearing Officer's decision shall be furnished to the OWNER or OPERATOR by the SWMA. Any party aggrieved by a decision of the Hearing Officer(s) may seek judicial review of the decision of the Hearing Officer(s), in accordance with the provisions of NRS 233B.130(2), and NRS 233B.131 through 233B.150, inclusive.

(F) Any PERSON who violates these regulations may be subject to enforcement actions pursuant to NRS 444.592 through NRS 444.610 and NRS 444.630 through NRS 444.645; which include administrative, civil, and criminal penalties.

5-3 Fees

5-3.01 PERMIT Fee Schedule

(A) Pursuant to NRS 439.360(5), and under the authority of NRS 439.410(3) and NRS 444.580, the SOLID WASTE MANAGEMENT AUTHORITY authorizes the issuance of PERMITS and collection of fees as specified in the current SNHD Environmental Health PERMIT Fee Schedule as it applies to SOLID WASTE management. The amounts of the fees are established by the Board. The types of PERMITS and/or fees specified include:

(1) Preliminary Plan Review Fee. This fee is assessed at the time of the submission of the facility application for review by the HEALTH AUTHORITY prior to the application's formal submission to the HEALTH AUTHORITY. Such a submission is not required by the HEALTH AUTHORITY, but may be done so at the discretion of the applicant.

(2) Application Fee. This fee is assessed at the time of the formal submission of the application.

(3) Plan Review Resubmittal Fee. This fee is assessed for the re-review of an application for a PERMIT.

(4) SOLID WASTE MANAGEMENT PERMIT. This is the annual PERMIT fee.

(5) RESTRICTED WASTE Management PERMIT. This is the annual PERMIT fee.

(6) Reinspection fee. This fee is assessed when an inspection is conducted as a result of a facility failing to correct violations cited by the HEALTH AUTHORITY within a timely manner.

Appendix 1-Common Industry Terms

The following terms may not be specifically referenced in this document but are applicable and commonly used in the industry of SOLID WASTE Management.

Adequate Cover means one of the following (a) DAILY COVER, (b) INTERMEDIATE COVER or (c) FINAL COVER.

Adequately Wet means sufficiently mixed or penetrated with liquid to completely prevent the release of particulate material and fibers into the ambient air. If visible EMISSIONS are observed coming from ASBESTOS containing material, then the material has not been adequately wetted.

AGRICULTURAL WASTE means all PUTRESCIBLE and nonputrescible waste material and solid or semi-solid form that is generated by the rearing of animals, other than household pets, or the production and harvesting of crops or trees, and that has not been discarded or abandoned by its owner. (Clark County Code Title 9.04.010(1))

Beneficial Use means the use of SOLID WASTE as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products, in a manner that does not pose a threat to human health or the environment.

Biohazardous Waste means SOLID WASTE containing or contaminated with organisms or viruses infectious to humans, animals or plants (i.e. parasites, viruses, bacteria, fungi, prions or reckettsia). BIOHAZARDOUS WASTE is also commonly referred to as infectious waste.

Blood means human BLOOD, human BLOOD components and products made from human BLOOD.

Body Fluids means liquid emanating or derived from the human body including, but not limited to, the following: BLOOD, cerebrospinal, synovial, pleural, peritoneal, amniotic and pericardial fluids, semen, vaginal secretions and any other body fluid that may be contaminated with BLOOD.

BULKY ITEM means any large item that would normally be in a residential household that does not fit into a trash or recycling container including, but not limited to, appliances, carpet, mattresses and stoves/microwaves. (Clark County Code Title 9.04.010(3))

BUY-BACK CENTER means a facility operated by a licensed commercial recycler or registered charitable organization where persons may bring recyclables in exchange for payment. (Clark County Code Title 9.04.010(4))

COMMERCIAL RECYCLER means any licensed entity that is in the business of purchasing, accepting donations of, collecting, storing, transporting or PROCESSING source separated RECYCLABLE MATERIALS. (Clark County Code Title 9.04.010(6))

Conditionally Exempt Small Quantity Generator means a facility that generates one hundred (100) kilograms or less per month of HAZARDOUS WASTE or one (1) kilogram or less per month of ACUTELY HAZARDOUS WASTE. (40 CFR 262)

Construction and Demolition Waste means a non-hazardous SOLID WASTE resulting from the construction, remodeling and demolition of utilities and structures; and uncontaminated SOLID WASTE resulting from land clearing. Such waste includes, but is not limited to, wood (including painted, treated and coated wood and wood products), land clearing debris, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles and other roofing coverings, glass, plastics that are not sealed in a manner that conceals other wastes, empty buckets ten gallons or less in size and having no more than one inch of residue remaining on the bottom, electrical wiring and components containing no

hazardous liquids, pipe and metals, corrugated container board, carpeting, furniture and tires that are incidental to any of the above. Solid waste that is not CONSTRUCTION AND DEMOLITION WASTE (even if resulting from the construction, remodeling, repair and demolition of utilities, structures, road and/or land clearing) includes, but is not limited to, asbestos waste, garbage, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, fluorescent light bulbs or tubes, appliances, drums, containers greater than ten gallons in size, any containers having more than one inch or residue remaining on the bottom or fuel tanks.

DEAD ANIMALS means all dead animals or parts thereof (including condemned meats) that are not intended to be used as food for man or animal. (Clark County Code Title 9.04.010(13))

Dewatered means that the material has been subjected to a process that will remove free moisture from the material as determined by the PAINT FILTER TEST.

Diversion means activities which reduce or eliminate the amount of SOLID WASTE from SOLID WASTE disposal.

EMISSION means the discharge or release into the atmosphere of one or more air POLLUTANTS.

Empty Container means a container or inner liner removed from a container that has been emptied by the GENERATOR as much as possible, to one inch or less, using methods commonly used to remove waste or material from containers. In the case of a container that held acute HAZARDOUS WASTE, the container is considered empty when the container or inner liner has been triple rinsed using a solvent capable of removing the product, the container or inner liner has been cleaned by another method that has been shown to achieve equivalent removal or the inner liner that prevented contact of the product with the container has been removed. (40 CFR 261.7)

Environmental Media means earth materials including soil, sand, silt, gravel, rock, stone, sediment and other naturally occurring solids.

Garbage means putrescible animal and vegetable wastes resulting from the handling, storage, sale, preparation, cooking and serving of food. (NAC 444.578)

Green Waste means any plant material that is either separated at the point of generation or separated at a centralized facility. GREEN WASTE includes, but it not limited to, yard trimmings, plant wastes from the food PROCESSING industry, untreated wood wastes, paper products and pre-consumer vegetative food waste.

Incinerator means an engineered apparatus capable of withstanding heat and designed to efficiently reduce solid, semi-solid, liquid or gaseous waste at specified rates and from which the residues contain little or no combustible material. (NAC 444.584) An INCINERATOR may be used to render MEDICAL WASTE and/or HAZARDOUS WASTE nonhazardous.

INCOMPATIBLE WASTES means wastes which, when mixed, produce heat, pressure, fire, explosion, violent reaction, toxic mist, fumes or gases, or flammable fumes or gases.

INDUSTRIAL SOLID WASTE means SOLID WASTE derived from industrial or manufacturing processes, including, but not limited to, the SOLID WASTE generated by the: generation of electric power, manufacture of

fertilizer and agricultural chemicals, manufacture of food and its related products and by-products, manufacture of transportation equipment, manufacture of inorganic chemicals, manufacture of leather and products made from leather, manufacture of nonferrous metals, including the foundries which manufacture those metals, manufacture of organic chemicals, manufacture of plastics, resins and other miscellaneous products made from plastic, pulp and paper industry, manufacture of rubber and other miscellaneous products made from rubber, manufacture of products made from stone, glass, clay and concrete, manufacture of textiles, treatment of water, manufacture of iron and steel, construction, refurbishing or demolition of buildings or other structures. The term does not include waste generated by the mining, oil and gas industries. (NAC 444.585)

Large Quantity Generator means a facility that generates one thousand (1,000) kilograms or more of HAZARDOUS WASTE per month or more than one (1) kilogram per month of ACUTELY HAZARDOUS WASTE. (40 CFR 262)

Land Clearing Debris means a generally non-putrescible SOLID WASTE consisting of yard trimmings, tree trimmings, soils, rocks and other materials generated by preparing land for construction or maintenance of a property. Also commonly referred to as landscape debris.

Leak Tight means that solids, liquids or gasses cannot escape or spill out. It also means dust tight.

Open Burning means the combustion of SOLID WASTE without: the control of air to maintain an adequate temperature for efficient combustion, the containment of the reaction in an enclosed device to provide sufficient residence time and mixing for a complete combustion and the control of the EMISSION of the products resulting from the combustion. (NAC 444.596)

Paint Filter Test means the US EPA approved test (EPA 9095B) utilized to determine if a substance contains free liquids. (40 CFR 264.314 & 40 CFR 265.314)

Pathological Wastes means human and animal remains, consisting of carcasses, organs and solid organic waste from hospitals, laboratories, abattoirs, animal pounds and similar sources. (NAC 444.600)

Percolation means the downward and/ or lateral movement of water through soil, SOLID WASTE or other materials. (NAC 444.602)

POLLUTANT means dredged soil, SOLID WASTE, INCINERATOR residue, sewage, GARBAGE, sewage SLUDGE, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water. It does not mean water, gas or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil of gas production and disposed in a well, if the well is used either for facilitating production or for disposal purposes and if the Department determines that such injection or disposal will not result in the degradation of ground or surface waters. It does not mean water, gas or other material injected into a well or used to stimulate a reservoir of geothermal resources in the Department determines that the injection or stimulation will not result in the degradation of ground or surface water reservoirs. (NAC 444.605 & NRS 445A.400)

POOR FOUNDATION CONDITIONS means those areas where geological features exist which indicate that a natural or man-induced event may result in inadequate foundation support for the STRUCTURAL COMPONENTS of the facility.

RESIDUAL SOLID WASTE means an amount of material that was collected at the site of generation, other than permitted RECYCLABLE MATERIAL, that remains or is left after the separation and removal of permitted SOURCE SEPARATED RECYCLABLE MATERIALS that does not exceed ten (10) percent by weight, if scales are available at the facility, or by volume, if scales are not installed at the facility, of the total amount of materials prior to separation, and that cannot be recycled and returned to the economic mainstream and must be disposed of as SOLID WASTE. (Clark County Code Title 9.04.010(41))

Rubbish means non-putrescible SOLID WASTE, consisting or both combustible and noncombustible wastes such as paper, cardboard, abandoned automobiles, tin cans, wood, glass, bedding, crockery and similar materials. (NAC 444.612)

SEWAGE means any solid or semi-solid waste, including biosolids, sludge, screenings and grit, generated by the operation of a water reclamation district. (Clark County Code Title 9.04.010(44))

SHREDDING means a method of PROCESSING SOLID WASTE to reduce its particle size through the use of grinding, milling or rasping machines.

Small Quantity Generator means a facility that generates more than one hundred (100) but less than one thousand (1000) kilograms of HAZARDOUS WASTE per month. (40 CFR 262)

Solid Waste Disposal Facility means all contiguous land and structures, other appurtenances and improvements on the land used for SOLID WASTE disposal.

Solid Waste Management System means each separate part and the entire process of storage, collection, transportation, PROCESSING, recycling and disposal of SOLID WASTE by any PERSON engaging in such process as a business, by any MUNICIPALITY or by any combination of both. The term includes plans and programs for the reduction of waste and public education. (NAC 444.626)

SOURCE SEPARATED RECYCLABLE MATERIALS means SOLID WASTE that include single recyclable or COMMINGLED RECYCLABLE MATERIALS that have been separated from the waste stream, with ten percent or less by weight or volume of residual SOLID WASTE, at the site of generation. (Clark County Code 9.04.010(48))

STRUCTURAL COMPONENTS means LINERS, systems for LEACHATE collection, FINAL COVER, systems for control of RUN-ON and RUN-OFF and any other component used in the construction and operation of the MUNICIPAL SOLID WASTE LANDFILL unit which is necessary for the protection of public health and safety and the environment.

Tire Derived Product means matter that is derived from a process that uses whole tires, or scraps, as a feedstock to produce a consumer product, such as crumb rubber, or processes to the point where the tires may be used as a fuel.

Unstable Area means a location which is susceptible to natural or artificially created features that are capable of impairing the integrity of some or all of the structural components of a municipal solid waste landfill unit that will prevent the release of solid waste, or any by-product thereof, from a landfill. The term includes poor foundation conditions, areas susceptible to mass movements karst terranes. (NAC 444.6795 (e))

White Goods means large household appliances including, but not limited to, refrigerators, washing machines, clothes dryers, dish washers that were primarily finished with white enamel, but now are sold in other colors. (Clark County Code 9.04.010(53))

Yard Waste means waste generated from yard maintenance, including garden waste, grass clippings, leaves and branches.