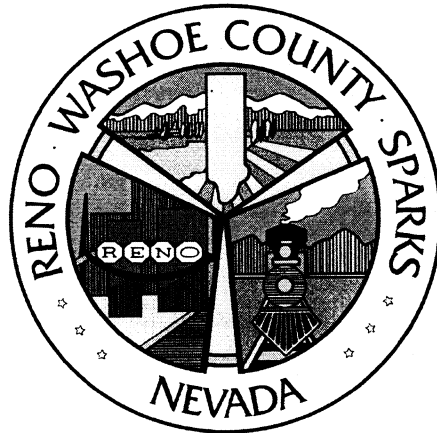


Washoe County

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DEPUTY

Health District

**REGULATIONS
OF
THE WASHOE COUNTY DISTRICT BOARD OF HEALTH
GOVERNING**

SOLID WASTE MANAGEMENT

**WASHOE COUNTY HEALTH DISTRICT
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**AMENDED AND APPROVED ON OCTOBER 27, 2011
BY THE WASHOE COUNTY DISTRICT BOARD OF HEALTH**

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RESOLUTION

REGULATIONS FOR SOLID WASTE MANAGEMENT IN THE WASHOE COUNTY HEALTH DISTRICT

WHEREAS, the Nevada State Board of Health did on or about February 21, 1973, adopt regulations governing solid waste management in the State of Nevada; and

WHEREAS, the Washoe County District Health Department has been designated by the State of Nevada Department of Human Resources as the sole agency responsible for carrying out the purposes of Section 207 of the Federal Solid Waste Disposal Act, as amended April 09, 1973, for Washoe County; and

WHEREAS, the Washoe County District Health Department has prepared a Solid Waste Management Plan for Washoe County as required by NRS 444.510; and

WHEREAS, the Solid Waste Management Plan for Washoe County has been submitted to and approved by the State of Nevada Department of Conservation and Natural Resources as required by NRS 444.510; and

WHEREAS, NRS 444.558 permits any District Board of Health created pursuant to NRS 439.370 shall, in a timely manner, adopt all regulations that are necessary to establish and carry out a program of issuing permits for municipal solid waste landfills and the regulations adopted by a District Board of Health must not conflict with regulations adopted by the State Environmental Commission; and

WHEREAS, NRS 444.580 permits any District Board of Health created pursuant to NRS 439.370 to adopt standards and regulations for the location, design, construction, operation and maintenance of solid waste disposal sites and solid waste management systems or any part thereof more restrictive than those adopted by the State Environmental Commission and may issue permits there under; and

WHEREAS, the Washoe County District Board of Health deems it advisable to adopt stricter regulations governing solid waste management systems, disposal sites and permits.

NOW, THEREFORE, BE IT RESOLVED that the Washoe County District Board of Health does hereby adopt the following regulations governing solid waste management within the Washoe County Health District.

SECTION 010

DEFINITIONS

- GENERAL** As used in these regulations, unless the context otherwise requires, the words and terms set forth in Sections 010.004 through 010.812 have the meanings ascribed to them in those sections.
- 010.004** **100-YEAR FLOOD PLAIN** means the lowland and the relatively flat lands adjoining the waters that are inundated by a 100-year flood.
- 010.008** **ACTIVE LIFE** means the period of operation of a disposal site beginning with the initial receipt of solid waste and ending at the completion of closure activities in accordance with NAC 444.6891, 444.6892 and 444.6893.
- 010.010** **ACTIVE PORTION** means that part of a municipal solid waste landfill that has received or is receiving wastes and that has not been closed in accordance with the closure requirements outlined in Section 090 of these regulations, Sections 090.214, 090.217 and 090.200.
- 010.012** **AIRPORT** means any public airport.
- 010.016** **ALTERNATIVE TREATMENT TECHNOLOGY** means a method for the treatment of biohazardous waste that is not incineration, sewerage of liquid wastes, or a steam based disinfection process.
- 010.020** **ANIMAL** means any living organism exclusive of man and plants.
- 010.022** **ANNULAR SPACE** means the space between the bore hole and the well casing.
- 010.024** **ANTINEOPLASTIC WASTES** means those chemicals and materials that are used in chemotherapy oncology treatments. This includes chemicals that are cytotoxic agents.
- 010.028** **APPENDIX I** means the Appendix I of 40 C.F.R. Part 258.
- 010.032** **APPENDIX II** means the Appendix II of 40 C.F.R. Part 258.
- 010.034** **APPROVED ANIMAL RESISTANT CONTAINER** means any container approved by the Health Authority that as a result of its construction and/or design makes the contents of the container inaccessible to animals such as but not limited to dogs, bears, coyotes and raccoons.
- 010.036** **APPROVED INCINERATION FACILITY** means a facility permitted by the Health Authority or other appropriate regulatory agency to incinerate biohazardous waste.
- 010.040** **APPROVED LANDFILL FOR ASBESTOS DISPOSAL** means a landfill which meets the requirements of 40 CFR 61, subpart M 61.156 (NESHAPS) asbestos regulations (active waste disposal sites).
- 010.044** **AQUEOUS WASTE** means liquid waste consisting of a water matrix containing other solid waste, either in the true solution, colloidal, or particulate.
- 010.048** **AQUIFER** means a geological formation, group of formations or portion of a formation capable of yielding usable quantities of ground water to wells and springs.

- 010.052** **AREAS SUSCEPTIBLE TO MASS MOVEMENT** means those areas where the movement of earth material at, beneath or adjacent to the unit, because of natural or man-made features, results in the downslope movement of soil and rock by means of gravitational influence. The term includes but is not limited to, areas with landslides, avalanches, debris, slides and flows, block slidings and rock falls.
- 010.056** **ASBESTOS CONTAINING MATERIAL** means any substance or material containing abestiforms of the following hydrated minerals: Chrysotile (fibrous serpentine), Chrocidolite (fibrous riebeckite), amosite (fibrous cummingtonite-grunerite), fibrous tremolite, fibrous actinolite and fibrous anthophyllite.
- 010.060** **ASHES** means the residue from the burning of wood, coal, coke or other combustible solid wastes.
- 010.064** **BALING** means the process of compressing and binding solid wastes.
- 010.068** **BIOHAZARDOUS WASTE** means waste which, because of its characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or pose a substantial potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

Biohazardous waste means any of the following:

- A. Laboratory waste, including but not limited to:
 - 1. Human specimen cultures from medical and pathology laboratories.
 - 2. Cultures and stocks of infectious agents from research and industrial laboratories.
 - 3. Wastes from the production of bacteria, viruses, spores, discarded live and attenuated vaccines used in human health care or research and culture dishes and devices used to transfer, inoculate and mix cultures.
- B. Pathologic or human surgery specimens, tissues, or anatomical body parts removed at surgery or autopsy.
- C. Waste, which at the point of transport from the generator's site, at the point of disposal, or thereafter, contains recognizable fluid human blood, fluid blood products, containers or equipment containing human fluid blood.
- D. Isolation wastes.
- E. Sharps waste.
- F. Trace chemotherapy waste, including but not limited to, gloves, disposable gowns, towels, and intravenous solution bags and attached tubing; which are empty, or that are contaminated through contact with, or having previously contained chemotherapeutic agents.
 - 1. Chemotherapeutic agent means an agent that kills or prevents the reproduction of malignant cells.
 - 2. A container which previously contained a chemotherapeutic agent is empty if the container has been emptied by the generator as much as possible using methods commonly employed to remove waste or material from containers so that the following conditions are met:
 - a) If the material which the container held is pourable, no material can be poured or drained from the container when held in any orientation, including, but not limited to, tilted or inverted.

- b) If the material which the container held is not pourable, no material or waste remains in the container that can feasibly be removed by scraping. Bulk chemotherapy, pharmaceutical wastes or dead or diseased animals subject to regulations by the State of Nevada Department of Agriculture are excluded from this definition.

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

010.076 BIOHAZARDOUS WASTE MANAGEMENT PLAN means a written document that explains how a facility manages its biohazardous waste, from generation to disposal.

010.080 BIOHAZARDOUS WASTE TRANSFER FACILITY means any offsite location where biohazardous waste is loaded, unloaded, stored, or consolidated by a permitted biohazardous waste transporter, or a holder of a limited-quantity transporter exemption granted pursuant to Subsection 080.510 (B), during the normal course of transportation of the biohazardous waste.

This definition does not include any onsite facility, including, but not limited to, common storage facilities, facilities of biohazardous waste generators employed for the purpose of consolidation, or onsite treatment facilities.

010.084 BIOTECHNOLOGY means laboratory techniques and processes used to modify the genome of plants and animals to create desirable new characteristics to improve human health and the human environment.

010.086 BIRD HAZARD means an increase in the likelihood of bird/aircraft collisions that may cause damage to the aircraft or injury to its occupants.

010.088 BLOOD means human blood, human blood components, and products made from human blood.

010.092 BODY FLUIDS means liquid emanating or derived from human including blood; cerebrospinal, synovial, pleural, peritoneal and pericardial fluids; semen and vaginal secretions; amniotic fluid; urine, saliva in dental procedures; and any other body fluids that may be contaminated with blood, and any other liquids emanating from humans that may be mixed or combined with blood.

010.096 BULKY WASTE means large items of solid waste such as appliances, furniture, large auto parts, trees, branches, stumps and other oversize wastes whose large size precludes or complicates handling by normal collection, processing or disposal methods.

010.100 CELL means a portion of a municipal solid waste landfill unit which consists of compacted wastes completely enclosed in cover material.

010.104 CFR means Code of Federal Regulations.

010.108 CHEMICAL WASTES means the by-products of any action, industry, application, or operation performed or initiated by any person that may be hazardous.

010.112 CLASS I SITE means a disposal site which:

- A. Is comprised of at least one municipal solid waste landfill unit including all contiguous land and structures, other appurtenances and improvements on the land used for the disposal of solid waste; and
- B. Is not a Class II or Class III site.

- 010.116 CLASS II SITE** means a disposal site:
- A. Which is comprised of at least one municipal solid waste landfill unit;
 - B. Which accepts less than 20 tons of solid waste per day on an annual average;
 - C. For which there is no evidence of contamination of ground water originating from the site;
 - D. Which serves a community that has no other practicable alternatives for waste management; and
 - E. Which is located in an area which annually receives no more than 25 inches of precipitation.

The term includes all contiguous land and structures, other appurtenances and improvements on the land used for the disposal of solid waste.

- 010.120 CLASS III SITE** means a disposal site which only accepts industrial solid waste.
- 010.124 COLLECTION** means the act of removing solid waste from storage at the place of waste generation.
- 010.128 COMMERCIAL WASTE** means solid waste generated as the result of commerce or trade; this includes but is not limited to solid waste produced at offices, retail or wholesale stores, warehouses, transient lodging facilities or public accommodation facilities.
- 010.132 COMMON STORAGE FACILITY** means any designated accumulation area that is onsite and is used by small quantity generators otherwise operating independently for the storage of biohazardous waste for collection by an approved biohazardous waste transporter.
- 010.136 COMMUNICABLE DISEASE** means a disease which is caused by a specific infectious agent or its toxic products, and which can be transmitted, either directly or indirectly, from a reservoir of infectious agents to a susceptible host organism.
- 010.140 COMPACTOR** means a machine that reduces the volume of solid waste by crushing, compression, or compaction.
- 010.144 COMPACTOR COLLECTION VEHICLE** means an enclosed vehicle provided with special mechanical devices for compressing the loaded wastes.
- 010.146 COMPOSITE LINER** means a system consisting of two components; the upper component must consist of a minimum 30-mil flexible membrane liner (FML), and the lower component must consist of at least a two-foot layer of compacted soil with hydraulic conductivity of no more than 1×10^{-7} cm/sec. FML components consisting of high density polyethylene (HDPE) shall be at least 60-mil thick. The FML component must be installed in direct and uniform contact with the compacted soil component.
- 010.148 COMPOSTED SEWAGE SLUDGE** means sludge which has been processed by controlled microbial degradation whereby pathogenic organisms are destroyed and all portions of the material are exposed to a temperature of 60°C (140°F) for forty (40) hours, followed by curing until the material is stabilized.
- 010.152 COMPOSTING** means a controlled process of biological degradation of solid wastes, principally organic matter, to an inoffensive humus-like product.
- 010.156 CONFIDENTIAL INFORMATION** means information or records which:
- A. Relate to quantities or dollar amounts of production or sales.

- B. Relate to processes or production unique to the owner or operator.
- C. If disclosed, would tend to affect adversely the competitive position of the owner or operator.

- 010.160** **CONSTRUCTION/DEMOLITION WASTE (C & D)** means the waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, bricks, concrete, other masonry materials, soil, rock, lumber, road spoils, rebar, paving materials, and tree stumps.
- 010.164** **CONTAINER** means a durable, corrosion resistant, non-absorbent, leak proof, water tight, odor proof, rodent resistant container with fly tight cover.
- 010.168** **CONTAMINATED** means the presence or the reasonably anticipated presence of blood or other potentially infectious materials or a chemotherapeutic agent on an item or surface.
- 010.172** **CONTAMINANT** means any physical, chemical, biological or radiological substance or matter which is added to water.
- 010.176** **CONTIGENCY 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 a waste that could threaten human health or the environment.
- 010.180** **CONTINUOUS OPERATION** means that at all times throughout each 24-hour period waste is being received, placed, spread or compacted on the working surface of the site; and at least one piece of heavy equipment is operating on the working surface of the site to spread or compact the waste.
- 010.184** **CONTROLLED SUBSTANCE** means a drug, substance or immediate precursor enumerated in NRS 453.161 to 453.206, inclusive.
- 010.188** **COVER MATERIAL** means soil or other suitable material that is used to cover compacted solid waste in a land disposal facility.
- 010.192** **CROSS-MEDIA** means the transfer of a constituent from a medium such as water, land or air, to another medium.
- 010.196** **DAILY COVER** means cover material that is spread and compacted on the top and side slopes of compacted solid waste, at least at the end of each operating day, in order to control vectors, fire, moisture, and erosion, and to assure an aesthetic appearance.
- 010.200** **DEAD ANIMALS** means those animals, or parts thereof, that have died from any cause except those killed by man for human or animal consumption.
- 010.204** **DECOMPOSITION GASES** means gases produced by chemical or microbial activity during the decomposition of solid waste.
- 010.208** **DECONTAMINATION** means the use of physical or chemical means to remove, inactivate, or destroy pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface or item is rendered safe for handling, use, or disposal.
- 010.212** **DIALYSIS** means a medical procedure for the removal of certain elements from the blood or lymph by virtue of the difference in their rates of diffusion through an external semi-permeable membrane.

- 010.216** **DIGESTED SEWER SLUDGE** means sewage sludge that has been digested to a point where the sludge is practically odorless, drains readily, and contains not over fifty (50) percent of the total solid matter in the volatile form, with a moisture content of less than seventy-five (75) percent (stabilized so it will not further decompose so as to attract, sustain, or propagate insects, birds, or other animals).
- 010.220** **DISCARD** means to throw away or reject. When a material is soiled, contaminated or no longer usable and is placed in a waste receptacle for disposal or treatment prior to disposal, it is considered discarded.
- 010.224** **DISPLACEMENT** means the relative movement of any two sides of a fault measured in any direction.
- 010.228** **DISPOSAL** means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- 010.232** **DISPOSAL AREA** means that portion of the disposal site that has received or is receiving solid wastes.
- 010.236** **DISPOSAL SITE** means any place at which solid waste is dumped, abandoned or accepted or disposed of by incineration, landfilling, composting or any other method. The term includes a municipal solid waste landfill.
- 010.240** **DISTRICT BOARD OF HEALTH** means the Washoe County District Board of Health of the Washoe County Health District created pursuant to Chapter 439 of the Nevada Revised Statutes and by interlocal agreement of the Cities of Reno and Sparks and the County of Washoe, Nevada.
- 010.244** **DISTRICT HEALTH OFFICER** means the person appointed by the District Board of Health of the Washoe County Health District to administer activities of the Washoe County Health District within the Health District, pursuant to the authority of the state and local health laws, ordinances, and regulations.
- 010.248** **DIVERSION** means activities which reduce or eliminate the amount of solid waste from solid waste disposal.
- 010.252** **DOMESTIC ANIMAL** means all cattle or animals of the bovine species. All horses, mules, burros, asses, or animals of the equine species. All swine or animals of the porcine species. All goats or animals of the caprine species. All poultry and domesticated fowl or birds. All dogs, cats, or other animals domesticated or under the restraint or control of man.
- 010.256** **DUMP SITE** means a location at which solid waste is disposed of unlawfully.
- 010.260** **DURABLE** means any material that is permanent and can withstand impact without loss of integrity. An example of durable material is heavy gauge steel plate.
- 010.264** **EFFICACY** means the maximum ability of a treatment to produce a result, regardless of dosage or the maximum ability of a biohazardous waste treatment technology to produce a microbial killing effect.
- 010.268** **ENFORCEMENT AGENCY** means the Washoe County Health District and other regulatory bodies as approved by the District Board of Health.
- 010.272** **EPA** means the Environmental Protection Agency of the United States of America.
- 010.276** **ETIOLOGIC AGENT** means a viable microorganism or its toxin, which causes or may cause disease in humans.

- 010.278** **FACE AMOUNT** means the total amount the insurer is obligated to pay under the policy.
- 010.280** **FAULT** means a fracture or a zone of fractures in any material along which strata on one side have been displaced with respect to that on the other side.
- 010.284** **FILL** means an area approved by the Health Authority, and/or other regulatory agencies, for the placement of inert materials.
- 010.292** **FINAL SITE FACE** means the final exterior surface of the completed portions of a fill.
- 010.296** **FRIABLE ASBESTOS** means any material containing more than one-percent asbestos by weight that hand pressure can crumble, pulverize, or reduce to powder when dry.
- 010.300** **GARBAGE** means putrescible animal and vegetable wastes resulting from the handling, storage, sale, preparation, cooking and serving of food.
- 010.304** **GAS CONDENSATE** means the liquid generated as a result of any processes to recover gas at a municipal solid waste landfill unit.
- 010.308** **GENERATE** means at the point where a waste is discarded, or to cause waste to become subject to regulation.
- 010.310** **GENERATOR** means any person, by site location, whose act or process produces waste or first causes a waste to become subject to these regulations.
- 010.312** **GROUND WATER** means all subsurface water comprising the zone of saturation, including perched water.
- 010.316** **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 occupants.
- 010.320** **HAZARDOUS MATERIALS** means any materials, substances, or wastes which possess one or more of the following characteristics: poisonous, toxic, corrosive, radioactive; a skin, eye, or mucous membrane irritant; volatile, a strong sensitizer, oxidizer, flammable, combustible, explosive, or gases under pressure greater than one (1) atmosphere.
- 010.324** **HAZARDOUS WASTE** means any waste or combination of wastes, including, without limitation, solids, semisolids, liquids or contained gases, except household waste, which;
- A. Because of its quantity or concentration or its physical, chemical or infectious characteristics may:
 - 1. Cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness; or
 - 2. Pose a substantial hazard or potential hazard in human health, public safety or the environment when it is given improper treatment, storage, transportation, disposal or other management.
 - B. Is identified as hazardous by the Health Authority as a result of studies undertaken for the purpose of identifying hazardous wastes.
 - C. The term includes any:
 - 1. Hazardous waste or constituent of hazardous waste which is subject to regulation under 40 C.F.R. Part 261;

2. Waste containing polychlorinated biphenyl; and
3. Waste brought into this state which is designated as hazardous waste in the state of its origin.

The term includes, among other wastes, toxins, corrosives, flammable materials, irritants, strong sensitizers and materials which generate pressure by decomposition, heat or otherwise.

- 010.328 HEALTH AUTHORITY** means the officers and agents of the Washoe County District Board of Health.
- 010.332 HEALTH DISTRICT** means the Washoe County Health District created pursuant to Chapter 439 of the Nevada Revised Statutes and interlocal agreement of the City of Reno, City of Sparks, and the County of Washoe, Nevada, and includes all the incorporated cities and unincorporated areas within the geographical boundaries of Washoe County, Nevada.
- 010.336 HOLCENE** means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene Epoch to the present.
- 010.340 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 property designated or set aside for such a purpose by the government for proper land disposal. The term solid waste includes, but is not limited to, an overflow of any sewage, sludge, cesspool or septic tank effluent, or an accumulation of human excreta. Illegal dumping may be referred to as unlawful dumping.
- 010.344 INCINERATION** means an engineered apparatus for the controlled flame combustion of materials in an enclosed system to thermally break down and render biohazardous waste noninfectious and hazardous waste nonhazardous. Residues from the combustion process contain little or no combustible material.
- 010.348 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.
- 010.352 INCINERATOR ASH** means the solid materials remaining after reduction in an incinerator.
- 010.356 INCOMPATIBLE WASTE** means any two or more wastes that, when combined or mixed, can cause, or create the potential to cause explosions, violent chemical reactions, fires, extreme heat, toxic substance formation, hazardous waste discharge, or any other event that may endanger the public health or environment.
- 010.360 INDUSTRIAL WASTE** means solid waste derived from industrial or manufacturing processes, including, but not limited to, the solid waste generated by the:
- A. Generation of power;
 - B. Manufacture of fertilizer and agricultural chemicals;
 - C. Manufacture of food and its related products and by-products;
 - D. Manufacture of inorganic chemicals;
 - E. Manufacture of leather and products made from leather;
 - F. Manufacture of nonferrous metals, including the foundries which manufacture those metals;

- G. Manufacture of organic chemicals;
- H. Manufacture of plastics, resins and other miscellaneous products made from plastic;
- I. Pulp and paper industry;
- J. Manufacture of rubber and other miscellaneous products made from rubber;
- K. Manufacture of products made from stone, glass, clay and concrete;
- L. Manufacture of textiles;
- M. Manufacture of transportation equipment;
- N. Treatment of water;
- O. Manufacture of iron and steel; and
- P. Construction, refurbishing or demolition of buildings or other structures.

The term does not include waste generated by the mining, oil and gas industries.

- 010.364** **INFECTION** means the state or condition in which a pathogenic agent invades the body, or a part of it, and under favorable conditions, multiplies and produces effects that are injurious.
- 010.368** **INFECTIOUS** means capable of causing infection.
- 010.372** **INTERMEDIATE COVER** means cover material that is applied on areas where additional cells are not to be constructed for extended periods of time and therefore, must resist erosion for a longer period of time than daily cover.
- 010.376** **INTERMENT** means burial at a cemetery.
- 010.380** **ISOLATION** means the physical separation and confinement of a person or a group of persons infected or reasonably believed by the Health Authority to be infected with a communicable disease from persons who are not infected with and have not been exposed to the communicable disease, to limit the transmission of the communicable disease to persons who are not infected with and have not been exposed to the communicable disease. (NRS 441A.065)
- 010.384** **ISOLATION WASTE** means waste generated while a person or persons are under isolation care at a health facility.
- 010.388** **KARST TERRANES** means areas where karst topography, with its characteristic surface and subterranean features, is developed as a result of the dissolution of limestone, dolomite or soluble rock. The term includes, but is not limited to, areas with sinkholes, sinking streams, caves, large springs and blind valleys.
- 010.392** **LAND APPLICATION UNIT** means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for agricultural purposes or for treatment and disposal.
- 010.396** **LANDFILL** means an area of land or an excavation in which wastes are placed for permanent disposal, and that is not a land application unit, surface impoundment, injection well, waste pile, or dumpsite.

- 010.400** **LAND SPREADING** means application to the soil of compost, sewage, sludge, or processed sludge, in places other than an approved landfill.
- 010.404** **LARGE QUANTITY GENERATOR** means a biohazardous waste generator, other than a trauma scene waste practitioner, that generates 200 or more pounds of biohazardous waste in any month of a twelve (12) month period.
- 010.408** **LATERAL EXPANSION** means a horizontal or vertical expansion of the waste boundaries of a disposal site.
- 010.412** **LEA** means Local Enforcement Agency
- 010.416** **LEACHATE** means liquid that has passed through or emerged from a municipal solid waste landfill unit and contains soluble, suspended, or miscible materials removed from the waste within the unit.
- 010.420** **LICENSING/REGULATORY AGENCY** means the organizational elements of government that have the legal duty to ensure that operators or users of solid waste management systems comply with these or other appropriate regulations.
- 010.424** **LIFT** means a compacted layer of solid waste, typically consisting of several cells, placed within a defined area of a municipal solid waste landfill unit and separated from other lifts on the top and bottom by a layer of cover material.
- 010.428** **LIQUID WASTES** means waste materials that are unable to be spaded or pass a paint filter liquids test as defined in EPA Method 9095B, described in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, Environmental Protection Agency, Publication No. SW-846, as adopted by reference in NAC 444.636.
- 010.432** **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, or unconsolidated earth materials, soils or regolith lying at or near the surface of the earth.
- 010.436** **LITTER** means any post-consumer solid waste which is not deposited and/or retained in:
- A. An authorized solid waste disposal site;
 - B. Appropriate and serviced storage containers; and
 - C. In other approved areas designated for disposal of solid wastes.
- 010.438** **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.
- 010.440** **MANURE** means the excrement and urine of domestic animals or fowl. This definition shall include, but is not limited to, feces and urine that may be mixed with bedding material, spilled food, or soil.
- 010.444** **MATERIALS RECOVERY FACILITY (MRF)** 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. The term does not include:
- A. A facility that receives only recyclable materials that have been separated at the source of waste generation if further processing of the materials generates less than 10 percent waste residue by weight on an annual average;

- B. A salvage yard for the recovery of used motor vehicle parts;
 - C. A facility that recovers less than 10 percent by weight of the recyclable material from the solid waste received on an annual average.
- 010.448** **MAXIMUM HORIZONTAL ACCELERATION** means the maximum expected horizontal acceleration depicted on a seismic hazard map with a 90 percent or greater probability that the acceleration will not be exceeded in 250 years, or the maximum expected horizontal acceleration based on a seismic risk assessment for the specific site.
- 010.452** **MUNICIPAL SOLID WASTE LANDFILL UNIT (MSWLU)** means a discrete area of land or an excavation that receives household waste and that is not a land application unit, surface impoundment, injection well, or waste pile as defined by these regulations. A municipal solid waste landfill unit may receive other types of RCRA subtitle D wastes, such as commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste and industrial solid waste. A municipal solid waste landfill unit may be publicly or privately owned. A municipal solid waste landfill unit may be a new municipal solid waste landfill unit, an existing municipal solid waste landfill unit or a lateral expansion.
- 010.456** **MUNICIPALITY** means any county and any city or town, whether incorporated or unincorporated, and Carson City.
- 010.460** **NAC** means the Nevada Administrative Code.
- 010.464** **NOTICE OF VIOLATION (NOV)** means a written notice that may be issued by the Health Authority if a person, owner, operator, or responsible person is alleged to be in violation of a condition or section of these regulations, or presents a threat to human health, public safety, or the environment, including a public nuisance.
- 010.468** **NRS** means Nevada Revised Statutes.
- 010.472** **NUISANCE** means anything which is injurious to health, offensive to the senses, or an obstruction to the free use of the property, and thus interferes with the comfortable enjoyment of life or property.
- 010.476** **ODOR** means any property of an air contaminant that affects the sense of smell.
- 010.480** **OFFSITE** means any location that is not onsite.
- 010.484** **ONSITE** means a biohazardous waste treatment facility, or common storage facility on the same or adjacent property as the generator of the biohazardous waste being treated. Adjacent, for the purpose of this definition, means real property located within 400 yards from the property boundary of the existing biohazardous waste treatment facility.
- 010.488** **OPEN BURNING** means the combustion of solid waste without:
- A. The control of air to maintain an adequate temperature for efficient combustion;
 - B. The containment of the reaction in an enclosed device to provide sufficient residence time and mixing for a complete combustion; and
 - C. The control of the emission of the products resulting from the combustion.
- 010.492** **OPEN DUMP** means an uncontrolled disposal site where solid waste is disposed of in a manner which does not comply with these regulations or any permit issued pursuant thereto.

- 010.496 OPERATING DAY** means the portion of a day during which a site is accepting or managing solid waste.
- 010.500 OPERATOR** means the person responsible for the overall operation of a solid waste management system or facility.
- 010.504 OUT-OF-STATE WASTE** means any solid waste, originating in a state other than Nevada. Out-of-state waste does not include waste defined as hazardous in Section 010.324 of this regulation.
- 010.508 OWNER** means the person who owns a solid waste management system or facility.
- 010.512 PASSENGER CAR** means a motor vehicle designed to carry 10 persons or less, except a motorcycle or a motor driven cycle.
- 010.516 PASSENGER TIRE EQUIVALENT** means a measure of waste tires or materials derived from waste tires that is expressed as an equivalent number of passenger tires, where one waste tire or 20 pounds of material derived from waste tires equals one passenger tire equivalent.
- 010.520 PATHOGENIC** means giving origin to disease.
- 010.524 PATHOLOGIC** means indicative of or caused by a morbid condition.
- 010.528 PATHOLOGICAL WASTES** means human or animal remains, consisting of carcasses, organs, and solid organic waste from hospitals, laboratories, abattoirs, animal pounds, and similar sources.
- 010.532 PATHOLOGY** means the study of the characteristics, causes and effects of disease as observed in the structure and function of the body.
- 010.536 PERCOLATION** means the downward and lateral movement of water through soil, waste, or other materials.
- 010.538 PERIOD FOR REPAYMENT INTO FUND** means in the case of a trust fund for closure and postclosure, the remaining life of the municipal solid waste landfill unit. In the case of a trust fund for corrective action, over one-half of the estimated length of the program for corrective action.
- 010.540 PERSON** means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision or agency.
- 010.544 PNEUMATIC TIRE** means all tires inflated with compressed air.
- 010.548 POLLUTANT** means dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, 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:

- A. 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 or gas production and disposed of in a well, if the well is used either for facilitating production of for disposal purposes and if the Health Authority determines that such injection or disposal will not result in the degradation of ground or surface water resources, or
- B. Water, gas or other material injected into a well or used to stimulate a reservoir of geothermal resources if the Health Authority determines that the injection or stimulation will not result in the degradation of ground or surface water resources.

- 010.552 POOR FOUNDATION CONDITIONS** means those areas with features which indicate that a natural or man-made event may result in an inadequate foundation for the structural components of a municipal solid waste landfill unit or lateral expansion.
- 010.556 POSTCLOSURE** means the period immediately after a disposal site is closed which lasts in accordance with NAC 444.6894.
- 010.560 PREMISES** means a tract or parcel of land, public or private, with or without habitable buildings or appurtenant structures.
- 010.564 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.
- 010.568 PUTRESCIBLE WASTE** means waste that is capable of being decomposed by microorganisms with sufficient rapidity as to cause odors, gases, and attract and/or harbor vectors, or cause similar objectionable conditions. Food wastes, offal, and dead animals are examples of putrescible waste.
- 010.572 QUALIFIED GROUND-WATER 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 ground-water 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 to make sound professional judgments regarding the monitoring of ground-water, the fate and transportation of contaminants, and required corrective actions.
- 010.576 RADIOLOGICAL WASTES** means any waste relating to nuclear radiation including NRS 459.010 to NRS 459.160 inclusive.
- 010.580 RCRA** means the Resource Conservation and Recovery Act.
- 010.584 RECYCLABLE MATERIAL** means solid waste that can be processed and returned to the economic mainstream in the form of raw materials or products including use as a feedstock in the generation of energy. "Recyclable material" includes, but is not limited to:
- A. Newspaper;
 - B. Corrugated cardboard;
 - C. Aluminum;
 - D. Yard debris;
 - E. Office Paper;
 - F. Glass;
 - G. Tin and steel cans;
 - H. Metal;
 - I. Motor oil;
 - J. Plastic;
 - K. Antifreeze;
 - L. Wood; and

M. Food waste;

N. Or other materials capable of being recycled because of new and current proven technologies in the area of recycling and solid waste management.

010.588 RECYCLING FACILITY means a facility designed and operated to receive, store, process or transfer recyclable material which has been separated at the source from other solid waste.

010.592 RECYCLING means the process by which salvaged materials are transformed into new products.

010.596 REFUSE means any:

A. Garbage.

B. Sludge from a:

1. Plant that treats wastewater,
2. Plant that treats the water supply, or
3. Facility for controlling air pollution.

C. Other discarded material, including solid, semi-solid, liquid or contained gaseous material, resulting from industrial or commercial operations or community activities.

The term does not include:

A. Any discarded material, including solid, semi-solid, liquid or contained gaseous material, resulting from mining or agricultural activities which is excluded from a plan for a system for the management of solid waste pursuant to NRS 444.620;

B. Solid or dissolved materials in domestic sewage;

C. Industrial discharges that are point sources subject to NRS 445A.465; or

D. Source material, special nuclear material or by-product material, as those terms are defined by the Atomic Energy Act of 1954, as that act existed on November 8, 1993.

010.600 RESIDENTIAL WASTE means solid waste generated from private residences to include, but not limited to, single family dwellings, multiple family dwellings, apartment complexes, condominiums, mobile home parks, or similar dwelling places or bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and recreation areas used during the daytime.

010.604 RESOURCE RECOVERY means the recovery of material or energy from solid waste.

010.608 REUSE means using an object or material again, either for its original purpose or for a similar purpose, without significantly altering the physical form of the object or material.

010.610 RUBBISH means non-putrescible waste consisting of both combustible and noncombustible waste(s) such as but not limited to: old tin and iron cans and containers, old wood and paper boxes, old metals, wire, rope, cordage, bottles, bags and bagging, rubber and rubber tires, paper, glass, bedding, crockery and all used or castoff articles, material or trash, including old plaster, brick, cement, glass and all old building material.

010.612 RUNOFF means any rainwater, leachate, or other liquid that drains over land down to any part of a land disposal facility.

- 010.616** **RUNON** means any rainwater, leachate, or other liquid that drains over land onto any part of a land disposal facility.
- 010.618** **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.
- 010.620** **SALVAGING** means the controlled removal of material from the solid waste system for reuse, sale, or recycling.
- 010.624** **SANITARY LANDFILL** means a facility for the disposal of solid waste which complies with these regulations.
- 010.628** **SANITARY SYSTEM** means a pipe or conduit that carries liquid and water-carried waste from residences, commercial buildings, industrial plants and institutions, together with minor quantities of storm, surface and ground water to a treatment plant that is operated in accordance with state and local laws by either public or private operators.
- 010.632** **SATURATED** means waste that contains enough fluid that it would cause dripping of the fluid from the waste, with or without compaction.
- 010.636** **SCAVENGING** means the uncontrolled and/or unauthorized removal of material from the solid waste stream for any purpose.
- 010.640** **SEISMIC IMPACT ZONE** means an area with a 10 percent or greater probability that the maximum horizontal acceleration in lithified earth material will exceed 10 percent of the earth's gravitational pull in 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.
- 010.644** **SEWAGE** means a combination of the liquid and water which carried waste from any building or plumbing fixture, wastes from portable toilets, out-houses, or privies.
- 010.648** **SEWAGE SLUDGE** means the residue separated from domestic sewage by a wastewater treatment plant, consisting of solids and variable amounts of water.
- 010.652** **SHARPS** means an object contaminated, 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 a packaging material. Sharps includes, but is not limited to, needles, syringes, scalpels, broken glass, culture slides, culture dishes, broken capillary tubes, broken rigid plastic, Pasteur pipettes, and similar items having a point or sharp edge or that are likely to break during transportation and result in a point or sharp edge.
- 010.656** **SHARPS CONTAINER** means a commercially manufactured rigid, puncture-resistant container with required labeling that, when sealed, is leak resistant and cannot be reopened without great difficulty.
- 010.660** **SHREDDING** means the process of reducing the particle size of solid wastes through use of grinding, shredding, milling, or rasping machines.
- 010.664** **SLUDGE** means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other such waste having similar characteristics and effects.
- 010.668** **SMALL QUANTITY GENERATOR** means a biohazardous waste generator, other than a trauma scene waste practitioner, that generates less than 200 pounds per month of biohazardous waste.

- 010.672** **SOLID WASTE** means garbage, rubbish, junk vehicles, ashes or incinerator residue, street refuse, dead animals, demolition waste, construction waste, solid or semisolid commercial and industrial waste. The term does not include hazardous waste managed pursuant to NRS 459.400 to 459.600, inclusive.
- 010.676** **SOLID WASTE MANAGEMENT AUTHORITY (SWMA)** means:
- A. The district board of health in any area in which a health district has been created pursuant to NRS 439.362 or 439.370 and in any area over which the board has authority pursuant to an interlocal agreement, if the board has adopted all regulations that are necessary to carry out the provisions of NRS 444.440 to 444.620, inclusive.
 - B. In all other areas of the State, the Division of Environmental Protection of the State of Department of Conservation and Natural Resources.
- 010.680** **SOLID WASTE MANAGEMENT FACILITY (SWMF)** means a facility that collects, stores, transports, transfers, processes, treats, and/or disposes of solid wastes or conducts resource recovery activities.
- 010.684** **SOLID WASTE MANAGEMENT PERMIT (SWMP)** means an annual permit issued by the Health Authority for a solid waste management facility.
- 010.688** **SOLID WASTE MANAGEMENT SYSTEM (SWMS)** 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, or by any municipality, or by any combination of both. The term includes plans and programs for the reduction of waste and public education.
- 010.692** **SOLID WASTE STORAGE BIN FACILITY (SWSBF)** means a facility that provides one or more portable waste containers which are used for the collection of solid waste for transport to a solid waste disposal site. The term does not include residential and commercial waste containers that are located on or near a site of waste generation.
- 010.696** **SOURCE RECYCLABLE MATERIAL** means a recyclable material that has been separated from the waste stream, at the site of generation, with ten (10) percent or less, by weight or volume, of the solid waste that will not be recycled.
- 010.700** **STORAGE** means the temporary containment of waste in a manner that does not constitute treatment or disposal of such waste.
- 010.704** **STRUCTURAL COMPONENTS** means liners, systems for leachate collection, final cover, systems for 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.
- 010.708** **SURETY** means a person who has contracted to be responsible for another, especially one who assumes responsibilities or debts in the event of default.
- 010.712** **SURFACE IMPOUNDMENT** means a facility or part of a facility which is a natural topographic depression, man-made excavation or diked area formed primarily of earthen material or lined with man-made 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 injection well.
- 010.716** **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.

- 010.720** **TRANSPORATION OR TRANSPORT** means the movement of waste by air, rail, land or water.
- 010.724** **TRAUMA SCENE** means a location soiled by, or contaminated with, human blood, human body fluids, or other residues from the scene of a serious human injury, illness, or death. A trauma scene may include physical structure that is not fixed geographically, such as a mobile home, trailer or vehicle.
- 010.728** **TRAUMA SCENE WASTE** means biohazardous waste that has been removed, is to be removed, or is in the process of being removed, from a trauma scene by a trauma scene waste management practitioner.
- 010.732** **TREATMENT** means incineration, sterilization, or other alternative technology, approved by the Health Authority that changes the character or composition of any biohazardous waste so as to render the waste non-infectious.
- 010.734** **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 ground water incorrectly indicates contamination or an increase in contamination at a regulated municipal solid waste landfill unit.
- 010.736** **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.
- 010.740** **VECTOR** means a living insect or another arthropod, or animal (not human) capable of carrying disease from one person or animal to another.
- 010.744** **UNIVERSAL BIOHAZARD SYMBOL** means the symbol design that conforms to 29CFR 1910.145 (F)(8)(ii), that is used to communicate potential exposure and risk posed by an infectious agent. The symbol is normally black and placed on a red/orange background.



- 010.748** **UNSTABLE AREA** means a location which is susceptible to natural or man-made 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 the solid waste, or any by-product thereof, from that landfill. The term includes poor foundation conditions, area susceptible to mass movements and karst terranes.
- 010.752** **VEHICLE** means every self-propelled device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except:
- A. Devices moved by human power or used exclusively upon stationary rails or tracks;
 - B. Mobile homes and commercial coaches as defined by NRS Chapter 489.
- 010.754** **WASHOUT** means the carrying away of solid waste by waters of the base flood.
- 010.756** **WASTE** means materials resulting from any activity that the generator has discarded as useless or unwanted. Waste does not include recyclable materials as defined by these regulations.
- 010.760** **WASTE RELEASE** means a permit issued by the Health Authority allowing disposal of a waste with special handling requirements at a landfill.

- 010.762 WASTE MANAGEMENT UNIT BOUNDARY** means a vertical surface located at the hydraulically downgradient limit of the unit. This vertical surface extends down into the uppermost aquifer.
- 010.764 WASTE TIRE** means a tire that is not suitable for its intended purpose because of wear, damage, or defect.
- 010.768 WASTE TIRE GENERATOR (WTG)** means a person who possesses a tire at the time it becomes a waste tire, or at any time thereafter, until it is deposited with a facility for the management of waste tires, an approved disposal site, an approved solid waste management facility or given to a waste tire hauler.
- 010.772 WASTE TIRE HAULER (WTH)** means a person who transports waste tires or materials derived from waste tires over the highways of this State. The term does not include a:
- A. Collector of solid waste who operates pursuant to a license issued by a local government;
 - B. Person who generates and transports his own waste tires;
 - C. Governmental agency;
 - D. Person who transports used tires to be resold or retreadable casings to be retreaded;
 - E. Person who transports tires across state boundaries, but does not load or unload waste tires within this State;
 - F. Person who is directed by the solid waste management authority to transport waste tires for disposal; or
 - G. Person who transports products made from recycled waste tires for sale or other distribution.
- 010.776 WASTE TIRE MANAGEMENT FACILITY (WTMF)** means a site where waste tires are deposited for processing, recycling, or use as fuel and which has been issued a permit for that purpose pursuant to these regulations. 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.
- 010.780 WASTE TIRE PROCESSING** means preparing a waste tire for recycling, use as a fuel or disposal in a landfill by chipping, splitting or otherwise altering the tire.
- 010.784 WATER TABLE** means the upper water level or surface of a body of ground water.
- 010.788 WATERS OF THE STATE** means all waters situated wholly or partly within or bordering upon this State, including but not limited to:
- A. All streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems and drainage systems; and
 - B. All bodies or accumulation of water, surface and underground, natural or artificial.
- 010.792 WET OXIDATION PROCESS** means a method of sludge treatment that involves the oxidation of sludge solids in water suspension and under increased pressure and temperature.
- 010.796 WETLANDS** means those areas that are inundated or saturated by surface or ground water 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.

- 010.800** **WORKING DAY** means Monday through Friday, exclusive of weekends and National and State of Nevada holidays.
- 010.804** **WORKING FACE** means the portion of the land disposal site where solid wastes are discharged and are spread and compacted prior to the placement of cover material.
- 010.808** **WRITTEN APPROVAL** means the written permit, certificate, license, or other document issued by the Health Authority, or other licensing/regulatory agency, to signify their acceptance.
- 010.812** **YARD DEBRIS** means material generated from plants, including trees, bushes, and grass clippings or similar material on residential or business property; it is also referred to as green waste.

SECTION 020

MODIFICATION OF REGULATIONS/VARIANCE/ENFORCEMENT

020.010 ADOPTION, ADDITION OR AMENDMENT OF REGULATIONS

Before the adoption, addition or amendment of regulations, the District Board of Health shall hold a public hearing. Notice of said public hearing shall be given in any newspaper qualified, pursuant to the provisions of Chapter 238 of the Nevada Revised Statutes. The notice shall be published once a week for three weeks, which notice shall specify, with particularity, the reasons and provide other informative details.

020.020 APPEAL PROCEDURE

Any aggrieved person may bring an appeal to the District Board of Health in one or more of the following situations:

- A. When any permit, as required by these regulations, has been issued, denied, renewed, suspended or revoked, and said action has adversely affected said person in any manner.
- B. When the Health Authority has taken any action pursuant to the authority of these regulations, which action has adversely affected said person in any manner.

020.025 No person may bring an appeal to the District Board of Health based solely upon issuance of a misdemeanor citation.

020.030 All appeals to the District Board of Health shall be initiated by the filing of a petition or written notice of appeal in the office of the Director of Environmental Health Services Division, or any other office designated by the District Health Officer. This must be done within ten (10) working days after the appellant has received an order or been the subject of any action, or has had the required permit denied, or had a permit suspended or revoked by the Health Authority.

020.040 VARIANCES

The District Board of Health may, upon petition, grant a variance or waiver of the requirements of these regulations. The District Board of Health may, in granting a variance or waiver, impose appropriate conditions upon any applicant for said waiver or variance, and may revoke the variance for failure of said applicant to comply with the approved conditions.

020.095 APPLICATION FOR VARIANCE

- A. Any person who applies for a variance must pay a nonrefundable fee as set forth by the District Board of Health.
- B. To request a variance, a person must file a completed variance application on forms approved by the Health Authority. The application must specify all sections of these regulations for which the person seeks a variance. The application must include such information that the District Board of Health deems necessary to facilitate the equitable and speedy determination of the matter presented.
- C. In addition to any other information which may be required by these regulations, all variance applications shall state briefly the following:
 - 1. The sections of the regulations from which the variance is sought;

2. A brief summary of the facts indicating why compliance with said section or sections is not possible;
3. If compliance ultimately will be possible, the period of time for which the variance is sought; and
4. The requirements which the petitioner is able to meet, and the date on which the petitioner can comply with the requirements (i.e., schedule of compliance).

An application will not be considered complete until all information specified in this section and the required fees have been received by the Health Authority.

- D. Upon receipt of the completed application by the Health Authority, a time, date and place will be established for the variance hearing.
- E. Within sixty (60) working days of the date on which an application for a variance is filed, the District Board of Health will conduct a hearing to consider the variance request.

020.100 VARIANCE HEARING

The District Board of Health, upon receipt of the application for variance specified in Subsection 020.095, will hold a hearing. The District Board of Health may receive additional evidence and testimony from any person during the hearing and may affirm, modify or reverse staff recommendations.

020.105 VARIANCE: ACTION BY BOARD

The District Board of Health may approve a variance only if, after a hearing on due and proper notice, it finds from a preponderance of evidence that:

- A. Compliance with these regulations would produce serious hardship on the petitioner without equal or greater benefits to the public; and
- B. Owners of the property in the general vicinity of the proposed variance would not be adversely affected.

020.110 Once the District Board of Health has made its decision, the basis of the decision and any conditions imposed by the decision will be specified in writing and provided to the applicant within thirty (30) days of the hearing.

020.115 If a variance is approved by the District Board of Health, the applicant shall immediately comply with any condition imposed thereon. The variance expires eighteen (18) months from the date on which it was approved unless the District Board of Health specifies otherwise or the variance has been renewed prior to the expiration date.

020.120 NOTICE OF VIOLATION

Whenever the Health Authority determines that any of these regulations have been violated, he may issue a written Notice of Violation (NOV) to the responsible party. The notice must specify the details of the violation, what section(s) of the regulations are in violation and the time frame for correcting the violation. The NOV must be issued to the person responsible for the violations and must be on forms approved by the Health Authority for this purpose.

020.125 CITATION

If the Health Authority has written and issued a Notice of Violation and the responsible party has failed to make the necessary corrections to comply with the NOV within the time frames originally established, the Health Authority may issue a criminal citation into the court of appropriate jurisdiction. The citation may also be served by a peace officer, officer of the court or other authorized person.

020.130 Each citation shall include:

- A. Each section of the regulations which are allegedly violated.
- B. The facts alleged to constitute a violation of the regulations.
- C. The time and place the alleged violator must appear before the appropriate court.

020.135 The citation constitutes a notice to the person named on the citation to appear in the court designated on the citation at the time and place specified. The signature of the person to whom the citation has been issued is a promise to appear in court, not an admission of guilt.

020.140 If the person named on the citation fails to appear at the scheduled time and place, a bench warrant may be issued by the court to compel attendance, or the District Attorney may file a criminal complaint upon request from the Health Authority, followed by the serving of a summons or arrest warrant upon the person named in the complaint.

020.145 Nothing in this section prevents that Health Authority from referring the matter to the District Attorney for the appropriate board of elected officials for the purpose of initiating abatement procedures.

020.150 FAILURE TO COMPLY

After the Health Authority has notified the responsible party of any violation of these regulations, it shall be unlawful for that person to refuse or fail to correct the violation(s) within the time limits set forth in the Notice of Violation or citation.

020.155 INTERFERENCE WITH PERFORMANCE OF DUTY

No person shall refuse entry or access to any representative of the Washoe County Health District upon presentation of appropriate credentials, who requests to inspect any property, premise or place at or on which any waste materials are being generated, stored, handled, processed or disposed, for the purpose of ascertaining the state of compliance with the regulations. No person shall obstruct, hamper or interfere with any such inspection.

020.160 PENALTIES

Any person who violates any provision of these regulations is guilty of a misdemeanor. In addition, such a person may be enjoined from continuing such violations pursuant to NRS 444.592 and NRS 444.600. Each day or part of a day upon which such a violation occurs shall constitute a separate violation.

020.165 SEVERABILITY

The provisions of Sections 010.004 to 090.195, inclusive, may not be interpreted to circumvent any of those provisions to make them less effective. If more than one interpretation exists for a provision, the more restrictive provision applies.

If any provision of these regulations is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions which can be given effect without the invalid provision. To this end, the provisions of these regulations are declared to be severable.

SECTION 030

SOLID WASTE MANAGEMENT SYSTEM

- 030.005** All solid wastes shall be stored, collected, utilized, treated, processed and disposed of in such a manner that a health hazard, public nuisance, or impairment of the environment, shall not be created. Before any method of solid waste processing, not otherwise specified by these regulations, is placed into operation, complete plans, specifications and design data must meet the approval of the Health Authority.
- 030.010** All solid wastes shall be handled in such a manner so as not to contribute to the breeding of insects and rodents, or to support any disease vector.
- 030.012** The Health Authority may, upon specific request, authorize in writing, resource recovery from the waste stream if the materials to be reclaimed are separated, processed and stored in a manner that creates no health risk, health hazard or health nuisance, or the specifically approved recovery method meets all other requirements contained in this regulation.
- 030.015** All solid waste systems shall be operated in such a manner so as not to cause or contribute to pollution, or degradation of the atmosphere or surrounding lands.
- 030.016** All municipal solid waste haulers must take the waste to an approved transfer station prior to disposal at a municipal solid waste landfill for the purpose of load checking and hazardous waste screening. The only exceptions to this requirement are for:
- A. Non-commercial self-haulers; or
 - B. Those haulers that have obtained a waste release permit prior to disposal at a municipal solid waste landfill; or
 - C. Commercial haulers that are transporting non-hazardous, non-putrescible waste, rubbish, industrial waste or construction and demolition debris.
- All out-of-state municipal solid waste haulers must take the waste to an approved transfer station prior to entering the Health District for the purpose of waste disposal to ensure load checking and hazardous waste screening to exclude hazardous or unacceptable wastes. The transfer station must be located in the state where the waste originated.
- 030.020** Solid wastes shall not be placed in surface or ground water, or within seven (7) feet of the highest ground water table at highest seasonal elevation. The Health Authority may, in special cases, require separation of more than seven (7) feet.
- 030.030** Liquid wastes, sludge and non-sewerable wastes shall not be accepted or disposed of at a land disposal facility without written approval of the Health Authority.
- 030.035** Solid wastes shall not be placed on or within the hundred (100) year floodplain or any perennial or seasonal watercourse.
- 030.040** No system for solid waste handling, processing, storage, recovery, salvage or disposal shall be placed in operation unless approved by the Health Authority.

- 030.041** A salvage yard must not be established until the location, facilities and proposed method of operation has been approved by the Health Authority.
- 030.042** A fee, if established by the Nevada State Environmental Commission for out-of-state waste shall be assessed on all out-of-state waste imported into the Health District and areas administered by the District Board of Health for solid waste management for the purpose of waste storage, disposal, incineration, reduction or treatment.
- 030.045** All solid waste management systems or operations involved in collection, storage, hauling, processing, recovery, salvage, treatment or disposal are required to obtain a permit to operate from the Health Authority.
- 030.046** Fees collected in accordance with this section of these regulations may be used by the Washoe County Health District for solid waste planning, research and development, land disposal site acquisition, land disposal site environmental monitoring, landfill operation and maintenance, site closure, solid waste education for the community served, recycling or other projects related to solid waste management.
- 030.047** A fee shall be charged for the issuance of a Permit to Operate in accordance with the fee schedule adopted by the Washoe County District Board of Health.
- 030.050** All solid waste management systems or operations involved in handling, collection, storage, hauling, processing, recovery, salvage, treatment or disposal shall place on file with the Health Authority an approved operational plan.
- 030.055 ASBESTOS**
- Asbestos containing material generated within the Washoe County Health District cannot be disposed unless a valid waste release permit has been issued by the Health Authority for that material.
- 030.090 OPEN BURNING**
- No person or municipality may operate a solid waste disposal facility utilizing open burning as a means of disposal, except as permitted by the Regulations of the Washoe County District Board of Health Governing Air Quality Management. The Health Authority may approve open burning of yard waste and other untreated wood at facilities that serve remote communities if:
- A. There is no other practicable alternative for the management of the waste; and
 - B. The burning is done in accordance with the Regulations of the Washoe County District Board of Health Governing Air Quality Management.
- 030.095** Nothing in these regulations shall be construed to prevent the disposal of diseased animal carcasses by burning, if such burning is done in accordance with the Regulations of the Washoe County District Board of Health Governing Air Quality Management, except that such burning shall not be allowed at land disposal sites covered by these regulations.
- 030.100 TANKS AND DRUMS**
- All empty storage tanks and drums must be cleaned by an approved method and have a valid waste release permit issued by the Health Authority before disposal in an approved land disposal site.

030.105 WASTE VEHICLE TIRES

Disposal of waste tires into ravines, gullies, canyons or other areas not recognized by the Health Authority as a land disposal facility is prohibited. Disposal of waste tires by open burning is prohibited. Waste tires must be disposed in accordance with Sections 085.400 and 085.500 of these regulations.

030.110 WASTE OILS

Waste oils, grease, oil sludge, oil soaked wastes or other similar wastes shall not be placed in any land disposal facility unless special provisions for handling such wastes have been included in the approved operational plan, and/or unless such disposal has been approved by the Health Authority.

030.115 STREET/PARKING LOT SWEEPINGS

It is unlawful to use or deposit street/parking lot sweepings as fill material, or to dispose of this waste any place other than a municipal solid waste landfill.

030.120 LIQUID WASTE/BIOSOLIDS/SLUDGE/SPECIAL WASTES

Aqueous and/or bulk liquid wastes must not be placed in any municipal solid waste landfill for the purpose of ultimate disposal.

030.135 Sewage sludge, biosolids and/or septic tank pumpings shall not be deposited or processed through any transfer station without prior written approval of the Health Authority.

030.137 All sludge from treatment plants, used as soil amendment, shall be spread and placed beneath the surface of the soil within seven (7) days of its arrival at the plot, parcel or premise unless such sludge has been heat treated, composted, pasteurized or processed in such a manner that the sludge no longer presents a public health or environmental nuisance. Untreated sewage sludge must not be used as fertilizer for root crops, vegetables, low growing berries or fruits that may be eaten raw or applied to land later than one (1) year prior to planting, where vegetables are grown. Raw sewage and septic tank pumpings must not be disposed of by land spreading, unless it is specifically determined and approved in writing by the Health Authority that such disposal can be conducted with assured, adequate protection of public health and safety and the environment. Disposal of raw sewage or septic tank pumpings at a municipal solid waste landfill unit is prohibited.

030.140 Abandoned wells, wells, deep wells, other similar constructions or mine shafts shall not be used for any type of waste injection or waste disposal.

030.145 Pesticide containers shall meet the following conditions:

- A. Metal, plastic and glass containers used for liquids shall have been processed by rinsing and draining, or other decontamination techniques. The processing procedure shall include, or be equivalent to, at least triple rinsing and thorough draining of the containers. Rinse waters shall be disposed in accordance with federal, state and local requirements.
- B. Proof that these conditions have been met is the responsibility of the applicator.
- C. Paper and plastic sacks and bags used for pesticide dusts and wettable powders, which are empty, are suitable for disposal.

030.150 Dead animals may be buried in a municipal solid waste landfill upon approval of the Health Authority and in accordance with the approved operational plan of the land disposal facility.

030.155 For other than landfill disposal of dead animals, Health Authority approval is required.

030.156 MANURE

All manure generated by domestic animals shall be picked up and removed at least once every seven (7) calendar days, or on a time frame approved by the Health Authority.

030.157 All manure used as a soil amendment, shall be spread upon the surface of the ground, and shall be tilled or spaded under the surface of the ground within seven (7) days of its arrival at the premise or parcel of land.

030.158 Manure that is used in composting as defined by Section 010.152 of these regulations is exempt from the requirements of Section 030.157.

030.159 Manure shall not be used as fill materials as defined by Section 010.284 of these regulations.

030.160 Dog and/or cat feces is prohibited from re-use as a fertilizer or soil amendment and it shall be removed from the site of generation at least once every seven (7) days. More frequent removal may be required by the Health Authority if odors or vectors are present.

030.162 SUBDIVISIONS

All proposed subdivisions and mobile home parks must submit to the Health Authority for approval, a plan for solid waste storage and removal. Final approval of any subdivision or mobile home park request shall be withheld until such information has been provided and approved.

030.165 CERTIFICATE OF OCCUPANCY

All certificate of occupancy applicants for any business shall provide information as to the type of waste generated, processes producing waste, waste treatment, estimated volumes and method of collection, transport and disposal prior to license approval.

030.175 SPECIAL EVENTS

Promoters of special events shall provide detailed information to the Health Authority as to the method of solid waste storage, handling and removal. Solid waste management at special events shall be done in accordance with the Regulations of the Washoe County District Board of Health Governing Food Establishments, Section 170.530.

030.180 WASTE RELEASE PERMIT

If a waste mixture is generated containing a component known to be hazardous, and if the generator believes that the mixture is non-hazardous, then the mixture shall be tested at the generator's expense and the analytical data submitted to the Health Authority for determination as to whether the mixture is hazardous. Laboratory analyses must be specific to the waste stream and approved by the Health Authority for the purpose of determining whether a waste stream is appropriate for landfilling or land disposal.

030.185 A waste release permit issued by the Health Authority is required before disposal of any of the following waste streams generated in Washoe County:

- A. Condemned commercial products;
- B. Consumables which are unable to be sold and must be disposed of;
- C. Waste material resulting from a chemical spill which is determined to be non-hazardous;

- D. Empty tanks or drums;
 - E. Any asbestos containing materials;
 - F. Any non-hazardous chemical waste;
 - G. Special wastes such as, but not limited to, non-hazardous laboratory reagents, non-hazardous mining wastes including ore and assay samples, drilling mud and fluids from geothermal borings, monitoring wells, process wastes, and malodorous materials;
 - H. All other non-standard industrial or municipal solid waste; and
 - I. Wastes generated by private residents, such as railroad ties or septic tanks.
- 030.200** In order to receive a waste release permit, a generator must demonstrate the non-hazardous nature of the waste and complete an application on a form provided by the Health Authority. The application may be completed by the generator or his agent.
- 030.205** A completed application must contain the following:
- A. Name of generator;
 - B. Actual address and mailing address of generator;
 - C. Phone number of generator;
 - D. Contact person (generator or agent);
 - E. Identity of waste;
 - F. Quantity of waste;
 - G. Frequency of disposal; and
 - H. Signature of generator or his agent.
- 030.210** The material safety data sheets (MSDS), lab analysis, and required permit fee must accompany the submitted application.
- 030.215** Once all of the above have been submitted, the waste will be evaluated and a determination will be made as to whether or not, and under what conditions, the waste can be disposed in an approved landfill.
- 030.220** When a waste release permit is issued, it will consist of the waste release permit and custody forms necessary for the requested disposal frequency.
- 030.225** Each custody form will be printed with a permit number. A waste release custody form must accompany each waste load going to an approved landfill.
- 030.230** Waste release permits are intended to convey disposal approval for land disposal facilities only. Waste release permits are not to be used for disposal of waste in a municipal solid waste transfer station, materials recovery facility or solid waste storage bin.
- 030.235** It is the responsibility of the generator to ensure that any waste generated by them is disposed of by an approved method.

SECTION 040

SOLID WASTE STORAGE

040.005 GENERAL

Solid waste storage must not:

- A. Cause a health hazard;
- B. Attract or propagate vectors, vermin or pests, including but not limited to dogs, bears, coyotes and raccoons;
- C. Create unpleasant odors; and
- D. Create a nuisance.

040.010 The person who is an owner, operator, and/or occupant of any premise, or property, business establishment, industry, or other public or private property, vacant or occupied, shall be responsible for the safe sanitary storage of all solid waste accumulated on the premise or property until it is legally moved.

040.015 It is the responsibility of the owner, or his agent, of a new, remodeled, or expanded commercial building or apartment complex, mobile home park, or other similar facility, to provide in the design proper storage which will accommodate the solid waste loading anticipated, and which will allow for efficient, safe waste removal, or collection. He shall demonstrate to, and get approval from, the Health Authority that he has made the required provisions in the design prior to construction.

040.020 Bulky wastes or other non-putrescible wastes unsuitable for storage containers shall be stored in a nuisance-free manner, and shall be boxed, bundled, tied or contained in such a manner that the waste is protected from scattering, and is collectable.

040.030 Garbage shall not be allowed to remain on any premises for more than seven (7) days to prevent propagation or attraction of wildlife, domestic animals, flies, rodents or other vectors, and the creation of nuisances. Where it is deemed necessary by the Health Authority, because of improper or inadequate storage, nuisance, odors, propagation of vectors, and/or the protection of public health, more frequent removal of garbage may be required. Where garbage and rubbish is containerized together, the period of removal shall be the same period of time as that applied to garbage.

040.032 The Health Authority may approve storage of garbage and similar putrescible wastes for more than seven (7) days before collection in a remote community if the municipality, in whose jurisdiction the storage occurs, demonstrates that an alternative minimum collection frequency will not result in increased litter or odors, harboring of vectors, storage of excess waste outside of containers or any other health hazard, public nuisance or impairment to the environment. The Health Authority may revoke its approval of the alternative minimum collection frequency for cause.

040.035 CONTAINERS

Containers for the storage of solid waste shall be:

- A. Of adequate size to contain the expected waste;
- B. Of proper design to contain the expected waste;

- C. In sufficient numbers to contain all solid waste generated from a particular premise, property, or waste generating activity; and
- D. Equipped with a suitable lid or cover.

Containers for the storage of garbage shall, in addition to the above, be:

- A. Non-absorbent;
- B. Watertight;
- C. Durable;
- D. Equipped with a tight-fitting lid;
- E. Odor resistant;
- F. Vector resistant;
- G. Easily cleanable;
- H. Designed for safe handling; and
- I. Designed to keep the contents free from pests and vermin, including but not limited to dogs, bears, coyotes and raccoons.

Plastic bags do not meet the intent of the requirements for garbage containers.

- 040.036** Upon notification by the Health Authority, an unacceptable waste storage container must be removed from use and replaced within seven (7) days.
- 040.040** Large containers, provided or utilized by commercial operations, and/or other waste generating operations, for the storage of garbage and similar putrescible waste, shall be equipped with lids that are easily opened and closed by an average sized adult standing beside the container. Large drop boxes, or other similar containers, do not meet the intent of this regulation unless equipped with special, lightweight, easily manipulated, tight fitting lids.
- 040.045** Containers used for certain construction and demolition wastes are not required to be fitted with a lid or suitable cover until removed for transport.
- 040.050** The lid or cover of a solid waste container shall be maintained in a closed or covered position at all times when wastes are not in the immediate process of deposit.
- 040.055** All garbage containers shall be maintained in a clean condition, free from putrescible residue.
- 040.057** It shall be unlawful to use plastic bags as a stand-alone container for garbage.
- 040.065** It shall be unlawful to deposit solid waste in a container that is owned, and/or under the control of another person, unless permission to deposit said waste has been obtained from the owner or controlling person; or unless the container has been provided for public use.
- 040.070** Solid waste generated from domestic dwellings shall not be deposited in containers provided for construction, recreation or temporary event sites.

040.075 Any business operation, public or private, must provide approved containers on site, adequate to contain all solid waste generated by its particular operation. Provision must be made for acceptable removal of stored waste. Unless otherwise approved by the Health Authority, garbage must be removed every seven (7) days and trash/rubbish must be removed every fourteen (14) days.

040.090 LOCATION

Any container for the storage of solid waste shall be located upon the private property where the waste is generated, unless said container is placed on public property by a public agency for public use.

040.095 No container for the storage of solid waste may block or restrict vehicular or pedestrian movement on any public street, alley, sidewalk or thoroughfare.

Exemptions may be approved by the Health Authority if the container is to be placed:

- A. Upon public property by a public agency for public use; or
- B. Upon a public street, alley or thoroughfare for the removal of solid waste from a permitted construction or demolition site.

040.100 Compactors shall be located upon an impervious surface such as finished concrete or asphalt.

040.105 Compactors, located in area accessible to the public, shall be equipped in such a manner that only authorized personnel are able to operate the compactor.

040.110 Individual residential solid waste storage containers must be removed from the edge of an alley or street curb not later than 24 hours after waste collection by the franchised waste hauler occurs.

040.111 Residential and commercial solid waste storage containers must be stored in a manner that precludes access by domestic or wild animals, by means of storage location, times of placement or removal from the street curb and/or use of approved animal resistant containers.

040.112 The owner of a residential or commercial solid waste storage container that is subject to chronic disturbance by domestic or wild animals shall provide an approved animal resistant container and/or relocate the container to an area that is not accessible by animals. A chronic disturbance is two (2) or more validated incidents in a twelve (12) month time frame beginning with the first valid incident. The approved animal resistant container must be installed within 90 days of the second validated incident within the twelve (12) month time frame.

040.115 CONSTRUCTION/DEMOLITION

The general contractor must provide suitable containers for the storage of wastes generated at the construction site and shall insure that the containers are used and removed every fourteen (14) days unless an alternative schedule is approved by the Health Authority.

040.125 In cases where there is no general contractor, each contractor and/or sub-contractor, must be responsible for the proper storage and removal of their wastes.

040.130 Any storage container located on a construction site shall be equipped with a lid or other suitable cover to prevent the escape of wastes stored inside. If the wastes deposited in the container, due to their density and bulk, are not displaced by wind, then the lid or suitable cover requirement may be waived for on- site storage until removal occurs.

040.140 Wash water containing concrete residues must not be allowed to flow, be deposited, or remain on public property. Wash water and concrete residues must be contained upon the construction site, and/or upon the concrete manufacturer's manufacturing site for later disposal. Removal and disposal of excess concrete must be at regularly scheduled intervals not to exceed fourteen (14) days.

040.155 Construction and demolition wastes must be controlled in such a manner that prevents spillage or escape of any waste material during loading, transport and unloading.

040.165 **BIOHAZARDOUS WASTES**

Storage and containment of biohazardous wastes must conform with Sections 080.220 – 080.250, inclusive, of these regulations.

040.170 **SALVAGE YARD WASTES**

Salvage in a salvage yard must be stored in an orderly manner so as to prevent harboring rodents, vectors, any public nuisance and accidents. All nonsalvageable material must be stored and disposed of every seven (7) days at a minimum. No garbage or similar putrescible waste may be present at a salvage yard, except in approved containers for such wastes.

SECTION 050

WASTE COLLECTION/TRANSPORT

050.010 Each person permitted by the Health District to provide solid waste collection and/or transportation services within Washoe County shall obtain all other necessary written permits and licenses from the appropriate approval/regulatory agencies.

050.015 Any person collecting or transporting solid waste shall:

- A. Be responsible for the prevention of littering or creation of nuisance at the loading point, during transport, and for the unloading at a land disposal site or other approved solid waste management facility; all waste materials must be loaded and moved in such a manner that they will not fall, blow, leak, spill or otherwise become dislodged from the transporting vehicle. The transporting vehicle must be covered in a manner that will prevent such blowing, leaking or spilling. Any person transporting solid waste shall be responsible for the proper loading, covering and movement of solid wastes;
- B. Conduct work in a safe, efficient manner, obeying all applicable traffic laws and other laws;
- C. Immediately remove all spillage caused by his operations; if solid waste spillage does occur, the vehicle operator shall immediately pick up the spilled waste, return it to the transporting vehicle, and insure the area where the spillage occurred has been thoroughly cleaned;
- D. Protect the property of his customers;
- E. Create no public disturbance of the peace and quiet in and through residential areas of operation;
- F. Own the waste once collected; and
- G. Comply with sections 080.500 – 080.550, inclusive, of these regulations if transporting biohazardous waste.

- 050.017** The mixing, addition or commingling of garbage with rubbish, construction and demolition waste, refuse or other solid waste matter, exclusive of biohazardous or hazardous wastes, renders the entire resulting mixture as garbage and must be handled as garbage, except as provided in Section 050.018 of these regulations.
- 050.018** Solid waste, excluding garbage except in a de minimus amount, that is collected and transported by a permitted waste hauler to an approved and permitted recycling facility, materials recovery facility or composting facility for processing is allowable, provided the processing activity is conducted in a facility permitted pursuant to Sections 055 or 062 of these regulations and in compliance with the provisions of such permit. Any garbage or solid waste resulting from the recycling or recovery process must be handled in accordance with the provisions of these regulations.
- 050.020** Vehicles and containers used for the collection and transportation of putrescible waste shall be:
- A. Tightly covered;
 - B. Non-absorbent;
 - C. Leak proof;
 - D. Vector resistant;
 - E. Odor proof;
 - F. Durable;
 - G. Easily cleanable; and
 - H. Designed for safe handling and operation.
- 050.025** Each person licensed to collect and/or transport solid waste must:
- A. Obtain a permit to operate from the Health Authority;
 - B. Provide the Health Authority with a current list of the numbers and types of vehicles and containers used in the operation; and
 - C. Identify each vehicle and container used in the operation by clearly marking it.
- 050.030** Solid waste collection vehicles, compactor collection vehicles or solid waste transportation vehicles shall not be stored or parked on public streets or roads except under emergency conditions.
- 050.035** The person licensed to collect, and/or transport, solid waste shall designate a location where the vehicles and containers will be parked or stored when not in service. This designated location shall be approved by the Health Authority and other approval/regulatory agencies.
- 050.040** The person licensed to collect, and/or transport, solid waste must notify the user, through appropriate means, of the day on which collection will occur. Should any changes in the day of collection or transport occur, the user must be given adequate advance notice of the changes.
- 050.070** **CLEANING OF VEHICLES AND CONTAINERS**
- Vehicles and containers provided for solid waste storage, collection and transport shall be maintained and regularly cleaned to prevent odors, vector harborage and nuisance.

050.075 The Health Authority may require a specific container, compactor or collection vehicle to be cleaned when such container, compactor or collection vehicle has an accumulation of putrescible material sufficient to harbor vectors, generate odor and/or create nuisance.

050.080 WASTE REMOVAL

Garbage and similar putrescible wastes shall be removed for disposal from any premise or property not less than every seven (7) days. Where it is deemed necessary, the Health Authority may require a removal time of less than seven (7) days when conditions exist that would result in:

- A. The propagation of vectors;
- B. The harborage of vectors and/or vermin;
- C. The creation of nuisance; and
- D. A potential health hazard.

050.090 After notification by the Health Authority, waste must be removed in accordance with the time frame established by the Health Authority.

An extension to the original time frame for removal of designated wastes may be approved by the Health Authority provided the request for extension outlines a reason for the extension. Reasons may include, but are not limited to, inclement weather, equipment failure or lack of finances. The request must include a proposed time frame for compliance with the original order for removal of wastes.

050.095 The Health Authority may require proof that waste, removed in compliance with the above notification, was disposed of in an approved disposal facility. A dated disposal receipt must fulfill this requirement.

050.100 WASTE OWNERSHIP AND RESPONSIBILITY

The person generating or producing any solid waste shall be responsible for the proper storage, removal, transport and disposal of this solid waste. The person generating or producing solid waste must ensure that the waste is collected and transported by a properly licensed and permitted solid waste collector and/or hauler, unless the waste is legally removed and transported on a self-haul basis. Solid waste, which has been disposed at any location, other than a municipal solid waste landfill, creates a rebuttable presumption that the waste was disposed of by the owner of the waste. Such disposal constitutes a violation of this Subsection and Subsections 050.125 - 050.135, inclusive.

050.110 The person generating or producing solid waste shall not maintain responsibility for his solid waste once the waste has been collected, received for transport or disposal by a properly licensed and permitted solid waste system.

050.115 The property owner or his agent is ultimately responsible for proper solid waste storage, removal, transport and disposal.

050.120 In those instances where a person rents or leases to another, the underlying property owner or his agent shall be ultimately responsible for solid waste generated and/or stored on those premises, should said solid waste remain on the premises beyond the tenant term.

050.125 All waste is the property of the person generating it until it is lawfully deposited in:

- A. A land disposal facility;
- B. A suitable container and placed at the approved location on the customary schedule for collection;

- C. An approved transfer station, materials recovery facility, recycling facility, composting facility, waste tire management facility or other approved waste processing facility; or
- D. A suitable container provided for public use.

050.130 Waste legally placed at an approved location for collection, processing, recovery or disposal becomes the property and responsibility of the collector upon receipt of the waste as part of an approved solid waste management system.

050.135 No person shall remove waste placed for collection, other than the person generating the waste, or the authorized collector/processor.

050.145 ILLEGAL DUMPING

It is unlawful in the Washoe County Health District, for any person, public or private, to place, deposit or dump, or cause to be placed, deposited or dumped, any solid waste in or upon any public or private highway, street, alley or road, or any lot or parcel of land, whether public or private, other than approved land disposal sites, exclusive of NRS 444.620.

050.150 A person found guilty of illegal dumping as outlined in Subsection 050.145 shall be subject to the criminal and civil penalties established in NRS 444.630 – 444.635, inclusive.

SECTION 055

COMPOSTING OPERATIONS AND FACILITIES

055.001 GENERAL

- A. Nothing in these regulations shall be construed as relieving a person, owner, operator, or a designer of a composting facility from the obligation of obtaining all required permits, licenses, or other clearances, and complying with all orders, laws, regulations or other requirements of approval, regulatory or enforcement agencies.
- B. A composting facility shall not be constructed within the Health District until such time as the Solid Waste Management Authority has approved the site location, design plans, and operating plans, in writing.
- C. Composting on a non-commercial individual homeowner basis shall be accomplished in a nuisance free, odor free, vector free manner. Household waste shall be handled in such a manner that breeding and harborage areas are eliminated. This operation shall include only those wastes generated from the person’s own domestic residence. All other wastes are prohibited.
- D. The Solid Waste Management Authority may suspend or revoke a permit to operate a compost facility if the owner or operator of the facility fails to comply with the provisions of these regulations.

055.011 PURPOSE

The purpose of this section is to establish design and construction standards for composting facilities and establish operational requirements for solid waste management at the facilities.

055.020 PERMIT TO OPERATE: REQUIRED

- A. No person shall operate or modify a composting facility within the Health District without obtaining a Permit to Operate, issued by the Solid Waste Management Authority, in accordance with this section.
- B. A Composting Facility shall operate in accordance with the operational plan approved by the Solid Waste Management Authority, as required in Section 055.040.

055.021 APPLICATION FOR PERMIT TO OPERATE

- A. A Permit to Operate a Compost Facility shall be issued only after the Solid Waste Management Authority:
 - 1. Receives and approves a set of plans for design and construction of the compost facility including distances from adjacent properties and public roadways as required in Subsections 055.031 and 055.061 (C) respectively;
 - 2. Receives and application made in writing and on forms provided by the Solid Waste Management Authority with all of the following information:
 - a) The name, location and mailing address, and telephone number of the compost facility;
 - b) All owners' and operators' names, addresses and telephone numbers;
 - c) All names, addresses and telephone numbers of any agents authorized to act on behalf of the owner(s); and,
 - d) Photocopies of all business licenses, permits, or other evidence of approval from other applicable governmental or environmental agencies with jurisdiction.
 - 3. Receives certification from the governing body of the county, city or town in which the facility is to be located stating that the location and operation of the station are Consistent with all applicable ordinances;
 - 4. Receives a copy of the lease or deed of certification of ownership of the site;
 - 5. Receives and approves a copy of the operational plan as required in Subsection 055.040 of these regulations;
 - 6. Conducts an inspection of the facility; and
 - 7. Collects the permit fee set by the District Board of Health.
- B. Permits shall be valid for one year, upon which, renewal will be granted upon payment of the appropriate fees, and continued compliance with these regulation.
- C. An update application form and operations plan shall be submitted to the Solid Waste Management Authority when any of the information specified in paragraph A above changes, within 30 days of the change.

055.031 DESIGN REPORT

- A. The design report and plans required pursuant to subsection 055.021 (A)(1) must:

1. Be prepared under the direction of, signed by, and stamped by a professional engineer licensed in the State of Nevada or prepared by the property and facility owner;
 2. Include a general location map that shows land use and zoning within a 1-mile radius of the compost facility;
 3. Include distances in feet from the proposed composting operation to the nearest property lines and public roadways;
 4. Include construction plans and specifications of the compost facility if applicable, which must:
 - a) Be drawn to a scale of not more than 200 feet/inch and must include contour intervals of not more than five (5) feet;
 - b) Show existing and proposed contours;
 - c) Show access roads and traffic routing inside of and around the compost facility and types and numbers of vehicles expected to use the compost facility;
 - d) Include provisions for control of surface water run-on and run-off; show grades, berms, dikes, swales and other devices used for drainage and surface water control;
 - e) Show fencing, equipment, shelter, employee stations, material handling areas and any other appurtenance;
 - f) Include provisions for weighing or measuring incoming materials for composting;
 - g) Include provisions for controlling and preventing odors, dust, and noise; and
 - h) Include provisions for preventing attraction, propagation, and harborage of vectors and vermin for the protection of public health and safety and the environment;
 5. Include provisions that minimize health risks and public nuisances that may cause or contribute to the impairment of the environment;
 6. Define the population and area to be served by the compost facility;
 7. List the anticipated types, quantities and sources of solid waste to be received at the compost facility; and
 8. List the anticipated end uses for the finished composted product.
- B. Any changes in the design of the compost facility shall be prepared and processed in the same manner as required for the original design, and approved by the Health Authority in writing, prior to start of construction.

055.040 COMPOST FACILITY OPERATIONAL PLAN

- A. The operational plan of the compost facility required pursuant to Subsection 055.021 (A)(5) must include, but not be limited to:
1. Provision for the control of access to the compost facility;
 2. Procedures for controlling vehicular traffic;

3. The number of attendants who will be on site at the compost facility during operating hours;
 4. A list of the equipment and machinery that will be used at the compost facility;
 5. The types of wastes and materials the compost facility, including a characterization of the waste sufficient to evaluate the potential for biological or chemical contaminant migration in the event of a release, and a list of locations where users with wastes and materials prohibited for acceptance at the compost facility will be directed for proper disposal;
 6. Procedures for measuring or weighing incoming solid waste and materials;
 7. The maximum inventory, by volume, of feed stocks or received materials, intermediate materials and products;
 8. The maximum time that materials will be stored until composting process begins;
 9. A program for monitoring the parameters of the process, including moisture content, temperature, turning intervals and times;
 10. Procedures for testing materials prior to beginning composting process and process for testing finished product to demonstrate pathogens have been killed during the composting process;
 11. A description of the final use for the compost or the available markets for the compost;
 12. The proposed operating hours;
 13. A contingency plan that describes procedures for emergencies, such as but not limited to: fires or the release of a hazardous or toxic substance, and alternate solid waste handling systems in the event the facility is closed or inoperable;
 14. A plan for the management of incoming wastes and materials including load checking to ensure only acceptable loads are received, the plan should include how rejected loads will be documented, and the procedures for conducting and documenting random load checks;
 15. Provisions for dust and litter control;
 16. Provisions for fire prevention and control;
 17. Personnel training program documentation;
 18. Procedures for handling complaints;
 19. A plan for closure of the compost facility including financial assurance to cover the costs of closing the facility; and
 20. A description of how the compost facility will comply with the operating standards set forth in Subsection 055.061.
- B. A copy of the operational plan shall be immediately available on-site to all maintenance and operational personnel, a copy available at the business office of the operator, and a copy provided to the Washoe County Health District.

055.051 CONSTRUCTION

- A. A compost facility must be constructed with:

1. Barriers and appurtenances necessary to control access to the station; where topographic conditions create a similar effect, a barrier may not be required, and all areas within the site which are deemed hazardous shall be separately fenced and properly identified to create an adequate level of security;
 2. An all-weather road;
 3. Appurtenances for litter and blowing debris control;
 4. Areas for the untarping, processing and tipping of intake materials;
 - a) Areas where tipping occurs should be protected from the wind on three sides; and
 - b) Be able to control and or contain run-on and run-off liquids;
 5. Sanitary stations, safe drinking waste stations, and first-aid station complete with supplies immediately available for the site personnel;
 6. An area that provides shelter for protection from inclement weather for use by employees during periods of rest and meals;
 7. An on-site communication system; and
 8. Adequate parking and staging for employee and user vehicles.
- B. A compost facility must be constructed to include areas for sign placement.
- Signs must indicate:
1. The owner and operator of the compost facility;
 2. The hours of operation;
 3. A list of the materials that are accepted and/or rejected; and
 4. Fees charged.

055.061 OPERATIONAL REQUIREMENTS

- A. Materials and waste accepted at the compost facility must:
 1. Be managed and composted onsite; and
 2. Scavenging shall not be permitted at any time.
- B. A compost facility must be operated and maintained in a neat and orderly condition to prevent a public nuisance and vector problems.
- C. Any person or municipality which maintains or operates a compost facility shall maintain a buffer zone of at least 500 feet from the adjoining properties and 1,000 feet from any public roads unless the facility is fully contained within a building.
- D. All incoming materials and solid waste must be confined to as small an area as practicable. At the conclusion of each day of operation, all windblown material resulting from the operation must be collected and returned to the area.

- E. All composted materials offered for sale must meet the following:
 - 1. 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 C.F.R. § 503.32 (a);
 - 2. Must not reheat upon standing;
 - 3. Must be innocuous; and
 - 4. Must contain no sharp particles which could cause injury to persons handling the compost.
- F. By-products removed during the processing of compost must be handled in a sanitary and nuisance-free manner and disposed of at a facility approved by the Solid Waste Management Authority.
- G. A compost facility shall comply with the plans for design and operation of the facility approved by the Solid Waste Management Authority. The facility shall not:
 - 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 employees of the facility or the general public; or
 - 4. Cause a public nuisance.
- H. The operator of the compost facility shall maintain accurate records of the operations of the facility. The records must be furnished upon request to the Solid Waste Management Authority or be made available for inspection by the Solid Waste Management Facility at any reasonable time. The records must include, but not limited to:
 - 1. A daily log of the quantity of solid waste received, transported and processed;
 - 2. Instances in which the facility rejected a waste or material load;
 - 3. Documentation of random load checks;
 - 4. Documentation of compost operations monitoring; and
 - 5. A log of unusual events at the facility that may affect the finished compost profile or the facility operation.
- I. The operator of the compost facility must notify the Solid Waste Management Authority not more than 24 hours after an emergency that results in temporary or permanent change or possesses the possibility to change or alter the facility operations.

055.070 COMPOST FACILITY FINAL CLOSURE REQUIREMENTS

- A. Plan for closure required. A plan for closure shall be required for all compost facilities.

The plan must include:

- 1. A detailed written estimate, in current dollars, of the cost to hire a person to close the facility in accordance with the plan;

- 2. Proof of financial assurance that complies with Subsection 055.080 of these regulations; and
 - 3. An outline of the procedures to be used to close the facility.
- B. The owner or operator shall notify the Solid Waste Management Authority, in writing, at least 90 calendar days prior to the date the facility is expected to close. The facility may not accept any wastes or materials after the expected closing date.
 - C. The owner or operator shall, within 30 calendar-days after receiving the final shipment of waste, remove all wastes and intake materials, litter, and inoperable equipment in accordance with the plan for closure set forth in Paragraph A above. All finished compost products must be removed from the site within 90 days after the expected closing date as outlined in the plan for closure set forth in Paragraph A above.

055.080 FINANCIAL ASSURANCE REQUIRED FOR CLOSURE

- A. The owner or operator of a compost facility shall obtain a surety bond, or any other mechanism of financial assurance approved by the Solid Waste Management Authority, to cover the cost to close the facility, including the removal and proper disposal of the maximum inventory of unprocessed intake material, intermediate material and final compost for which the facility was facility is closed and the Solid Waste Management Authority approves the closure.
- B. The surety bond must be issued by a corporation licensed to conduct business in this state and must include an indemnity agreement that guarantees payment to a trust fund or to the Solid Waste Management Authority.
- C. If payment is guaranteed to a trust fund, the trustee of the trust fund must be an entity which is authorized by the owner or operator of the transfer station to act as trustee and whose trust operations are regulated and examined by a federal or state agency.
- D. The owner or operator of any other person who is authorized to conduct activities for the closure of the compost facility may request reimbursement from the trustee for any cost incurred to close the facility. The trustee may provide reimbursement for that cost only if there is sufficient money in the trust fund to pay the remaining costs to close the facility, and proof and justification of the cost is placed in the operating records of the compost facility. The owner or operator shall notify the Solid Waste Management Authority that the proof and justification for the reimbursement of the cost was placed in the operating records of the compost facility and that he has received reimbursement.
- E. The owner or operator of the compost facility shall review annually the estimate of the cost to close the compost facility upon which the bond or other mechanism of financial assurance is based and submit the estimate to the Solid Waste Management Authority for review and approval.

SECTION 060

TRANSFER STATIONS

060.001 GENERAL

- A. Nothing in these regulations shall be construed as relieving the owner, operator, or a designer of a transfer station from the obligation of obtaining all required permits, licenses, or other clearances, and complying with all orders, laws, regulations or other requirements of approval, regulatory or enforcement agencies.

- B. A transfer station shall not be constructed within the Health District until such time as the Health Authority has approved the site location, design plans, and operating plans, in writing.

060.011 PURPOSE

The purpose of this section is to establish design and construction standards for solid waste transfer stations and establish operational requirements for solid waste management at these stations.

060.020 PERMIT TO OPERATE: REQUIRED

- A. No person shall operate or modify a transfer station within the Health District without obtaining a Permit to Operate, issued by the Health Authority, in accordance with this section.
- B. A transfer station shall operate in accordance with the operational plan approved by the Health Authority, as required by Subsection 060.041.

060.021 APPLICATION FOR PERMIT TO OPERATE

- A. A Permit to Operate a Transfer Station shall be issued only after the Health Authority:
 - 1. Receives and approves a set of plans for design and construction of the transfer station as required in Subsections 060.031 and 060.051, respectively;
 - 2. Receives an application made in writing and on forms provided by the Health Authority with all of the following information:
 - a) The name, location, mailing address, and telephone number of the transfer station;
 - b) All owners' and operators' names, addresses and telephone numbers;
 - c) All names, addresses and telephone numbers of any agents authorized to act on behalf of the owner(s); and
 - d) Photocopies of all business licenses, permits, or other evidence of approval from other applicable governmental or environmental agencies with jurisdiction;
 - 3. Receives certification from the governing body of the county, city, or town in which the station is to be located stating that the location and operation of the station are consistent with all applicable ordinances;
 - 4. Receives a copy of the lease or deed of certification of ownership of the site;
 - 5. Receives and approves a copy of the operational plan as required in Subsection 060.041 of these regulations;
 - 6. Conducts an inspection of the station;
 - 7. Evaluates the application and within 45 calendar days after receipt notifies the applicant as to whether the application is complete and in compliance with all applicable statutes and regulations;
 - 8. Prepares a notice of intent to issue or deny the issuance of the permit and accepts written comments from the general public as required in this section; and
 - 9. Collects the permit fee set by the District Board of Health.

- B. Permits shall be valid for one year, upon which, renewal will be granted upon payment of the appropriate fees and continued compliance with these regulations.
- C. An updated application form shall be submitted to the Health Authority when any of the information specified in paragraph A above changes, within 30 days of the change.

060.031 DESIGN REPORT

- A. The design report required pursuant to subsection 060.021 (A)(1) must:
 - 1. Be prepared under the direction of, signed by, and stamped by a professional engineer licensed in the State of Nevada;
 - 2. Include a general location map that shows land use and zoning within a one-mile radius of the transfer station;
 - 3. Include construction plans and specifications of the transfer station which must:
 - a) Be drawn to a scale of not more than 200 ft. /in. and must include contour intervals of not more than 5 feet;
 - b) Show existing and proposed contours;
 - c) Show access roads and traffic routing inside of and around the transfer station and types and numbers of vehicles expected to use the transfer station;
 - d) Include provisions for the control of surface water run-on and run-off; show grades, berms, dikes, swales and other devices used for drainage and surface water control;
 - e) Show fencing, equipment, shelter, employee stations, waste handling areas and any other appurtenance;
 - f) Include provisions for weighing and measuring incoming solid waste;
 - g) Include provisions for controlling and preventing odors, dust, and noise; and
 - h) Include provisions for preventing attraction, propagation, and harborage of vectors and vermin for the protection of public health and safety and the environment.
 - 4. Include provisions that minimize health risks and public nuisances that may cause or contribute to the impairment of the environment;
 - 5. Define the population and area to be served by the transfer station; and
 - 6. List the anticipated types, quantities and sources of solid waste to be received at the transfer station.
- B. Any changes in the design of the transfer station shall be prepared and processed in the same manner as required for the original design, and approved by the Health Authority in writing, prior to start of construction.

060.040 TRANSFER STATION OPERATIONAL PLAN

- A. The operational plan of the transfer station required pursuant to Subsection 060.021 (A)(6) must include, but not be limited to:

1. Provisions for the control of access to the transfer station;
2. Procedures for controlling vehicular traffic;
3. The number of attendants who will be on site at the transfer station during operating hours;
4. A list of the equipment and machinery that will be used at the transfer station;
5. The types of wastes that the transfer station will not receive and a list of the stations where such waste will be directed;
6. A program for detecting and preventing the disposal of regulated hazardous waste and polychlorinated biphenyl wastes;
7. Procedures for measuring or weighing incoming solid waste;
8. The proposed capacity and expected life of the transfer station;
9. The frequency and method of transfer of solid waste to a disposal site;
10. The maximum time that solid waste will be stored at the transfer station;
11. The location of waste storage areas at the transfer station and procedures for the mixing, compacting and wetting of solid waste;
12. The proposed operating hours;
13. A contingency plan that describes procedures for emergencies and alternate solid waste handling systems;
14. A plan approved by the local fire authority for the prevention and control of fires, and procedures for handling and extinguishing incoming hot loads;
15. A plan for the management of special wastes that are proposed for acceptance at the station and provisions for biohazardous waste management that meet the requirements of Section 080 of these regulations;
16. Provisions for resource recovery;
17. Provisions for dust and litter control;
18. A copy of a biweekly cleaning schedule;
19. A detailed personnel training program;
20. Procedures for handling complaints;
21. Procedures for conducting and documenting random load checks;
22. A plan for station closure pursuant to Subsection 060.070, including proof of financial assurance required by Subsection 060.080, to cover costs of closing the station; and
23. A description of how the transfer station will comply with the operating standards set forth in Subsection 060.061.

- B. A copy of the operational plan shall be immediately available on-site to all maintenance and operational personnel, a copy available at the business office of the operator, and a copy provided to the Washoe County District Health Department.

060.051 CONSTRUCTION

- A. A transfer station must be constructed with:
 - 1. Barriers and appurtenances necessary to control access to the station; where topographic conditions create a similar effect, a barrier may not be required, and all areas within the site which are deemed hazardous shall be separately fenced and properly identified to create an adequate level of security;
 - 2. An all-weather access road;
 - 3. Appurtenances to control litter;
 - 4. Areas for processing, tipping, sorting and storage of solid waste that:
 - a) Are located within a covered enclosure with at least three sides; and
 - b) Have a floor with a hard surface such as concrete or asphalt pavement, and a drainage structure for the recovery of liquids.
 - 5. Sanitary stations, safe drinking water stations, and a first-aid station complete with supplies immediately available for the site personnel;
 - 6. An area that provides shelter for protection from inclement weather for use by employees during periods of rest and meals;
 - 7. An on-site communication system; and
 - 8. Adequate parking stations for transfer vehicles.
- B. Any area used for tipping, handling or storing of solid waste must be constructed with proper drainage to alleviate freestanding water and be designed to discharge into a sanitary sewer or its equivalent.
- C. A transfer station must be constructed to include areas for sign placement. Signs must indicate:
 - 1. The owner and operator of the transfer station;
 - 2. The hours of operation;
 - 3. A list of materials that are accepted and/or rejected; and
 - 4. Fees charged.

060.061 OPERATIONAL REQUIREMENTS

- A. Solid waste accepted at a transfer station must be:
 - 1. Transported to a disposal site that has been issued a permit by the Health Authority; or
 - 2. Recovered for reuse or recycling and there after promptly removed from the transfer station.

- a) Resource recovery, such as metal, paper, and glass; and volume reduction operations, such as baling or shredding are permitted as an integral part of the operation of the transfer station, subject to approval by the Health Authority, Regional Planning Commission and other applicable agencies.
 - b) Resource recovery shall not interfere with other aspects of the transfer station, nor shall it be conducted so as to interfere with expeditious entry and exit of vehicles delivering waste to the station.
 - c) Scavenging shall not be permitted at anytime.
- B. A transfer station must be operated and maintained in a neat and orderly condition to prevent a public nuisance and vector problems.
- 1. Each transfer station shall be cleaned at least biweekly or more frequently if odors or other conditions exist that require more frequent cleaning;
 - 2. All residual wastes or other residual material must be removed promptly from the transfer station so as not to create a nuisance; and
 - 3. Transfer vehicles containing putrescible materials shall not be parked on public streets or roads except under emergency conditions.
- C. A person shall not operate a resource recovery program from a transfer station unless:
- 1. Authorized by the Health Authority;
 - 2. Supervised by the operator of the station;
 - 3. The recovered material is stored in clearly identified containers in areas ancillary to the operation of the transfer station and storage time is limited to a duration that will not result in health, safety or fire problems; and
 - 4. The recovered material is maintained in a safe, sanitary and orderly manner.
- D. The operator of the transfer station shall maintain accurate records of the operations of the station. The records must be furnished upon request to the Health Authority or be made available for inspection by the Health Authority at any reasonable time. The records must include, but not be limited to:
- 1. A daily log of the quantity of solid waste received, transported and processed;
 - 2. Instances in which the station rejected a waste load;
 - 3. Documentation of random load checks; and
 - 4. A log of the following events including but not limited to fires, injury and property damage, accidents, explosions, incidents regarding hazardous wastes, citizen complaints received, flooding, and other unusual occurrences.
- E. Solid waste must be removed from a transfer station not more than 72 hours after acceptance unless the owner or operator is prevented from doing so because of an emergency such as a fire or flood. The owner or operator shall notify the Health Authority not more than 24 hours after an emergency that results in the storage of solid waste for more than 72 hours.

- F. Asbestos waste shall not be accepted at the transfer station for transportation to an approved disposal station.

060.070 TRANSFER STATION FINAL CLOSURE REQUIREMENTS

- A. Plan for Closure Required. A plan for closure shall be required for all transfer stations. The plan must include:
 - 1. A detailed written estimate, in current dollars, of the cost to hire a person to close the facility/company in accordance with the plan;
 - 2. Proof of financial assurance that complies with Subsection 060.080 of these regulations; and
 - 3. An outline of the procedures to be used to close the facility/company.
- B. The owner or operator shall notify the Health Authority, in writing, at least 90 calendar-days prior to the date the facility/company is expected to close. The facility/company may not accept any wastes after the expected closing date.
- C. The owner or operator shall, within 30 calendar-days after receiving the final shipment of waste, remove all remaining wastes, litter, recovered materials and inoperable equipment in accordance with the plan for closure as set forth in Paragraph A above, except that all putrescible waste must be removed within 72 hours after receipt.

060.080 FINANCIAL ASSURANCE REQUIRED FOR CLOSURE

- A. The owner or operator of a transfer station management facility shall obtain a surety bond, or any other mechanism of financial assurance approved by the Health Authority, to cover the cost to close the facility, including the removal and proper disposal of the maximum inventory of waste for which the facility is designed. The owner or operator shall provide financial assurance for the closure of the facility until the facility is closed and the Health Authority approves the closure.
- B. The surety bond must be issued by a corporation licensed to conduct business in this state and must include an indemnity agreement that guarantees payment to a trust fund or to the Health Authority.
- C. If payment is guaranteed to a trust fund, the trustee of the trust fund must be an entity which is authorized by the owner or operator of the transfer station to act as trustee and whose trust operations are regulated and examined by a federal or state agency.
- D. The owner or operator or any other person who is authorized to conduct activities for the closure of the transfer station may request reimbursement from the trustee for any cost incurred to close the transfer station. The trustee may provide reimbursement for that cost only if there is sufficient money in the trust fund to pay the remaining costs to close the transfer station, and proof and justification of the cost is placed in the operating records of the transfer station. The owner or operator shall notify the Health Authority that the proof and justification for the reimbursement of the cost was placed in the operating records of the transfer station and that he has received reimbursement.
- E. The owner or operator of the transfer station shall review annually the estimate of the cost to close the transfer station upon which the bond or other mechanism of financial assurance is based and submit the estimate to the Health Authority for review and approval.

SECTION 062

MATERIALS RECOVERY FACILITIES AND RECYCLING FACILITIES

PURPOSE AND INTENT: The purpose of this section of the regulation is to promote recycling, waste reduction, resource recovery and diversion of recoverable solid waste from disposal in a landfill in order to better preserve the natural resources of this community and to minimize environmental degradation resulting from improper disposal of solid waste.

062.100 PERMIT REQUIRED

- A. No person shall operate a materials recovery facility or recycling facility within Washoe County without first obtaining a Permit to Operate from the Health Authority, in accordance with the provisions of this section of the regulations.
- B. No person shall construct, modify or remodel an existing materials recovery facility, recycling facility or resource recovery facility without obtaining a Permit to Operate from the Health Authority, in accordance with the provisions of this section of these regulations.
- C. Materials recovery facilities or recycling facilities that are operational prior to implementation of this regulation must obtain a Permit to Operate from the Health Authority within 180 days of the effective date of these regulations, but in no case later than January 1, 2011.
- D. Permits issued in accordance with these regulations shall be valid for one year from the date of issuance and will be renewed annually provided the owner /operator demonstrates compliance with the conditions set forth in the permit.
- E Permits are not transferable.
- F. A permit may be suspended or revoked for cause; such suspension or revocation may only occur after written notification of such action and all appeals hearings have been exhausted.

062.110 APPLICATION FOR PERMIT TO OPERATE; APPLICATION TO MODIFY

- A. An application for a Permit to Operate must be submitted to the Health Authority for review and approval. The application must be submitted in writing and on forms provided by the Washoe County Health District prior to operating any materials recovery facility or recycling facility. The application must include the following:
 - 1. The name, physical address and telephone number of the facility;
 - 2. The names, addresses and other pertinent contact information for all owners of the proposed facility;
 - 3. The names, addresses and other pertinent contact information for any agents authorized to act on behalf of the owners;
 - 4. Copies of any business license, special use permit or similar registration documents required by other regulatory/ governmental agencies;
 - 5. A copy of the lease, deed or certificate of ownership of the property on which the facility will be sited;
 - 6. An operational plan that meets the requirements set forth in Section 062.140 of these regulations;

7. A design standard for the proposed facility that complies with Section 062.130 of these regulations;
 8. A plan for closure of the proposed facility that identifies the procedures required to close the facility and describes the manner in which the facility will comply with the provisions set forth in Section 062.170 of these regulations. The plan must include a detailed written estimate, in current dollars, of the cost to hire a person to close the facility in accordance with the plan;
 9. Proof of financial assurance that complies with Section 062.180 of these regulations;
 10. A list of the recyclable materials that are proposed and planned to be recovered or processed at the proposed facility;
 11. A description of the final use, or available markets, for the proposed and planned materials identified for recovery or processing; and
 12. Any other information the Health Authority requires in order to evaluate the proposed operation of the facility.
- B. A materials recovery facility or recycling facility that has been approved by the Health Authority may not modify any of the following elements of its approved operations plan or building design without obtaining prior approval from the Health Authority:
1. The storage or processing capacity of the facility;
 2. The types of waste that a facility may accept; or
 3. The design or method of operation of the facility.
- C. The application must be accompanied by a fee as authorized by the District Board of Health approved fee schedule.

062.120 CONSTRUCTION PLANS REQUIRED

- A. No materials recovery facility or recycling facility may be constructed or modified unless plans for the design and construction have been submitted to the Health Authority for approval. Plans must:
1. Be prepared under the direction of, signed by and stamped by a professional engineer licensed in the State of Nevada;
 2. Include a general location map that shows land use and zoning within a one mile radius of the proposed facility;
 3. Include construction plans and specification for the proposed facility; and
 4. If the facility is sited within an existing building; that building must be surveyed by a professional engineer licensed in the State of Nevada and determined to both be a sound and suitable structure for the proposed operations.
- B. Plans must be drawn to scale of not more than 200 feet/ inch and must include contour intervals of not more than 5 feet.
- C. Plans must show access roads and traffic routing inside and around the proposed facility; this must include maximum expected traffic through put for an approved operational period.

- D. Plans must include provisions for control of surface water, run-on and run-off; any grading or engineering controls used to manage wastewater.
- E. Plans must include specifications for all structures to be used as part of the facility, to include, but not limited to, shelters, employee stations, waste handling areas, and any other appurtenances.
- F. Plans must include a list and specification for all equipment proposed for use at the site, such as loaders, scales, grinders, separators, etc.
- G. Plans must include provisions for controlling dust, odors, and noise.
- H. The plans must identify and quantify the type of waste material to be processed, sorted, transferred, handled or recovered at the proposed facility.
- I. The plans must include provisions to minimize the attraction of vectors and vermin to reduce the impact to public health and safety.
- J. The plans must define the population and jurisdictional or geographical areas that are proposed and planned to be served by the proposed facility.
- K. The plans must list the anticipated types, quantities and sources of solid waste that are proposed and planned to be received by the proposed facility.

062.130 STANDARDS FOR DESIGN

- A. A materials recovery facility or recycling facility must be constructed with:
 - 1. Barriers and appurtenances necessary to control access to the facility;
 - 2. A road that provides access to the facility in all kinds of weather;
 - 3. Appurtenances to control litter;
 - 4. Provisions that screen the facility from the view of members of the general public; enclosure with a concrete or asphalt paved floor that contains drainage controls to control run-off and prevent run-on or the accumulation of standing water; and
 - 5. In areas where solid wastes from the construction, refurbishment or demolition of buildings or other structures will be received, processed, or stored, a concrete or asphalt paved floor that contains drainage controls to control runoff and prevent run-on or the accumulation of standing water.
- B. A materials recovery facility or recycling facility that is open to the public must post signs that clearly indicate:
 - 1. The owner and operator of the site;
 - 2. The hours of operation;
 - 3. The materials accepted and those that are excluded; and
 - 4. Fees charged.
- C. The design and location of the materials recovery facility or recycling facility must comply with all applicable local ordinances.

062.140 OPERATIONAL PLAN REQUIRED

- A. The operational plan required by Section 062.110 A.6. must include the following information:
1. Provisions for traffic control, including ingress and egress, at the facility;
 2. The number of employees to be utilized at the site and their specific job descriptions;
 3. A list of the equipment and machinery that will be used at the facility; this includes fixed, as well as mobile equipment;
 4. The types and volumes of waste to be processed, sorted, recovered, handled, transferred at the site;
 5. Procedures for detecting and excluding hazardous waste/ materials from material (waste) to be processed, sorted, recovered, handled, and transferred at the site;
 6. Procedures for quantifying the material that is to be processed, sorted, recovered, handled, transferred; this may include the use of scales or similar measuring devices;
 7. The maximum amount of time incoming material (waste) will be held prior to processing, sorting, recovery, handling or transferring;
 8. The operating hours/ days/ times;
 9. A contingency plan that describes actions to be taken during emergencies (natural or manmade) to manage the waste (material) and keep it from impacting environmental health and safety;
 10. Provisions for dust and litter control;
 11. A detailed personnel training program;
 12. A complete inventory of the documentation to be maintained at this facility, including waste manifests, load checking logs, throughput data, etc.;
 13. Any other information that is site specific and that may impact the operation of the facility;
 14. A description of the final use, or available markets, for the materials to be recovered, processed or recycled; and
 15. For a materials recovery facility, provisions that permit such a facility to exclude certain materials as necessary for the operating requirements of any waste-to-energy facility that will receive materials from the materials recovery facility.

062.150 OPERATING STANDARDS

- A. Solid waste that is accepted by a materials recovery facility or recycling facility must be transferred to a site that has been issued a permit by a solid waste management authority or other local enforcement agency; or recovered for reuse or recycling or for use as a fuel or soil amendment.
- B. Unless the owner or operator is unable to do so because of an emergency, putrescible waste or solid waste that is mixed with putrescible waste must be removed from the materials recovery facility or recycling facility not more than 24 hours after acceptance at the facility, except where

permitted with the approval of the Health Authority for a period not to exceed 72 hours after acceptance by the facility equipped with odor control technology.

- C. Non putrescible waste may not be stored at the facility for more than one (1) week. Not more than 3,000 cubic yards of solid waste may be stored at the facility at one time, unless otherwise approved by the solid waste management authority.
- D. Recovered materials may not be stored at the facility for more than one (1) year. At least 75 percent of the materials recovered at the facility must be sold and removed from the facility in a twelve (12) month period. Any recovered materials stored for more than one (1) year must be considered waste and properly disposed at an approved solid waste disposal site.
- E. Solid waste or recovered materials may not be stored in piles which are more than 15 feet in height or have an area at the base which is more than 5,000 square feet. A distance of at least twelve (12) feet must be maintained between adjacent piles of material or waste and at least 10 feet between any pile of material or waste and the boundary of the facility.
- F. The owner or operator of the materials recovery facility or recycling facility shall inspect the area around the facility daily and collect and properly dispose of all scattered paper and other lightweight debris.
- G. The facility must comply with other applicable sections of these regulations at they relate to storage, collection, transportation and disposal of solid waste.

062.160 OPERATING RECORDS

- A. The operator of the materials recovery facility or recycling facility shall maintain accurate operating records at the facility. The records must be furnished upon request to the solid waste management authority or made available for inspection by the solid waste management authority during regular business hours of the facility. The records must include:
 - 1. A daily record of the quantity of solid waste received, the quantity of solid waste transported to disposal sites and the name and location of each site. The quantity of recovered materials removed from the facility and the name and location of the facility that receives the recovered materials.
 - 2. A daily record of all prohibited materials or wastes that have been rejected or excluded from the facility.
 - 3. A daily record of all emergency or unusual events.
 - 4. The owner or operator of a materials recovery facility or recycling facility must provide a written report to the solid waste management authority annually that includes the number of tons of material recycled for each type of recycled material for the preceding calendar year. The report must be submitted to the solid waste management authority no later than February 1 of each year.
 - 5. The operator of the facility may request that certain information included in the records be classified as a trade secret. If the Health Authority determines that such information is a trade secret, it shall not disclose that information unless ordered to do so pursuant to a court order.

062.170 FINAL CLOSURE REQUIREMENTS

- A. A plan for final closure shall be required for all material recovery facilities or recycling facilities. The plan must include:

1. A detailed written estimate, in current dollars, of the cost to hire a person to close the facility in accordance with the plan;
 2. Proof of financial assurance that complies with Section 062.180 of these regulations; and
 3. An outline of the procedures to be used to close the facility.
- B. The owner/ operator shall notify the Health Authority, in writing, at least 90 calendar days prior to the date the facility is expected to close. The facility may not accept any material (waste) after the expected closing date without first rescinding the notice to the Health Authority.
- C. The owner/ operator shall, within 30 calendar days of receiving the final shipment of material (waste), remove all remaining wastes, litter, recovered materials and inoperable equipment in accordance with the closure plan as set forth in Section 062.170 (A). All putrescible material must be removed within 72 hours after receipt.

062.180 FINANCIAL ASSURANCE REQUIRED FOR CLOSURE

- A. The owner/operator of a material recovery facility or recycling facility shall obtain a surety bond, or any other mechanism of financial assurance approved by the Health Authority, to cover the cost to close the facility, including removal and proper disposal of the maximum inventory of waste, recovered materials or recyclable materials for which the facility is designed. The owner/operator shall provide financial assurance for the closure of the facility until the facility is closed and the Health Authority approves the closure.
- B. The surety bond must be issued by a corporation licensed to conduct business in this state and must include an indemnity agreement that guarantees payment to a trust fund or to the Health Authority.
- C. If payment is guaranteed to a trust fund, the trustee of the trust fund must be an entity which is authorized by the owner or operator of the facility to act as the trustee and whose trust operations are regulated and examined by a federal or state agency.
- D. The owner or operator or any other person who is authorized to conduct activities for the closure of the materials recovery facility or recycling facility may request reimbursement from the trustee for any cost incurred to close the referenced facility. The trustee may provide reimbursement for that cost only if there is sufficient money in the trust fund to pay the remaining costs to close the facility, and proof and justification of the cost is placed in the operating records of the materials recovery facility, resource recovery facility or recycling facility. The owner or operator shall notify the Health Authority that the proof and justification for the reimbursement of the cost was placed in the operating records of the facility and that he has received reimbursement.
- E. The owner or operator of the materials recovery facility, recycling facility or resource recovery facility shall annually review the estimate of the cost of closure upon which the bond or other mechanism of financial assurance is based and submit the estimate to the Health Authority for review and approval.

062.190 COMPLIANCE WITH PLANS FOR DESIGN AND OPERATION; SUSPENSION OR REVOCATION OF APPROVAL TOOPERATE

- A. The materials recovery facility or recycling facility must comply with plans for design and operation of the facility approved by the Health Authority. A materials recovery facility or recycling facility must not:
1. Contribute to the pollution of the air or waters of Washoe County;

2. Cause an impairment of the environment;
 3. Cause a health or safety hazard to employees of the facility or the general public; or
 4. Cause a public nuisance.
- B. The Health Authority may suspend or revoke its approval to operate a materials recovery facility or recycling facility if the owner or operator of the facility fails to comply with the provisions of these regulations or other relevant state or federal solid waste management regulations.

062.200 DIVERSION OF SOLID WASTE TO A MATERIALS RECOVERY FACILITY

- A. Within five (5) years of the effective date of these regulations, at least 35% of the solid waste generated or disposed within Washoe County must be recycled or diverted from disposal at a municipal solid waste landfill unit. Solid waste that is recycled or diverted to meet the 35% mandate shall consist of commercial, residential and industrial solid wastes.

SECTION 065

SOLID WASTE STORAGE BIN FACILITIES

065.010 GENERAL

- A. All requirements of this section shall apply to any station that provides one or more portable waste containers, which are used for the collection of solid waste for transport to a solid waste disposal site. Residential or commercial waste containers that are located on or near a site of waste generation are exempt from the requirements of Section 065 of these regulations.
- B. Nothing in these regulations shall be construed as relieving the owner, operator, or a designer of a solid waste storage bin facility from the obligation of obtaining all required permits, licenses, or other clearances, and complying with all orders, laws, regulations or other requirements of approval, regulatory or enforcement agencies.
- C. A solid waste storage bin facility shall not be constructed within the Health District until such time as the Health Authority has approved the site location, design plans, and operating plans, in writing.

065.015 PURPOSE

The purpose of this section is to establish standards and operating procedures for the handling, storage, and processing of solid waste at solid waste storage bin facilities.

065.020 PERMIT TO OPERATE: REQUIRED

No person shall operate a solid waste storage bin facility within the Health District without obtaining a Permit to Operate, issued by the Health Authority, in accordance with this Section.

065.030 APPLICATION FOR PERMIT TO OPERATE

- A. A Permit to Operate a Solid Waste Storage Bin Facility shall be issued only after the Health Authority:
1. Receives an application made, in writing, and on forms provided by the Health Authority with all of the following information:

- a) The name, address, and telephone number of the facility;
 - b) All owners' and operators' names, addresses and telephone numbers;
 - c) All names, addresses and telephone numbers of any agents authorized to act on behalf of the owner(s);
 - d) The location of the facility;
 - e) The capacity of the facility in cubic yards;
 - f) The types of solid waste the facility will receive;
 - g) The population and area to be served by the facility; and
 - h) A plan for closing the facility including steps necessary to remove all solid waste and reflect all actions necessary for station abandonment; and
2. Collects the permit fee as set by the Washoe County District Board of Health.
- B. Permits shall be valid for one year, upon which renewal will be granted upon payment of the appropriate fees.
- C. Within 30 calendar days following a change in data in Paragraph (A)(1) above, the operator, owner, or agent shall notify the Health Authority of that change. Failure to notify the Health Authority nullifies the permit and may invalidate the permit number. When the owner changes a legal name, corporate ownership, or chief executive officer, he shall notify the Health Authority within 30 calendar days of such change. Upon receiving such notification, the Health Authority will revoke the old permit and reissue a new permit based on the new information.

065.035 OPERATIONAL REQUIREMENTS

- A. Solid waste storage bins may have a combined capacity of not more than 160 cubic yards and must be constructed of durable, leak-proof materials with a lid or screen on top that prevents the loss of materials during transport or high wind conditions.
- B. Storage of solid waste outside of the waste storage bins is prohibited unless approved, in writing, by the Health Authority.
- C. Except as otherwise provided in this Subsection, if garbage and similar putrescible waste is stored in combination with nonputrescible waste, the wastes must not be stored at the station for more than 7 days.
 - 1. The Health Authority may approve the storage of such waste for more than 7 days before collection in a remote community if the community demonstrates that an alternative minimum collection frequency will not result in increased litter or odors, the harboring of vectors, the storage of excess waste outside of containers, or any other health hazard, public nuisance or impairment to the environment.
 - 2. The Health Authority may revoke its approval of an alternative minimum collection frequency, when it has been determined that the solid waste storage bin facility creates a health hazard, public nuisance or impairs the environment.
- D. The owner of a solid waste storage bin facility shall:

1. Provide access to the station by an all-weather road;
 2. Construct the station in a manner that allows that public to deposit waste conveniently and safely in the solid waste storage bin;
 3. Use fences and other appurtenances that prevent the scattering of litter and other lightweight debris;
 4. Service the facility as often as necessary to ensure that there is adequate storage capacity at all times; and
 5. Comply with the requirements regarding signs as set forth in Subsection 060.051 (C).
- E. At final closure, the owner or operator shall remove any remaining wastes to an approved disposal site and shall remove all waste storage bins.
- F. The owner or operator shall carry out a program for detecting and preventing the disposal of regulated hazardous waste and polychlorinated biphenyl (PCB) wastes. The program must include, but not be limited to:
1. Random inspections of incoming loads;
 2. Records of inspections;
 3. Training persons employed at the site to recognize the regulated hazardous waste and PCB wastes;
 4. Procedures for handling and proper disposal of hazardous waste and/or PCB wastes found at the site; and
 5. Protocols for notification of the Health Authority if hazardous waste or PCB wastes are discovered at the site.

SECTION 070

HAZARDOUS WASTE

070.005 GENERAL

Nuclear wastes are prohibited at any land disposal site located within the Health District.

070.010 No person shall dispose or cause the deposit, storage, processing, treatment or disposal of any waste material which it may reasonably be considered to be hazardous material at any land disposal site within the Health District unless prior approval has been received from the Health Authority or unless the land disposal site has been approved for the receipt of such waste material.

070.015 All spills or accidents involving hazardous materials and/or hazardous wastes which could result in a hazard to the public health and safety, animals, domestic animals and/or result in a discharge of hazardous waste, shall be reported to the Health Authority as soon as possible and not later than twenty-four (24) hours of the time of occurrence.

070.020 An operator of a land disposal site shall not accept hazardous wastes without obtaining a permit issued by, or approval granted by, the Washoe County District Health Department.

SECTION 080

BIOHAZARDOUS WASTE

GENERAL PROVISIONS

080.001 PURPOSE

The purpose of this section is to define terms and to establish standards and procedures pertaining to biohazardous waste management within the Washoe County Health District, in order to protect the public health and safety, and to enhance the environment and natural resources.

080.005 GENERAL

All requirements of this chapter shall apply to any healthcare facility which is a primary care clinic, surgical clinic, chronic dialysis clinic, out-patient clinic or other similar facility, hospitals and doctors' offices, veterinary offices, and related businesses, institutions or agencies which generate, treat or transport biohazardous waste. Private residences, which generate biohazardous waste, are excluded from the requirements of Section 080 with the exception of home-generated sharps which must be handled in compliance with subsections J. through L. of Section 080.075.

080.010 BIOHAZARDOUS WASTE SUBJECT TO SECTION 080

Once a material becomes a biohazardous waste, such material shall remain a biohazardous waste and shall be subject to the requirements of Section 080, unless and until it has been treated in compliance with Subsection 080.320 through Subsection 080.360, labeled in compliance with Subsection 080.250, and disposed of in compliance with Subsection 080.600 and Subsection 080.620, as applicable.

080.025 EXCLUSIONS

- A. Waste materials described in this Subsection may be partially or totally excluded from Section 080 of these regulations because they are not solid waste or biohazardous waste. The Health Authority may exercise the right to exclude certain wastes from the requirements of this Section if it is determined that such wastes do not constitute a significant hazard to human health or the environment.
- B. The following materials are not solid wastes for the purposes of this Section:
 1. Human remains under the control of a licensed physician or dentist, when the remains are being used or examined for medical purposes; and
 2. Human remains properly interred in a cemetery or in preparation by a licensed funeral director or embalmer for such interment or cremation.
- C. The following solid wastes are not biohazardous wastes:
 1. Meat or other food items being discarded because of spoilage or contamination, and not included in the definition of biohazardous waste;
 2. Used products for personal hygiene, such as diapers, facial tissues and sanitary napkins, under pads and adult incontinence products; unless a health care professional has determined these items to be biohazardous waste;

3. The following discarded items when they are empty and not able to release blood, human body fluids, or their former contents: urine collection bags and tubing, suction canisters and tubing, IV solution bags and tubing, colostomy bags, ileostomy bags, urostomy bags, plastic fluid containers, enteral feeding containers and tubing, hemovacs, and urine specimen cups; unless the items are subject to regulation under other state or federal standard;
4. The following discarded items: urinary catheters, suction catheters, plastic cannula, IV spikes, nasogastric tubes, oxygen tubing and cannula, ventilator tubing, enema bags and tubing, enema bottles, thermometer probe covers, irrigating feeding syringes, and bedpans/urinal; unless the items are subject to regulation under other state or federal standard; and
5. Items such as bandages, gauze, or cotton swabs or other similar absorbent materials unless at any time following use they are saturated or would release blood or human body fluids in a liquid or semi-liquid state if compressed.

080.050 CHARACTERISTICS OF BIOHAZARDOUS WASTE

A solid waste is considered a biohazardous waste if it meets either of the two criteria of this Subsection:

- A. The waste is suspected of being capable of, or has the potential of, producing an infectious disease in humans.
- B. Any solid waste, which is not excluded from the regulation and is listed in Subsection 080.075.

080.075 BIOHAZARDOUS WASTES

Each solid waste or solid waste stream in the following list is subject to the requirements of Section 080, unless excluded in Subsection 080.025:

- A. **HUMAN BLOOD AND HUMAN BODY FLUIDS.** Wastes consisting of human blood or human body fluids or items that contain or are caked with dried human blood or human body fluids that are capable of releasing these materials during handling. An item would be considered caked if it could release flakes or particles when handled.
- B. **CULTURES AND STOCKS OF MICROORGANISMS AND BIOLOGICALS.** Discarded cultures, stocks, specimens, vaccines and associated items, which are likely to contain organisms that are pathogenic to healthy humans. Discarded etiologic agents and wastes from the production of biologicals and antibiotics which pose a known or potential risk to public or environmental health. Discarded preparations made from genetically altered living organisms and their by-products, that can cause harm to the environment or may be pathogenic to healthy humans.
- C. **PATHOLOGIC OR TISSUES AND OTHER ANATOMICAL WASTES.** All human anatomical wastes and all wastes that are human tissues, organs, or body parts.
- D. **CONTAMINATED ANIMAL CARCASSES, ANIMAL BODY PARTS, ANIMAL BEDDING, AND RELATED WASTES.** Dead animals infected with organisms likely to be pathogenic to healthy humans or other animals, animal carcasses, animal body parts, animal bedding material and all other wastes likely to have become contaminated by an infected animal are biohazardous wastes when discarded, disposed of or placed in accumulated storage.
- E. **ALL SHARPS**
- F. **TRAUMA SCENE WASTE**

G. ISOLATION WASTE

H. TRACE CHEMOTHERAPEUTIC WASTE

- I. Any residue or contaminated soil, water, or other debris resulting from the clean up of a spill of any biohazardous waste.
- J. This Subsection does not apply to biohazardous waste generated at a private residence and mixed with the other solid waste generated at the residence with the exception of home-generated sharps which must be handled in compliance with subsections K. and L. of this part
- K. On or after January 1, 2010, no person shall knowingly place home-generated sharps waste into any of the following containers:
 - 1. Any container used for the collection of solid waste, recyclable materials, or greenwaste;
 - 2. Any container used for the commercial collection of solid waste, or recyclable materials from business establishments; or
 - 3. Any roll-off container used for the collection of solid waste, construction, and demolition debris, greenwaste, or other recyclable materials.
- L. On or after January 1, 2010, home generated sharps waste shall be transported for treatment at an approved offsite medical waste treatment facility only in a mail-back sharps disposal system approved by the United States Postal Service or other containers and systems approved by the Health Authority.

BIOHAZARDOUS WASTE GENERATORS

080.100 REGISTRATION REQUIRED

- A. Within one (1) year of the effective date of these regulations, all large quantity generators shall register with the Health Authority.
- B. Within one (1) year of the effective date of these regulations, all small quantity generators that treat biohazardous waste on site, shall register with the Health Authority, and obtain a permit to operate as set forth in Subsection 080.400.
- C. Within one (1) year of the effective date of these regulations, all common storage facilities storing a total of 200 pounds or more of accumulated waste per month from more than one biohazardous waste generator, shall register with the Health Authority.
- D. Small quantity generators who are not required to register as set forth in paragraphs B above, shall maintain on site all of the following:
 - 1. A biohazardous waste management plan stating how the generator contains, stores, and disposes of any biohazardous waste generated through any act or process of the generator;
 - 2. Records of any biohazardous waste transported off site for treatment and disposal, including the quantity of waste transported, the date transported, and the name of the permitted biohazardous waste transporter or limited quantity exempt transporter, subject to the provisions set forth in Subsection 080.510 (B). Records shall be maintained for a minimum of one (1) year; and

3. A contingency plan for emergency events.

080.150 APPLICATION FOR REGISTRATION

- A. Registration, as required in Subsection 080.100 (A, B and C), shall be completed only after the Health Authority:
 1. Receives, and approves, an application made in writing and on forms provided by the Health Authority with all the following information:
 - a) The name, address, and valid telephone number of the facility;
 - b) All owners' names, addresses, and telephone numbers;
 - c) Type of business;
 - d) A statement indicating the types and estimated average monthly quantity of biohazardous waste generated;
 - e) The name and business address of the permitted biohazardous waste transporter used by the generator to take untreated biohazardous waste to an approved biohazardous waste treatment facility, if applicable;
 - f) The name and business address of the offsite biohazardous waste treatment facility that the biohazardous waste is to be transported, if applicable; and
 - g) The type of treatment used on site, if applicable;
 2. Receives and approves a copy of the facility's Biohazardous Waste Management Plan, as set forth in Subsection 080.200; and
 3. Receives the registration fee set by the Washoe County District Board of Health.
- B. Registration shall be valid for three years. An application for renewal of the registration shall be filed with the Health Authority, not less than 90 days prior to the expiration date.
- C. Generators shall submit an updated application form when any of the information specified in paragraph A above changes, within 30 calendar days of the change.

080.200 BIOHAZARDOUS WASTE MANAGEMENT PLAN

Any generator of biohazardous waste shall use and follow a biohazardous waste management plan. This plan must be kept on file at the biohazardous waste generator's place of business and shall be made available for inspection by the Health Authority at all times. This plan must contain the following minimum items:

- A. Protocols and procedures for onsite biohazardous waste-handling operations, and an exposure control plan including a provision for the required use of Personal Protective Equipment (PPE). The plan should include the responsibilities and job descriptions of all staff members involved with waste handling;
- B. Procedures for onsite storage of biohazardous waste, including provisions, which meet the requirements, set forth in Subsection 080.220. The procedures should cover identification, segregation, containment, labeling, and storage;

- C. Procedures for biohazardous waste treatment and final disposal, including procedures for waste tracking/record keeping;
- D. An employee-training program including a provision for tracking and documenting individual employee training attendances; and
- E. A contingency plan for emergencies and spill cleanup, to include provisions for biohazardous waste storage during emergency situations or natural disaster events.

080.220 STORAGE

Once biohazardous waste containers or containment systems are filled, sealed, capped or closed, all:

- A. Biohazardous waste, except sharps or chemically preserved pathological waste, shall:
 - 1. Be stored at 32°F or above for no more than seven calendar-days and shall be picked up for treatment within seven days from the date it went into storage, or
 - 2. Be stored at or below a temperature of 32°F for a period of not more than 30 calendar days prior to being picked up for treatment. The date that the waste is first placed in storage must be distinctly marked on any outer packaging while the waste is stored on site.
- B. Sharps and chemically preserved pathological waste shall be stored for no more than 30 calendar-days from the date the container becomes filled, and shall be sealed or capped for treatment.
- C. Biohazardous waste shall be packaged and labeled as set forth in Sections 080.230 and 080.250, respectively.

080.225

- A. Containment of biohazardous waste shall be separate from other wastes. Enclosures or containers used for the containment of biohazardous waste in an accumulation area used to store the waste prior to treatment or transport to an offsite treatment facility shall be so secured as to deny access to unauthorized persons, and shall be marked with prominent warning signs on, or adjacent to, the exterior of entry doors, gates or lids. Warning signs shall be readily legible during daylight from a distance of at least twenty-five (25) feet and include the Universal Biohazard Symbol. Wording of warning signs shall be displayed as follows and include the universal biohazard symbol:
 - 1. In English, **“CAUTION-BIOHAZARDOUS WASTE STORAGE AREA - UNAUTHORIZED PERSONS KEEP OUT”**; and,
 - 2. In Spanish, **“CUIDADO - ZONA DE RESIDUOS INFECTADOS - PROHIBIDA LA ENTRADA A PERSONAS NO AUTORIZADA”**.
- B. Biohazardous waste shall be contained and stored in a manner and location which affords protection from the environment, and does not provide a breeding place or food source for vermin.
- C. Biohazardous waste that is stored in an interim storage area within the healthcare facility prior to transfer to the designated accumulation area, shall be stored in an area that is either locked or under direct supervision or surveillance. Interim storage areas shall have their doors marked with the international biohazard symbol or signage described in subsection A. of this Section. These warning signs shall be readily legible from a distance of five feet.
- D. All generators of biohazardous waste shall have a written contingency plan in the event of an emergency or natural disaster event.

080.230 PACKAGING REQUIREMENTS

- A. A biohazardous waste generator who sets out biohazardous waste for collection and transportation to an offsite biohazardous waste treatment facility shall package the waste to meet the following minimum requirements:
1. In a red disposable plastic bag that is:
 - a) Leak resistant;
 - b) Impervious to moisture;
 - c) Of sufficient strength to prevent tearing or bursting under normal conditions of use and handling;
 - d) Sealed to prevent leakage during transport;
 - e) Puncture resistant for sharps; and
 - f) Placed in a secondary container, constructed of materials that will prevent breakage of the bag in storage, during handling, collection, or transportation, and bears the universal biohazard symbol or words "Biohazardous Waste" (the secondary container may be disposable or reusable); or placed in an autoclavable bag which is put into a reusable container for transport; or
 2. In a reusable container that bears the words "Biohazardous Waste" or bears the universal biohazard symbol on the lid and all sides so as to be visible from any direction, and:
 - a) Is leak-resistant on all sides and bottom, has a tight-fitting cover, and is constructed of smooth, easily cleanable materials that are impervious to liquids and resistant to corrosion by disinfection agents and hot water; and
 - b) Is used only for the storage or transport of biohazardous waste, and is cleaned and disinfected after each use.
 - 1) "Clean" means the use of a detergent and sufficient agitation or pressure to remove visible soil particles from a surface.
 - 2) "Disinfect" means the process of killing pathogenic organisms or rendering them inert by one of the following methods:
 - i. Exposure to hot water at a temperature of at least 180°F (82°C) for a minimum of 15 seconds.
 - ii. Exposure to a chemical disinfectant registered for use by the Environmental Protection Agency as set forth in the Federal Insecticide, Fungicide and Rodenticide Act, Section 3 (a); and used according to the manufacturer's label directions.
 - iii. Any other method approved in advance and in writing by the Health Authority;
or
 3. In commercially manufactured containers, including cardboard boxes, which meet the standards, set forth in 49 CFR 178.609.

4. All sharps shall be segregated from other wastes and aggregated in leak-proof, rigid, puncture-resistant, and shatterproof containers, which may be tightly closed or tightly secured to preclude loss of contents, and labeled as set forth in 080.250.
- B. Prior to transporting, biohazardous waste shall be packaged for transportation in accordance with the standards of 49 CFR Part 173.196, 49 CFR Part 173.197 and 49 CFR Part 173.971; meet the test requirements set forth in 49 CFR Part 178.609; or, packaged in accordance with an exemption approved by the United States Department of Transportation.

080.240 REQUIREMENTS FOR REUSABLE CONTAINERS

Biohazardous waste may be conveyed in reusable carts or containers under the following conditions:

- A. The waste in the cart or container is packaged and labeled in compliance with Subsections 080.230 and 080.250, respectively.
- B. Immediately after a reusable cart or container is emptied and prior to reuse, it shall be thoroughly cleaned and disinfected as set forth in Subsection 080.230 (A)(2)(b).

If disposable liners are utilized, cleaning prior to reuse is not required unless visible contamination is present. Disinfection of reusable carts or containers is mandatory whether or not visible contamination is present.

- C. Reusable carts and containers used for offsite transport of biohazardous waste must comply with 49 CFR Parts 171 thru 178, as applicable.
- D. Reusable suction canisters and fluid carts that receive blood, irrigation fluids and/or bodily waste shall have their contents discharged to a sanitary sewer and the container shall then be washed with a soap or enzymatic solution, rinsed and disinfected prior to the container or fluid cart being returned to use. Disinfection shall comply with the same requirements of Section 080.230 (A)(2)(b)(2).

080.250 LABELING REQUIREMENTS

Biohazardous waste packaged under Subsection 080.230 (A), should be labeled to meet the requirements set forth in 49 CFR Part 172.323, 49 CFR Part 178.503(f), and conform to 29 CFR Part 1910.1030 (g)(1)(i). As a minimum, the label on a packaged biohazardous waste shall:

- A. Be securely attached to or printed on the packaging or container;
- B. Be printed in indelible ink;
- C. Bear the words "Biohazardous Waste" or the Universal Biohazard Symbol on the lid and all sides as to be visible from any direction (for barrels, on two sides and on the lid):
 1. Trace chemotherapeutic waste shall additionally be segregated and placed into a secondary container labeled with the words "Chemotherapy Waste", or "CHEMO", or other label approved by the Health Authority on the lid and on the sides, so as to be visible from any lateral direction, to ensure treatment of this biohazardous waste by incineration or other high heat treatment approved by the Health Authority.

2. Human surgery specimens, tissues, or anatomical body parts removed at surgery or autopsy shall be segregated and placed into a secondary container labeled with the words “Pathological Waste”, “PATH”, or other label approved by the Health Authority on the lid and on the sides, so as to be visible from any lateral direction, to ensure treatment of this biohazardous waste by incineration or other high heat treatment approved by the Health Authority.
- D. Display the date the biohazardous waste went to storage; and
 - E. Identify the generator of the waste with a number, code, symbol, etc. that corresponds with the transport document.

080.260 TRANSPORT DOCUMENT

- A. A biohazardous waste transporter or limited-quantity exempt transporter subject to the provisions set forth in Subsection 080.510 (B), shall maintain a completed transport document of all biohazardous waste received for treatment or disposal. A biohazardous waste transporter or limited-quantity exempt transporter who transports biohazardous waste to a biohazardous waste transfer facility, other than the final biohazardous waste treatment facility, shall also maintain transport documents which show the name, address, and telephone number of the biohazardous waste generator, for purposes of tracking the waste to the final biohazardous waste treatment facility. At the time the biohazardous waste is received by a biohazardous waste transporter or limited-quantity exempt transporter, the transporter shall provide the biohazardous waste generator with a copy of the transport document for the generator’s biohazardous waste records. The transporter of the biohazardous waste shall maintain a copy of the transport document for a minimum of one year. The transport document must be used to record the movement of the waste from the generator, through its trip with a permitted biohazardous waste transporter or limited-quantity exempt transporter; to an approved biohazardous waste treatment facility or other approved biohazardous waste management facility.
- B. The transport document must include, but not be limited to, the following information:
 1. The name, address, valid telephone number, and permit number issued to the biohazardous waste transporter by the Health Authority;
 2. The identity of the biohazardous waste generator;
 3. The total quantity and type(s) of containers in which the waste is transported;
 4. The name, address, valid telephone number, permit number issued by the Health Authority, and the signature of an authorized representative of the permitted biohazardous waste treatment facility or approved biohazardous waste management facility receiving the biohazardous waste;
 5. The date that the biohazardous waste is collected or removed from the biohazardous waste generator’s facility, the date that the biohazardous waste is received by the biohazardous waste transfer facility, if applicable, and the date that the biohazardous waste is received by the biohazardous waste treatment facility; and
 6. The operator of the biohazardous waste treatment facility or his designated agent shall sign the transport document acknowledging that the biohazardous waste has been treated to render it non-infectious. The operator of the biohazardous waste treatment facility or his designated agent shall return the original transport document to the generator within 30 calendar-days after treatment.

- C. For a minimum of one (1) year, the biohazardous waste generator shall maintain on site, a copy of the transport document both as initially sent out and as returned by the biohazardous waste treatment facility. Transport documents shall be made available to the Health Authority for review, at any time.

BIOHAZARDOUS WASTE TREATMENT

080.300 GENERAL

Biohazardous waste treated in compliance with Subsections 080.320 through 080.390 shall be considered treated in accordance with this Section. Biohazardous waste that does not meet the treatment requirements of this Section shall not be disposed of in any disposal site, unless approved in writing by the Health Authority.

080.320 INCINERATION

- A. **Performance Standards.** All incinerators of biohazardous waste shall maintain the following level of operational performance at all times:

1. Biohazardous waste shall be subjected to a burn temperature of not less than 1,400°F (760°C) for a period of not less than one hour. For all incinerators, gases generated by combustion shall be subjected to a temperature of not less than 1,800°F (982°C) for a period of one second or more;
2. Except at start-up, interlocks or other process control devices shall prevent feeding of the incinerator unless the conditions in paragraph (A)(1) above are met. In the event low temperatures occur, incineration units shall have automatic auxiliary burners that are capable of maintaining the secondary chamber temperature at the minimum of 1,800°F (982°C);
3. Monitoring. There shall be continuous monitoring and recording of primary and secondary chamber temperatures. Monitoring data shall be retained on site for a period of three years, and made available for review by the Health Authority at any time;
4. All combustible biohazardous waste shall be converted by the incineration process into ash that is not recognizable as to its former character; and
5. The incinerator shall meet the requirements set forth in the District Board of Health Regulations Governing Air Quality Management.

- B. **Analysis and Management of the Ash Product.**

1. Ash must be sampled and analyzed in accordance with the following procedures to determine whether it is a regulated hazardous waste pursuant to 40 CFR Part 261.3. Random samples collected over 1,000 hours of operation or a three-month period, which ever comes first, shall be thoroughly mixed and seven random portions of equal volume shall be composited into one sample for analysis by an independent laboratory, approved by the Health Authority.
2. A log shall be kept which documents the ash sampling, and must include the date and time of each sample collected; the date, time and identification number of each composite sample; and the results of the analyses, including laboratory identification. Results of analyses shall be maintained for a period of three years, and be available onsite for review by the Health Authority, at anytime.

3. If ash is found not to be a hazardous waste by analysis, it may be disposed of in a permitted solid waste management facility. A waste release permit must be obtained from the Health Authority, as set forth in Subsections 030.184 thru 030.230, prior to disposing the ash at an approved disposal site.

C. **Wastes Requiring Incineration or Approved Thermal Degradation Treatment.** The following wastes shall be treated by incineration, thermal degradation or other high heat treatment technologies approved by the Health Authority:

1. Trace chemotherapy waste;
2. Pathologic or human surgery specimens, tissues or anatomical body parts removed at surgery or autopsy that are not sent for cremation or interment;
3. Contaminated animal carcasses and animal body parts infected with organisms determined by a veterinarian to likely be pathogenic to healthy humans or other animals; and
4. Suction canisters that have had their contents solidified.

080.340 STEAM-BASED DISINFECTION PROCESSES

A. **Performance Standards.** All autoclaves and retorts used to treat biohazardous waste shall maintain the following level of operational performance at all times:

1. Whenever biohazardous waste is treated in a steam sterilizer, all the waste shall be subjected to the following operational standards (under saturated steam conditions and all air evacuated):
 - a) The autoclave shall be operated in accordance with the manufacturer's specifications; and
 - b) Temperature of not less than 250°F (121.1°C) for 30 minutes at 15 pounds per square inch of gauge pressure.
2. Equivalent combinations of operational temperatures, pressure and time may be approved by the Health Authority if the installed equipment has been proven to achieve microbial inactivation at design capacity, as set forth in Subsection 080.370, and follows efficacy testing protocols as outlined in Subsection 080.380 and Subsection 080.390. Written requests for approval of an equivalent standard shall be submitted and approved by the Health Authority, along with documentation of microbial inactivation and efficacy testing results, prior to use.

B. **Operational Controls and Records.**

1. At least once every three months, efficacy testing shall be evaluated under full load capacity.
2. A log shall be kept at each steam sterilizer that is complete for the preceding one (1) year period. The log shall record the date, time, temperature, pressure, volume, contact time and operator of each treatment; and, the dates and results of all equipment calibrations.
3. Biohazardous waste shall not be compacted or subjected to violent mechanical stress prior to treatment by steam sterilization; however, after it is fully sterilized it may be compacted in a closed container.

C. **Wastes Prohibited from Steam-Based Disinfection.** The following biohazardous wastes are not allowed to be processed by steam-based disinfection processes:

1. Suction canisters that have had their contents solidified.

2. Trace chemotherapy wastes.
3. Pathologic or human surgery specimens, tissues, or anatomical body parts removed at surgery or autopsy.
4. Contaminated animal carcasses and animal body parts infected with organisms determined by a veterinarian to likely be pathogenic to health humans or other animals.
5. Pharmaceutical wastes.

080.360 ALTERNATIVE TREATMENT TECHNOLOGIES

- A. **Applicability.** The requirements of this Subsection shall apply to all facilities that use alternative treatment technologies for rendering biohazardous waste non-infectious.
- B. **General.** Alternative treatment technologies shall be approved by the Health Authority and shall meet the requirements of this Subsection and any additional requirements the Health Authority shall impose at the time of approval.
 1. Any operator of a biohazardous waste treatment facility, which utilizes an alternative treatment technology, shall obtain a permit issued by the Health Authority.
 2. The Health Authority may approve an alternative treatment technology only after an independent third party has tested and certified that the method renders the biohazardous waste non-infectious to humans and non-hazardous to the environment. Prior to approval, the biohazardous waste treatment facility shall provide the Health Authority with:
 - a) All documentation verifying that the treatment process meets the requirements set forth in Section 080, and
 - b) A copy of a contingency plan for equipment malfunctions as set forth in Subsection 080.430 (A)(12).
 3. The Health Authority may approve an alternative treatment technology approved by another enforcement agency with equivalent or more stringent regulatory requirements.
- C. **Performance Standards.** All biohazardous waste treatment facilities that utilize alternative treatment technologies shall maintain the following level of operational performance at all times:
 1. Alternative treatment equipment shall be evaluated under full load capacity for microbial inactivation and efficacy no less than once every three months to meet the requirements set forth in Subsections 080.370, 080.380 and 080.390. Parametric monitoring utilizing devices approved by the Health Authority may be used to monitor the parameters of the treatment process, supplementing or replacing field monitoring by use of biological indicators. Such parameters shall be demonstrated to correlate with the criteria in section 080.370 A. and B. To demonstrate that this correlation has been established, parametric monitoring devices shall:
 - a) Correlate with biological indicator inactivation through documented efficacy studies that quantitatively link microbial inactivation with the parameter(s) being monitored by the monitoring devices;
 - b) Accurately monitor the treatment agent and/or treatment conditions, as applicable i.e., provide the limiting conditions that influence accurate monitoring); and

- c) Be appropriate for the conditions that exist under operational circumstances.
 - d) Demonstration of the above components may allow the use of parametric monitoring for auditing treatment conditions or alerting the equipment operator of equipment malfunction or abnormal behavior. For the use of parametric monitoring to substitute or replace biological indicator inactivation tests, the parametric monitoring devices are required to additionally:
 - 1) Have tamper-proof (i.e., cannot be altered by the operator) controls or automatic factory-set controllers;
 - 2) Be integrated with the equipment to automatically shut-down or no longer accept or expel waste if treatment conditions are not maintained at specified parameters;
 - 3) Be integrated with the equipment to automatically shut-down or no longer accept or expel waste unless calibrated periodically as specified by the manufacturer's instructions; and
 - 4) Provide the means for a tamper-proof (i.e., cannot be altered by the operator) recording of all critical operating parameters.
2. A log shall be maintained at each alternative treatment unit that is complete for the preceding one (1) year period. The log shall record the date, time, name of operator; the type and approximate amount of waste treated; and the dates and results of calibration and testing. Where multiple alternative treatment units are used, a working log may be maintained at each unit and such logs periodically consolidated at a central location. The consolidated logs and all performance parameter recordings shall be retained for three years and be made available for review by the Health Authority, at any time.
 3. Biohazardous waste shall not be compacted or subjected to violent mechanical stress prior to treatment. Biohazardous waste that has been treated to render it non-infectious may be compacted in a closed container or shredded to reduce the volume of the waste.
 4. All fugitive emissions and discharges from alternative treatment equipment shall meet the requirements set forth in the District Board of Health Regulations Governing Air Quality Management.
 5. All equipment used in alternative treatment technologies shall be operated and maintained according to manufacturer's specifications and recommendations.
- D. **Other Alternative Technologies.** All alternative treatment technologies approved by the Health Authority shall conform to the requirements set forth in Section 080 and any additional requirements the Health Authority shall impose at the time of approval.

080.370 CRITERIA FOR MICROBIAL INACTIVATION

Incinerators shall be exempt from the requirements of this subsection as long as the unit meets the requirements set forth in Subsection 080.320 (A) and (B).

Thermal Degradation Technologies operating with a minimal heat level of 10,000 degrees Fahrenheit shall be exempt from the requirements of this subsection as long as any slag or ash produced meets the requirements set forth in Subsection 080.320 (A) and (B).

- A. All biohazardous waste treatment methods shall demonstrate inactivation of vegetative bacteria, fungi, lipophilic/hydrophilic viruses, parasites, and mycobacteria at a 6 Log 10 reduction or greater.

- B. All biohazardous waste treatment methods shall demonstrate the inactivation of *Geobacillus stearothermophilus* or *Bacillus atrophaeus* spores at a 4 Log 10 reduction or greater.

080.380 REPRESENTATIVE MICROBIAL INDICATORS

- A. Mycobacterial species and spores prepared from species in Table I shall serve as biological indicators to determine compliance with this section. Organisms shall be obtained from the American Type Culture Collection (ATCC) or a culture collection from a member of the World Federation of Culture Collections.
- B. The biological indicators shall be capable of being introduced directly into the test load or in a manner (e.g., via spore strips or vials containing cell or spore suspensions) that will not affect the indicator’s viability or the evaluation of the efficacy of the treatment process. The concentration shall be sufficient to ensure a quantifiable indicator recovery and determination of inactivation when tested in accordance with the testing protocol approved by the Health Authority.
- C. Biological indicators shall be capable of being recovered from the test load via methodology that yields data that are statistically correct (e.g., sample collection, number of samples/test number of colony forming units/plate). Microbial culturing methods as described in the most recent edition of the American Society for Microbiology’s Manual of Clinical Microbiology shall be used.
- D. Biological indicators shall be used in accordance with their manufacturer’s instructions.

**Table I.
Surrogate Biological Indicators**

Microbial Group	Surrogate Biological Indicators
Bacteria	<i>Mycobacterium terrae</i> (ATCC 15755) <i>Mycobacterium bovis</i> (BCG, ATCC 35743)
Fungi	
Parasites	
Lipophilic/Hydrophilic Viruses	
Bacterial Spores	Spores of: <i>Geobacillus stearothermophilus</i> (ATCC 7953) <i>Bacillus atrophaeus</i> (ATCC9372)

Note: The ATCC numbers provided in this table are current as of publication. The most current ATCC numbers shall be used. The microbacterial species are surrogates for vegetative bacteria, fungi, parasites and lipophilic/hydrophilic viruses. Inactivation of the specified concentration of the mycobacterial species is equivalent to the inactivation of a similar concentration of vegetative cells of the other microorganisms.

080.390 EFFICACY TESTING PROTOCOLS

- A. Methodology employed to determine efficacy of treatment technology should assure microbial inactivation and that the protocols are congruent with the treatment method utilized. Protocols developed for efficacy testing must be approved by the Health Authority and incorporate, as applicable, recognized standard procedures, such as those found in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods 3rd ed. (EPA’s Office of Solid Waste and Emergency Response), the American Society for Microbiology’s Manual of Clinical Microbiology, and Standard Methods for the Examination of Water and Waste Water 20th ed. (American Public Health Association) and be conducted and certified by an independent party that the treatment technology meets the standards set forth in regulation.
- B. Dependent on the treatment process and efficacy mechanisms utilized, protocols evaluating biohazardous waste treatment systems shall specifically delineate or incorporate the following, as applicable:

1. Waste compositions that typify actual biohazardous waste to be processed; by the system as described in terms relating both to the throughput (weight or volume per unit of time or per timed cycle), as well as other applicable physical properties, such as specific heat, thermal conductivity distribution of organic or non-organic, liquid and solid matter;
2. Waste types that provide a challenge to the treatment process; as typified in the manufacturer's operating manual or instructions for use;
3. Comparable conditions to actual use (e.g., process time, temperature, chemical concentration, pH, humidity, load density, load volume);
4. Assurance that microbial indicators (e.g., ampules, strips) will not artificially be affected by the treatment process;
5. Assurances of inoculum traceability, purity, viability, and concentration;
6. Dilution and neutralization methods that do not affect microorganism viability;
7. Microorganism recovery methodologies that are statistically correct (e.g., sample collection, number of samples/test, number of colony forming units/plate); and
8. Appropriate microbial culturing methods (e.g., avoidance of microbial contamination and/or competition, the selection of proper growth media and incubation times).

C. Efficacy Testing

The technology shall be completely assembled, installed and operated under NORMAL conditions. Scaling is permissible if all parties agree that a full-scale load or operation site is not available, the adjustment in scale doesn't increase or decrease efficacy performance, yields reproducible results and does not render the results of this test inconclusive. The technology shall be tested in accordance with this section.

Biological indicators shall be introduced directly or via carriers throughout the test load. Where used, a minimum of three carriers is required to assure a representative assessment of the treatment process efficacy.

Tests that are interrupted shall be considered as void and discontinued. Additional tests shall be conducted to achieve the required minimum repetition of test loads. In such cases, new sample(s) shall be used if the manufacturer's instructions indicate that the technology is for single-use only.

The technology shall be operated under the most adverse NORMAL load condition(s) for a total of three separate test loads.

For technology that maintains the integrity of the carriers of the biological indicators (e.g., ampules, plastic strips), inactivation shall be determined via quantitative reduction as specified in Steps 1 and 2 below:

Step 1 – Control

- a) Introduce test load in accordance to requirements of Section 080.390 B with Log₁₀ IC concentration to the technology.
- b) Operate technology under NORMAL operating conditions without the addition of the treatment agent (e.g., heat, chemicals) until entire test load is completed.
- c) Collect test load to recover the biological indicator organisms from the test load.

- d) Plate recovered organisms and quantify Log_{10}RC .
- e) Measured Log_{10}RC shall be at least the concentration specified in Section 080.380. Minimum Log_{10}I concentration for Step 2 shall be calculated by the equation in Table 2:

Step 2 – Test

- a) Inoculate the test load with the minimum Log_{10}I concentration confirmed as sufficient in Step 1.
- b) Operate technology under NORMAL operating conditions.
- c) Collect and wash a representative sample of the test load to recover the biological indicator organisms from the test load.

Table 2
Quantitative Reduction Calculations ^a

Control $\text{Log}_{10}\text{RC} = \text{Log}_{10}\text{I} - \text{Log}_{10}\text{NR}$	Test $\text{QR} = \text{Log}_{10}\text{RC} - \text{Log}_{10}\text{RT}$
QR is the quantitative reduction	
Log ₁₀ RC is the number of viable organisms recovered in the non-treated processed test load.	
Log ₁₀ I is the number of viable organisms introduced into the test load.	
Log ₁₀ NR is the number of unrecovered organisms remaining in the non-treated processed test load. Log ₁₀ NR represents an accountability factor for microbial loss.	
Log ₁₀ RT is the number of viable organisms recovered in the non-treated processed test load.	
^a All quantities are in cfu/g of test load or in cfu/ml if load is a liquid	

BIOHAZARDOUS WASTE TREATMENT FACILITIES

080.400 PERMIT REQUIRED

- A. Within one (1) year of the effective date of these regulations, each person operating an offsite or onsite biohazardous waste treatment facility shall obtain a Permit to Operate issued by the Health Authority. If the biohazardous waste treatment facility begins operation after the effective date these regulations, the permit shall be obtained as set forth in Section 080, prior to commencement of operations.
- B. No person shall construct, operate or modify a biohazardous waste treatment facility within the Health District without obtaining a Permit to Operate issued by the Health Authority, in accordance with this section.
- C. Operators of crematoriums or cemeteries who dispose of recognizable human or animal anatomical remains and wastewater treatment operators shall be exempt from the requirements of Subsection 080.400.

080.420 APPLICATION FOR PERMIT TO OPERATE

- A. A Permit to Operate a Biohazardous Waste Treatment Facility shall be issued only after the Health Authority:
1. Receives and approves a set of plans for design and construction of the biohazardous waste treatment facility;
 2. Receives an application made in writing and on forms provided by the Health Authority with all of the following information:
 - a) The name, address, and telephone number of the treatment facility;
 - b) All owners' names, addresses and telephone numbers;
 - c) All names, addresses and telephone numbers of any agents authorized to act on behalf of the owner(s); and
 - d) Photocopies of all business licenses, permits, or other documents of approval if required by other governmental or environmental agency with jurisdiction.
 3. Receives documentation indicating type of treatment to be provided, the treatment capacity of the facility, a characterization of the biohazardous waste to be treated at the facility and the estimated average monthly quantity of the waste to be treated at the facility;
 4. Receives certification from the governing body of the county, city, or town in which the facility is to be located stating that the location and operation of the facility are consistent with all applicable ordinances;
 5. Receives a copy of the lease, deed or certification of ownership of the site;
 6. Receives and approves a copy of the operational plan as required in Subsection 080.430 of these regulations;
 7. Conducts an inspection of the facility; and
 8. Collects a fee as set by the District Board of Health.
- B. Permits shall be valid for one (1) year. Renewal will be granted upon payment of the appropriate fees and after inspection by the Health Authority to ensure compliance with the requirements of Section 080 of these regulations.

080.430 OPERATIONAL PLAN REQUIRED

- A. All biohazardous waste management facilities shall have and adhere to an operational plan, approved in writing by the Health Authority. The operational plan shall outline the design/operational capacities of the facility, emergency contingency information and daily operational procedures. This plan shall include but is not limited to the following:
1. A narrative identifying the project title; engineering consultants; site owner; licensee and operator; site life and capacity; municipalities, industries and collection and transportation agencies served; and waste types to be disposed.
 2. A narrative discussing waste types to be accepted or excluded including radiological monitoring that will be conducted to ensure radioactive waste is not included with biohazardous waste; typical waste handling techniques; hours of operation; traffic routing;

weather and other environmental concerns; methods for handling any unusual waste types; methods for vector, dust, and odor control; daily cleanup; record keeping; parking for visitors and employees; access monitoring; backup equipment.

3. Protocols for controlling access and vehicular traffic and methods for unloading and processing of biohazardous wastes, that limit the number of persons handling these wastes and minimize the possibility of exposure to employees and the public using or visiting the facility to the biohazardous waste.
4. Protocols for ensuring that:
 - a) All biohazardous wastes to be stored at the biohazardous waste management facility meet the requirements set forth in Subsection 080.220; and
 - b) All biohazardous waste shall be treated within 96 hours of receipt by the biohazardous waste treatment facility.
5. A method for disinfecting emptied reusable biohazardous waste containers, transport vehicles or facility equipment, which are known or believed to be contaminated with biohazardous waste as described in Section 080.230 (A)(2)(b).
6. An exposure control plan to include a provision for the required use of Personal Protective Equipment (PPE). The requirements set forth in 29 CFR 1919.1030, may be included in the plan.
7. The means of decontamination of any person having had bodily contact with biohazardous waste while transporting the waste to the biohazardous waste management facility or while handling or disposing the waste at the site.
8. A quantification of the maximum amount of biohazardous waste to be treated and/or stored per day; procedures for measuring or weighing and recording incoming biohazardous waste; and the proposed ultimate disposal location for treated waste, ash residues and by-pass material, residues resulting from air pollution control devices, and the proposed alternate treatment or disposal locations for any unauthorized waste types, which may have been unknowingly accepted.
9. Packaging and labeling procedures for the storage of biohazardous waste which meet the requirements set forth in Subsections 080.230, and 080.250.
10. A facility map indicating the location of all biohazardous waste handling and storage areas.
11. Procedures for accepting biohazardous waste to ensure that transport document requirements; set forth in Subsection 080.260 (B)(6) are met. Copies of transport documents shall be kept onsite, at the treatment facility, for a minimum of one (1) year.
12. A contingency plan that delineates procedures for fire, explosions, any unplanned sudden or non-sudden releases of harmful constituents to the air, soil, surface or ground water, for cleaning, or in the case of a treatment facility, a contingency plan for treatment equipment malfunction. The plan shall include a description of the actions personnel shall take in the event of various emergency situations; a description of the arrangements made with one local emergency response agencies that allows for immediate entry to the facility, and a list of names, addresses and phone numbers of all persons qualified to act as an emergency coordinator for the facility. This must include a process of notification to the Health Authority within twenty-four (24) hours of an incident.

13. A documented training program for employees who handle biohazardous waste, with a provision for onsite maintenance of individual records of training completions for a period of three years.
14. A list of all equipment and machinery used along with the following information:
 - a) Equipment specifications identifying the types of biohazardous waste that may be treated by the equipment and any design or equipment restrictions.
 - b) Manufacturer's operating procedures describing the waste types and volumes to be treated, monitoring data for all treatment processes including calibration and efficacy testing, and any specific information relating to the capability of the equipment to achieve the approved treatment standards.
 - c) Instructions for equipment maintenance, testing, and calibration that ensure the equipment achieves appropriate treatment standards.
 - d) Operator training manuals from the equipment manufacturers.
 - e) Written certification from the manufacturer stating that the equipment, when operated properly, is capable of achieving the appropriate treatment standards.
15. A detailed plan for closing the facility, including steps necessary to isolate the facility from the environment or to remove all biohazardous waste and residue in the facility for proper treatment and to decontaminate the facility, and reflect all actions necessary for facility abandonment.
16. A document proving financial assurance for the time of site closing.

B. Operational Plan Modification

1. A revised operational plan shall be submitted to the Health Authority, whenever there is an increase of more than 25% in the maximum quantity of biohazardous waste receiving treatment or storage per month by the facility or when modifications or revisions are made to existing operations.
2. The Health Authority shall approve the revised operational plan in writing, prior to the operator implementing any changes in operational procedures.
3. Modification to the operational plan may be subject to public notice and 30 calendar-days of public review if the proposed modification includes:
 - a) An increase in the amount or type of biohazardous waste managed at the site that is inconsistent with the permitted design, operational plans or municipal plans concerning the management of biohazardous waste;
 - b) A change in the manner of waste management at the site that is inconsistent with the permitted design or operational plans of the site;
 - c) A substantive change in the:
 - 1) Permitted design of the site;
 - 2) Plans for closure and post-closure;
 - 3) Procedures for monitoring the site and for taking any necessary corrective actions;

4) The mechanisms for financial assurance; or

4. Any other change, which is deemed by the Health Authority to require public notice and public hearing.

080.450 DESIGN AND CONSTRUCTION

- A. Construction of a biohazardous waste treatment facility, transfer facility or any other solid waste management facility, which may receive biohazardous waste, shall not commence until the Health Authority has approved the site location, design/construction plans, and operational plans, in writing. All biohazardous waste management facilities must be designed and constructed so as to be aesthetically compatible with the surrounding environments.
- B. The design of the biohazardous waste treatment facility shall meet the requirements set forth in NAC 444.6662, and construction requirements as set forth in NAC 444.6664.
- C. Biohazardous waste treatment and storage areas shall be designed and constructed:
 - 1. To protect the waste from contact with rain and wind, and prevent harborage and/or breeding places for vermin; and
 - 2. To insure that biohazardous waste is handled and stored separately from other solid waste, if accepted at the same facility.

080.460 RECORD KEEPING REQUIREMENTS

The following records shall be maintained onsite at the biohazardous waste treatment facility for a minimum of three years, and must be made available, for review, upon request by the Health Authority at anytime:

- A. Treatment method efficacy testing and results.
- B. Records for all routine maintenance and/or repairs of treatment process equipment.
- C. All quantities of biohazardous waste treated at the facility. Records shall include, but are not limited to:
 - 1. Time, temperature and pressure readings where applicable for certain forms of equipment utilized by the treatment process;
 - 2. Use of heat sensitive tape changes where applicable;
 - 3. Type and quantity of biohazardous waste treated in each treatment cycle, including types of containers waste was stored in; and
 - 4. Chemical concentrations prior to and after treatment where applicable.

BIOHAZARDOUS WASTE TRANSPORTERS

080.500 WASTE CUSTODY

Generators of biohazardous waste shall transfer custody of their waste only to transporters permitted by the Health Authority to haul biohazardous wastes, within the Health District.

080.510 PERMIT REQUIRED

A. Any person engaged in the operation of transporting biohazardous waste shall obtain a Permit to Operate from the Health Authority.

1. A separate permit is required for each drop box, trailer and/or vehicle operated. The transporter's valid permit must be within the vehicle at all times while transporting biohazardous waste.
2. The transporter shall show the permit, upon demand to the health authority or any enforcement agency personnel. If the biohazardous waste is transported by rail, vessel, air; the railroad corporation, vessel operator, or airline shall enter on the manifest or shipping papers, any information concerning the biohazardous waste that the enforcement agency may require.

B. Limited-Quantity Transporter Exemption.

1. A biohazardous waste generator or parent organization that employs health care professionals who generate biohazardous waste may apply to the Health Authority for a limited-quantity transporter exemption, if the generator or health care professional meets all of the following requirements:
 - a) The generator or health care professional generates less than 20 pounds of biohazardous waste per week and transports less than 20 pounds of biohazardous waste at any one time to the parent organization;
 - b) The generator or health care professional who generated the biohazardous waste transports the waste him/ herself, or directs a staff member to transport the waste to a permitted biohazardous waste treatment facility, a biohazardous waste transfer facility, a postal office for sending mail-back sharps or biohazardous containers, a parent organization, or another common storage facility for the purpose of consolidation before treatment and disposal;
 - c) Except as provided in paragraph (d) below, the generator maintains a transport document; and
 - d) Notwithstanding paragraph (c) above, a health care professional who generates biohazardous waste and returns the waste to the parent organization, may substitute a single-page form or multiple entry log for the transport document, if the form or log contains all of the following information:
 - 1) The name of the person transporting the biohazardous waste;
 - 2) The number of containers and type of biohazardous waste. This subparagraph does not require any generator to maintain a separate biohazardous waste container for every patient or to maintain records as to the specific source of the biohazardous waste in any container; and
 - 3) The date that the biohazardous waste was returned.
2. Any person who transports less than 20 pounds of biohazardous waste per week is eligible for the limited quantity transporter exemption. Under this exemption, the person transporting the biohazardous waste shall maintain transport documents as set forth in Section 080.260 (A)(B)(C).

080.520 APPLICATION FOR PERMIT TO OPERATE

- A. A permit to operate issued under this section shall be issued only after the Health Authority:
 - 1. Receives an application made in writing and on forms provided by the Health Authority with all of the following information:
 - a) The name, address, and valid telephone number of the person or transportation company. Include headquarters and local office data;
 - b) All owners' names, addresses, and telephone numbers;
 - c) All names, addresses, and telephone numbers of any agents authorized to act on behalf of the owner(s);
 - d) Photocopies of all business licenses, permits, or other approvals if required by another governmental or environmental agency with jurisdiction;
 - e) Manufacturer name, model year, identification number, and the license plate number of each drop box, trailer, or vehicle used to transport biohazardous waste; and
 - f) List of areas (cities, towns, etc.) within the Health District in which the transporter will operate.
 - 2. Receives and approves the company's operational plan which meets, but is not limited to the requirements in subsection 080.430 (A)(4,6,7,8,9,11,13 and 15) of these regulations;
 - 3. Conducts an inspection of each drop box, trailer or vehicle; and
 - 4. Collects a fee as set by the District Board of Health.
- B. Permits shall be valid for one year. Renewal will be granted upon payment of the appropriate fees and continued compliance with these regulations.
- C. Within 30 calendar-days following the change of any data in Paragraph (A) above, the transporter shall notify the Health Authority of that change. Failure to notify the department nullifies the permit and invalidates the permit number. When the transporter changes legal name, corporate ownership, or the chief executive officer, he shall notify the Health Authority within 30 calendar-days of such change. Upon receiving such notification, the Health Authority will revoke the old permit and issue a new permit based on the new information.

080.530 VEHICLE REQUIREMENTS

Each permitted vehicle drop box or trailer used to transport biohazardous waste shall:

- A. Display the transportation company's name or Trademark and telephone number on each side of the vehicle by rectangular signs or decals 25 by 35 centimeters in size with red labeling on a white background with the words "BIOHAZARDOUS WASTE" or with the international biohazard symbol and the word "BIOHAZARD". Such identifying labeling shall be readily legible during daylight from a distance of 50 feet.
- B. Maintain a contingency plan consisting of both of the following:
 - 1. Routine procedures used to minimize the exposure of employees and the general public to biohazardous waste throughout the process of collecting, transporting, and handling; and

2. Emergency procedures used for handling spills or accidents.
- C. Have a compartment to store biohazardous waste that can be secured to limit access to unauthorized persons at all times. The compartment shall be constructed in compliance with one of the following:
1. A fully enclosed, leak-proof compartment consisting of a floor, sides, door(s) with seal(s), and a roof made of a non-porous material impervious to biohazardous waste and is physically separated from the driver's compartment;
 2. A fully enclosed, leak-proof cargo box made of non-porous material impervious to biohazardous waste; or
 3. A fully enclosed leak-proof trailer made of non-porous material impervious to biohazardous waste.
- D. Be cleaned and disinfected if there is visible contamination. "Cleaning" means agitation to remove visible particles combined with one of the following disinfecting methods:
1. Exposure to hot water at a temperature of at least 180°F for a minimum of 15 seconds.
 2. Exposure to a chemical disinfectant registered for use by the EPA, as set forth in the Federal Insecticide, Fungicide and Rodenticide Act, and used according to the manufacturer's label directions.
 3. Any other method that the Health Authority determines is acceptable, if the determination of acceptability is made in writing and in advance of use.
- E. Carry a spill containment and cleanup kit consisting of:
1. Material designed to absorb spilled liquids, and
 2. One gallon of disinfectant registered for use by the EPA for such use.

080.540 CONTAINMENT AND CLEANUP PROCEDURES

Following a spill of biohazardous waste, the following procedures shall be implemented:

- A. Activate the Exposure Control Plan and Contingency Plan to ensure personnel do not come into contact with any contaminants and ensure employees wear appropriate personal protective equipment.
- B. Repackage spilled waste in accordance with the packaging requirements in Subsection 080.230.
- C. Transport the biohazardous waste by a permitted biohazardous waste transporter to an approved facility for treatment or disposal.
- D. Clean and disinfect any areas having been contacted by biohazardous waste. Materials used to disinfect the area shall be registered for use by the EPA.
- E. Replenish containment and cleanup kit.

080.550 REQUIREMENTS FOR TRANSPORTERS

Each person who transports biohazardous waste for consideration, other than waste that is an incidental part of other solid waste, shall:

- A. Accept only biohazardous waste packaged and labeled as set forth in Subsections 080.230 and 080.250;
- B. Accept biohazardous waste only after providing the generator with a signed transport document as set forth in Subsection 080.260;
- C. Store biohazardous waste for no longer than 96 hours prior to treatment;
- D. Not unload, reload, or transfer the biohazardous waste to another vehicle in any location other than a permitted facility, except in emergency situations. Combination vehicles or trailers may be uncoupled and coupled to another cargo vehicle or truck trailer as long as the biohazardous waste is not removed from the cargo compartment;
- E. Maintain records showing the point of origin and date and place of final disposal of biohazardous waste collected from generators. A copy of these records shall be given to the generator or the Health Authority upon request;
- F. Not transport biohazardous waste to a permitted offsite biohazardous waste treatment facility or permitted biohazardous waste transfer station unless the waste is placed in leak-resistant, fully enclosed rigid secondary containers that are then loaded into one of the approved vehicles described in Subsection 080.530 of these regulations;
- G. Not transport biohazardous waste in the same vehicle with other waste, unless the biohazardous waste is separately contained in rigid containers or kept separate by barriers from other waste, or unless all of the waste is to be handled as biohazardous waste in accordance with this section;
- H. Provide employees that manually load or unload containers of biohazardous waste at the beginning of each shift, and require each to wear, clean and protective gloves and coveralls, changeable lab coats, or other personal protective equipment; and
- I. Clean all trucks and equipment used to transport biohazardous waste thoroughly with detergent and hospital grade disinfectant before being used for any other purpose and prior to any transfer of ownership. Any areas of trucks or equipment that are visibly contaminated, or that become contaminated as a result of a spill, shall be immediately decontaminated as set forth in Subsection 080.530 (D).

BIOHAZARDOUS WASTE TRANSFER FACILITIES

080.570 PERMIT REQUIRED

No person shall construct, operate, or modify a biohazardous waste transfer facility within the Health District without obtaining a Permit to Operate issued by the Health Authority.

080.580 APPLICATION FOR PERMIT TO OPERATE

- A. A Permit to Operate a biohazardous waste transfer facility shall be issued only after the Health Authority:
 - 1. Receives and approves a set of plans for design and construction of the facility, which meet the requirements set forth in Subsection 080.450 of these regulations; and
 - 2. Receives an application, made in writing and on forms provided by the Health Authority, with all of the following information:

- a) The name, address, and valid telephone number of the transfer facility;
 - b) All owners' names, addresses and telephone numbers;
 - c) The names, addresses and telephone numbers of any agents authorized to act on the owner(s) behalf; and
 - d) Photo copies of all business licenses, permits, or other documents of approval required by other governmental or environmental agencies with jurisdiction;
3. Receives documentation indicating the storage capacity of the facility, characterization of the biohazardous waste to be stored at the facility, and estimated average monthly quantity of biohazardous waste to be transported to the facility; and
 4. Receives documentation of approval from the local governing body in which the facility is to be located stating that the location and operation of the facility are consistent with all applicable ordinances; and
 5. Receives a copy of the lease or deed of ownership of the site; and
 6. Receives and approves a copy of the operational plan as required in Subsection 080.430 of these regulations, including a detailed plan for closure; and
 7. Collects a permit fee as set by the Washoe County District Board of Health.
- B. Permits shall be valid for one (1) year. Renewal will be granted upon payment of the renewal fee and continued compliance with these regulations.

080.585 REQUIREMENTS FOR BIOHAZARDOUS WASTE TRANSFER FACILITIES

- A. Biohazardous waste, excluding containerized sharps and chemically preserved pathological waste accepted at a biohazardous waste transfer facility must be:
1. Stored in clearly identified containers or areas which are separated from other waste storage areas, and
 2. Transferred to a biohazardous waste treatment facility permitted by a Health Authority, within 48 hours after receipt, unless the owner or operator is prevented from doing so because of an emergency; and
 3. Containerized sharps and chemically preserved pathological waste must be transferred or transported to a biohazardous waste treatment facility permitted by a Health Authority, within 30 days after receipt, unless the owner or operator is prevented from doing so because of an emergency.
 - a) The owner or operator shall notify the Health Authority within 24 hours of an emergency that prevents biohazardous waste from being transferred from the transfer facility as required in Subparagraph 2 above.
- B. Transfer facilities must be kept neat, clean, and in an orderly condition. All residual wastes or other residual material must be promptly removed from the transfer facility, treated to render the waste non-infectious and disposed of at an approved solid waste management facility or other approved disposal site.

- C. Areas that are used for handling or storage of biohazardous waste must be free from standing water. The drainage from the floor of such areas must be discharged into a sewer or its equivalent.
- D. The operator of a biohazardous transfer facility shall maintain accurate records of the operations of the facility. The records must be furnished upon request of the Health Authority or be made available for inspection by the Health Authority at any reasonable time. The records must include, but are not limited to:
 - 1. A daily log of the quantity of biohazardous waste received and transported;
 - 2. Instances in which the facility rejected a waste load (e.g., chemotherapeutic wastes) and
 - 3. Any emergencies or unusual events that may have affected the facility's operation.
- E. At the final closure of a transfer facility, any remaining wastes must be removed to an approved disposal site.

DISPOSAL

080.600 DISPOSAL OF TREATED BIOHAZARDOUS WASTE

Biohazardous waste that has been treated as set forth in Subsections 080.320, 080.340, or 080.360 and managed in compliance with Section 080 of these regulations is no longer biohazardous waste and is considered solid waste.

080.620 DISPOSAL FOR WASTE TYPES

A. Blood and Blood Products.

- 1. If the generator is connected to a municipal sewerage system or septic system, free draining blood and blood products, except blood-saturated materials may be disposed of directly into these systems unless the Health Authority otherwise restricts such disposal.
- 2. If the generator is prohibited by the Health Authority from disposing of blood and blood products into the municipal sewerage or septic system, blood and blood products, except blood-saturated material, shall be sent to an approved incineration facility for incineration or shall be rendered noninfectious by an approved treatment method prior to disposal, and disposed of in a disposal site approved by the Health Authority; or, in case of out-of-Health District disposal, approved by the appropriate regulatory agency responsible for solid waste management.

B. Sharps.

Containers of sharps shall either be:

- 1. Disposed of by incineration at an approved incineration facility; or
- 2. Treated to render the sharps noninfectious as set forth in 080.340 thru 080.360, and disposed of at an approved disposal site. Sharps may be further processed after treatment by grinding or other effective method to eliminate the physical hazard of sharps, and disposed of in a disposal site approved by the Health Authority, or in the case of out-of-Health District disposal, approved by the appropriate regulatory agency responsible for solid waste management.

C. Blood Saturated Materials. Cultures and Stocks of Infectious Agents and Associated Biologicals. Dialysis Waste and Laboratory Waste.

The above materials shall be:

1. Rendered noninfectious onsite by a steam-based disinfection process, incineration, or other alternative treatment method approved by the Health Authority, and disposed of in an approved disposal site; or, in the case of out-of-Health District disposal, approved by the appropriate regulatory agency responsible for solid waste management; or
2. Placed in approved containers for transport to an approved offsite biohazardous waste treatment facility.

D. Biotechnology By-Product Effluents.

1. These wastes shall not be removed from the site of the generator unless the viable organisms containing recombinant DNA molecules have been rendered noninfectious by a valid treatment method as outlined in Subsections 080.320 thru 080.360.
2. Once rendered noninfectious, these wastes may be disposed of directly to the municipal sewerage system or septic system unless such disposal otherwise is restricted by regulation; or, disposed of in an approved disposal site, or in the case of out-of-Health District disposal, approved by the appropriate regulatory agency responsible for solid waste management.

E. Pathologic Waste and Contaminated Animal Carcasses.

1. These wastes shall be disposed of at an approved incineration facility, by interment, or by an approved alternative disposal method.
2. Liquid pathologic waste may be disposed of in accordance with 080.620 (A).
3. Discarded teeth and tissue may also be disposed of in accordance with 080.620 (C)(1), and shall be placed in a second 3-mil bag if they are to be transported offsite for disposal.

F. Antineoplastic Wastes.

Antineoplastic wastes and their by-products are considered hazardous waste and must meet the disposal requirements set forth in Section 070 of these regulations, and shall be disposed of in an approved hazardous waste disposal site.

- G. The Health Authority may approve direct landfill burial in the event of an emergency, the material is too large to be treated or in the event of a natural disaster.

SECTION 085

DISPOSAL OF WASTE TIRES

085.005 PERMIT REQUIRED; EXCEPTIONS

- A. Except as otherwise provided in subsection 2, the owner or operator of a waste tire management facility shall not accept waste tires for processing, recycling or for use as a fuel until he obtains a permit to operate a waste tire management facility from the Health Authority.
- B. The following businesses are not required to comply with subsection 1:

1. Business which retreads tires and stores less than 3,000 passenger tire equivalents on the premises.
2. A retail dealer of tires, or any other business that removes tires from motor vehicles, which stores less than 1,500 passenger tire equivalents on the premises.
3. A disposal site which is authorized by the solid waste management authority to store waste tires or deposit waste tires in a landfill.
4. Any business that stores less than 500 passenger tire equivalents on the premises.

085.010 APPLICATION FOR PERMIT; CONTENTS

Each applicant for a permit to operate a waste tire management facility must complete an application on a form prescribed by the Health Authority. The application must include:

- A. The name of the owner and operator of the facility;
- B. The address of the location of the facility;
- C. A plan of operation which complies with the requirements set forth in section 085.100 through 085.150 inclusive of these regulations;
- D. A plan of the area where the tires will be stored at the facility which includes:
 1. The arrangement and size of the piles of tires in the storage area;
 2. The width of the fire lanes;
 3. The location of each building at the facility; and
 4. The methods used to control access to the facility.
- E. An estimate of the number of passenger tire equivalents the facility will receive each year;
- F. A description of the final use for the waste tires deposited or the available market for the material derived from the tires after processing;
- G. Proof of compliance with any applicable ordinances or other requirements of the local fire authority;
- H. Proof of compliance with any applicable ordinances or other requirements of the state or local governments for permits;
- I. The procedures to be used at the facility, to include:
 1. For the prevention of fire; and
 2. For response to a fire if it occurs and that is approved by the local fire authority.
- J. A copy of the plan to demonstrate financial assurance as outlined in NAC 444A.410 and 444A.420; and
- K. Any other information required by the Health Authority.

085.020 APPLICATION FOR PERMIT: NOTIFICATION OF APPLICANT; SUBMISSION OF ADDITIONAL INFORMATION

The Health Authority shall, within 45 days after receiving an application for a permit to operate a waste tire management facility, notify the applicant whether or not his application is complete. The Health Authority shall base its determination on whether the application contains all documents and information required by Section 085.010 of these regulations. The Health Authority may require the applicant to submit any additional documents or information it deems necessary.

085.030 APPLICATION FOR PERMIT: EVALUATION BY THE HEALTH AUTHORITY; NOTICE OF INTENT TO ISSUE OR DENY APPLICATION; PUBLIC NOTICE

- A. The Health Authority shall complete an evaluation of an application for a permit to operate a waste tire management facility within 30 days after notification of the applicant that his application is complete.
- B. Upon completion of the evaluation, the Health Authority shall:
 - 1. Issue the applicant a notice of intent to issue or deny the permit; and
 - 2. Issue a public notice stating whether it intends to issue or deny the permit. The public notice must include a fact sheet which describes:
 - a) The proposed facility;
 - b) The proposed action;
 - c) The availability of the documents which were evaluated; and
 - d) The procedures for public review and comment.

085.040 APPLICATION FOR PERMIT: PERIOD FOR PUBLIC REVIEW; DUTIES OF THE HEALTH AUTHORITY FOLLOWING THE PERIOD FOR PUBLIC REVIEW

- A. The Health Authority shall provide a period for the public review of an application for a permit to operate a facility for the management of waste tires. The period of public review shall not be less than 30 days and begins the date the Health Authority issues public notice pursuant to subsection 2 of 085.030. During this period, the applicant or any other interested person may submit to the Health Authority written comments concerning the permit.
- B. Within 15 days after the period for public review has ended, the Health Authority shall issue the permit or provide written notice to the applicant which sets forth the reasons for denial of the permit.

085.050 ISSUANCE; REVOCATION OR SUSPENSION OF PERMIT; REQUEST FOR MODIFICATION OF PERMIT

A permit to operate a waste tire management facility which is issued by the Health Authority:

- A. Must be issued to a specific owner or operator;
- B. Is not transferable;
- C. Is valid for one year from the date of issuance;

- D. May be renewed provided the conditions of the permit have been met and the permit fee has been paid prior to the expiration of the permit;
- E. May be modified by the Health Authority if the statutes and regulations upon which the permit is based are amended or if a modification is otherwise necessary to protect the public health and the environment;
- F. May be revoked or suspended upon written notice by the Health Authority if the permit holder does not comply with applicable statutes or regulations or the conditions upon which the Health Authority issued the permit; and
- G. May be modified by the owner or operator if the modification is approved by the Health Authority. The owner or operator must submit a written request for a modification of the permit to the Health Authority. A proposed modification of the permit may be subject to public notice and 30 days of public review if the Health Authority deems it necessary.

085.060 RENEWAL OF THE PERMIT; OPERATION OF THE FACILITY PENDING ISSUANCE OF A NEW PERMIT

- A. At least 45 days before a permit to operate a waste tire management facility expires, the Health Authority shall send to the permit holder:
 - 1. A notice to inform the holder that he must renew his permit to continue operations; and
 - 2. An invoice to pay for the permit renewal fee.
- B. The permit holder who wishes to renew his permit must:
 - 1. Submit the appropriate fees, required reports and/or laboratory analyses to the Health Authority at least 30 days prior to the expiration date of the permit;
 - 2. Provide any information concerning operation of the facility that was not submitted with his initial permit application to the Health Authority; and
 - 3. Revise any information that has changed since the last permit renewal period or initial application submittal and submit it to the Health Authority.
- C. Unless otherwise notified in writing, the owner or operator of a facility for the management of waste tires, may continue to operate the facility if the permit is not renewed by the Health Authority prior to the expiration date, provided the facility is in compliance with all conditions of the permit. The owner or operator may continue to operate until such time as the Health Authority renews the permit or denies the permit renewal.

OPERATION OF WASTE TIRE MANAGEMENT FACILITY

085.100 DESIGN AND CONSTRUCTION; ATTENDANTS; EQUIPMENT; FINAL USE OF WASTE TIRES DEPOSITED AT FACILITY

- A. The owner or operator of a waste tire management facility shall:
 - 1. Design and construct the facility to ensure that:
 - a) Runoff of water from the surface of the property is directed away from the area used to store tires; and

- b) Waters of the State are protected from potential runoff resulting from extinguishing a fire at the facility.
- 2. Control vectors to protect public health and welfare. As used in this section, “vector” has the meaning ascribed to it in section 010.590 of these regulations.
- B. If a waste tire management facility receives tires from a person other than the operator of the facility, an attendant must be present when the facility is open for business.
- C. Before the operator of a waste tire management facility may begin operation of the facility, he shall ensure that each area where waste tires are cut, chipped, ground or otherwise altered has the equipment which is necessary to process waste tires in operating condition.
- D. A waste tire management facility must have a final use for the waste tires deposited or an available market for the material produced from processing the waste tires to ensure that at least 75 percent of the waste tires deposited are used or removed from the facility as processed material for recycling or disposal within twelve (12) months after receipt.

085.120 STORAGE OF TIRES; COMPLIANCE WITH REGULATIONS ADOPTED BY THE STATE FIRE MARSHAL REQUIRED

- A. The owner or operator of a waste tire management facility shall not store more than 5,000 passenger tire equivalents on the premises of the facility unless he has written approval from the Health Authority.
- B. An owner or operator of a facility for the management of waste tires, upon request from the Health Authority, shall produce evidence that the facility complies with provisions set forth by the State Fire Marshal as they relate to the facility.
- C. Any area in which tires are stored outside the building located at the facility must be enclosed with a fence that limits access to the area.

085.130 PROCEDURES TO BE USED IF FIRE OCCURS AT FACILITY

The owner or operator of a waste tire management facility shall adopt and carry out procedures to be used if a fire occurs at the facility. The procedures must include:

- A. The owner or operator of a waste tire management facility shall not store more than 5,000 passenger tire equivalents on the premises of the facility unless he has written approval from the Health Authority.
- B. An owner or operator of a facility for the management of waste tires, upon request from the Health Authority, shall produce evidence that the facility complies with provisions set forth by the State Fire Marshal as they relate to the facility.
- C. Any area in which tires are stored outside the building located at the facility must be enclosed with a fence that limits access to the area.

085.140 MAINTENANCE OF RECORDS; AVAILABILITY OF RECORDS FOR INSPECTION BY THE HEALTH AUTHORITY

- A. The owner or operator of a waste tire management facility shall include in the records kept at the facility:
 - 1. Copies of manifests required by Section 085.310 of these regulations; and

2. The following information if applicable:
 - a) The number of passenger tire equivalents or tons of material processed from tires received, stored and shipped at the facility.
 - b) The names and registration numbers of haulers of waste tires who transport each shipment to and from the facility. If a hauler is not required to be registered, the record must include his address.
 - c) The origin of each shipment of waste tires to the facility and the destination of each shipment from the facility.
 3. A copy of the plan for financial assurance required by Section 085.210 – 085.220 of these regulations.
- B. The owner or operator of the facility shall maintain the records required by subsection 1 for at least 3 years, and make them available for inspection by the Health Authority during regular business hours.

085.150 ANNUAL REPORT: SUBMISSION; CONTENTS

The owner or operator of a waste tire management facility shall submit an annual report to the Health Authority not later than March 1 of each year. The owner or operator shall:

- A. Submit the report on a form prescribed by the Health Authority;
- B. Include a summary of information described in subsection 1 of Section 085.140 of these regulations in the report; and
- C. Include any other information in the report which is required by the Health Authority.

CLOSURE OF WASTE TIRE MANAGEMENT FACILITY

085.200 NOTICE OF CLOSURE; REMOVAL OF WASTE TIRES AND MATERIAL DERIVED FROM WASTE TIRES

- A. An owner or operator of a waste tire management facility who wishes to close that facility shall:
 1. Prohibit public access to the facility; and
 2. Post a notice at the facility stating that the facility is closed and the name and address of the nearest facility for the management of waste tires.
- B. Within twelve (12) months after the waste tire management facility is closed and, according to a schedule approved by the Health Authority, the owner or operator of the facility shall remove from the facility any waste tires and materials derived from waste tires.

085.210 ESTIMATE OF COSTS FOR CLOSURE; DEMONSTRATION OF FINANCIAL ASSURANCE; MODIFICATION OF ESTIMATE OF COSTS FOR CLOSURE

- A. The owner or operator of a waste tire management facility shall estimate the costs of processing and removing or disposing of all waste tires or material derived from waste tires at the facility. The owner or operator shall base his estimate on:

1. The maximum amount of waste tires and material which is derived from waste tires stored at the facility at any time; and
 2. The possibility of having to hire another person to perform the work.
- B. The estimate of costs must be approved by the Health Authority and revised annually to adjust for inflation.
 - C. The owner or operator of the facility shall demonstrate adequate financial assurance to close the facility based on the estimate of costs set forth in subsection 1.
 - D. The owner or operator of the facility shall increase the estimate of costs for closure and the amount of financial assurance provided if changes in the plan for closure or conditions at the facility increase the maximum costs of closure.
 - E. The owner or operator of the facility may reduce the estimate of costs for closure and the amount of financial assurance if the estimate of costs exceeds the maximum costs of closure at any time during which the facility will remain in operation. An owner or operator who wishes to reduce an estimate shall notify the Health Authority that the justification for reducing the estimate of costs for closure and the amount of financial assurance has been noted in the records required to be kept by Section 085.140 of these regulations.

085.220 MECHANISMS FOR DEMONSTRATING FINANCIAL ASSURANCE; ALTERNATE PLANS FOR DEMONSTRATING FINANCIAL ASSURANCE

- A. Except as otherwise provided in subsection 2, the owner or operator of a waste tire management facility shall demonstrate financial assurance in the manner prescribed below:
 1. A trust fund as described in NAC 444.6853;
 2. A surety bond guaranteeing payment or performance as described in NAC 444.68535;
 3. A letter of credit as described in NAC 444.6854;
 4. A policy insurance as described in NAC 444.6855;
 5. A mechanism approved by the solid waste management authority pursuant to NAC 444.6856; or
 6. Any combination of the options listed in subsections a. through e., inclusive.
- B. The Health Authority may approve an alternate plan for demonstrating financial assurance if the alternate plan complies with the requirements set forth in NAC 444.6859.

085.230 INSPECTION OF FACILITY AFTER NOTIFICATION OF CLOSURE; NOTIFICATION CONCERNING DEMONSTRATION OF FINANCIAL ASSURANCE

The Health Authority shall inspect a waste tire management facility after it receives notification that closure of the facility has been completed. If the requirements of the closure plan have been met, the Health Authority shall notify the owner or operator of the facility and the person who is providing the financial assurance, in writing, that the person providing financial assurance is no longer required to demonstrate financial assurance.

WASTE TIRE HAULERS

085.300 REGISTRATION NUMBER: REQUIREMENT; APPLICATION; DISPLAY

- A. A waste tire hauler shall obtain a registration number from the Health Authority. The waste tire hauler shall display his registration number on the vehicle he uses to transport waste tires or material derived from waste tires.
- B. Each waste tire hauler who applies for a registration number must complete an application on a form prescribed by the Health 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.
- C. A waste tire hauler who obtains a registration number pursuant to these regulations is required to comply with all other applicable local and state requirements.

085.310 MANIFEST TO TRANSPORT TIRES: CONTENTS; COPIES TO CERTAIN PERSONS; PENALTY FOR NONCOMPLIANCE

- A. A waste tire hauler shall initiate a manifest to transport waste tires from the place where he takes possession of the waste tires from a waste tire generator to the place where he deposits the waste tires at a waste tire management facility or a disposal site approved by the Health Authority. The manifest must include:
 - 1. Name of the generator of the waste tires;
 - 2. Passenger tire equivalents or total tons of waste tires to be transported;
 - 3. Name and registration number of the waste tire hauler;
 - 4. Date of transport;
 - 5. Destination of waste tires;
 - 6. Number of tires sold for reuse, if any; and
 - 7. Signatures of the waste tire generator, waste tire hauler and operator of the waste tire management facility or disposal site approved by the Health Authority.
- B. The waste tire hauler shall:
 - 1. Provide the owner or operator of the waste tire management facility or the disposal site approved by the Health Authority with a completed copy of the manifest; and
 - 2. Return a completed copy of the manifest to the waste tire generator not later than 30 days after the date the waste tire hauler takes possession of the waste tires.
- C. A waste tire hauler who fails to comply with the provisions of this section of the regulations may be subject to enforcement action, including revocation of his registration number.

085.320 SEMIANNUAL REPORTS: SUBMISSION; CONTENTS

- A. A waste tire hauler shall submit semiannual reports with the Health Authority. The first report must be submitted for the reporting period beginning with January 1 of each year and ending with June 30 of each year. The second report must be for the period beginning July 1 of each year and ending on December 31 of each year. The waste tire hauler must submit each report within 30

days after the end of the reporting period on a form prescribed by the Health Authority. The report must include:

1. The registration number of the waste tire hauler;
 2. The type and quantity of waste tires collected during the reporting period;
 3. The destination of the waste tires collected; and
 4. The names of the generators of the waste tires or the premises from which the waste tires were collected.
- C. A waste tire hauler who fails to comply with the provisions of this section may be subject to enforcement action, including revocation of his registration number.

WASTE TIRE GENERATORS

085.400 TRANSPORTATION OF WASTE TIRES

- A. Except as otherwise provided in subsection 2, a waste tire generator shall not enter into a contract to have waste tires collected with a person who is not a registered waste tire hauler.
- B. A waste tire generator may haul waste tires he generates or contract with a collector of solid waste who operates pursuant to the requirements outlined in these regulations. A waste tire generator shall maintain receipts for the disposition of its waste tires for a minimum of three (3) years. The waste tire generator shall make the receipts available for inspection by the Health Authority during regular business hours and shall list the number, weight or volume of the waste tires disposed of in this manner.

DISPOSAL OF WASTE TIRES BY LANDFILLING

085.500 RESTRICTIONS ON THE DISPOSAL OF WASTE TIRES IN LANDFILLS WITHIN WASHOE COUNTY

- A. No person shall dispose of (a) waste tire(s) in a municipal solid waste landfill within the Washoe County Health District if a waste tire management facility has been permitted by the Health Authority for operation within the Washoe County Health District. In this context the facility must be capable of processing the waste tire into a usable product or fuel.
- B. The prohibition outlined in 085.500 (1) to dispose of a waste tire in a municipal solid waste landfill does not apply to the disposal of a waste tire if the unavailability of the waste tire management facility makes disposal at such a facility impracticable. The provisions of this subsection do not exempt a person from any other regulation adopted pursuant to this section.
- C. A person who inadvertently or unintentionally disposes of a waste tire in a municipal solid waste landfill is exempt from any penalty imposed pursuant to these regulations.
- D. If a waste tire management facility does not exist as outlined in Section 085.500 (1), waste tires that are disposed in a municipal solid waste landfill must be managed in the following manner:
 1. Waste tires must be cut into four or more parts across the bead;

2. Waste tires must be split circumferentially through the tread surface to produce two halves, each of which contains a bead, sidewall, and part of the tread;
 3. Waste tires must be mechanically compressed and secured into a bale;
 4. Waste tires must have the sidewalls manually cut out to produce three (3) or more parts; or
 5. Waste tires must be processed in any other way approved by the Health Authority.
- E. These regulations do not prohibit the lawful disposal of a waste tire outside of the Washoe County Health District.

085.510 EXEMPTIONS

- A. A person may request an exemption or waiver from any of these regulations by submitting an application for a variance to the Health Authority. The application must be submitted on forms provided by the Health Authority and accompanied by fee(s) approved by the Washoe County District Board of Health.
- B. The Health Authority is not obligated to approve an application for a variance. The variance, however, must be processed in a timely manner by the Health Authority.
- C. Approval of a variance request may include additional conditions or requirements set forth by the Health Authority to ensure that the public and environmental health and safety are protected.
- D. An exemption or waiver is not transferable from person to person, place to place or business to business.

085.600 PENALTIES

- A. A person shall not operate a waste tire management facility unless the operator:
 1. Holds a permit to operate the waste tire management facility issued by the Health Authority; and
 2. Complies with the terms and conditions of the permit.
- B. A person who violates Section 085.600 (1) is guilty of a misdemeanor.
- C. Each day or part of a day during which the violation is continued or repeated constitutes a separate offense.
- D. A person convicted of violating Section 085.600 (A)(1 and 2) is, in addition to any criminal penalty imposed, liable for a civil penalty upon each such conviction in accordance with NRS 444.507 (4); a court before whom a defendant is convicted of a violation of Section 085.600 (1) shall, for each violation, order the defendant to pay a civil penalty of at least \$500 but not more than \$5000.
- E. A person who willfully disposes of a waste tire generated in Washoe County to a municipal solid waste landfill anywhere in the State of Nevada after a waste tire facility has been permitted to operate within the Washoe County Health District is guilty of a misdemeanor and shall be punished by a fine of not less than \$100 per violation. Each waste tire disposed of in violation of the provisions of these regulations constitutes a separate offense. The provisions of this subsection do not apply:

1. To a person who inadvertently or unintentionally disposes of a waste tire in a municipal solid waste landfill; or
2. If the unavailability of a waste tire management facility makes disposal of a waste tire at a site other than a municipal solid waste landfill impracticable.

SECTION 090

LANDFILL/MUNICIPAL SOLID WASTE LANDFILL UNIT

GENERAL PROVISIONS

090.001 Nothing in these regulations shall be construed as relieving the owner, operator or designer of a landfill from the obligation of obtaining all required permits, licenses, or other approval from regulatory or enforcement agencies.

A. The provisions of these regulations, inclusive, may not be interpreted to circumvent any of the provisions to make them less effective.

B. If more than one interpretation exists for a provision, the more restrictive interpretation applies.

090.003 For the purposes of this section of the regulations, the term Health Authority has the same meaning and authorities ascribed to the Solid Waste Management Authority as defined in Section 010 of these regulations.

090.006 Residential construction is prohibited above and within three hundred (300) feet from the edges of closed, abandoned and reclaimed landfill lifts known to contain residential and/or industrial wastes. If prior to the residential construction the wastes of a closed, abandoned or reclaimed landfill are completely removed, this requirement does not apply.

090.009 A landfill shall not be established until the site location, proposed method of operation, operational plan, and design requirements have been approved by the Health Authority and a Health Permit to Operate issued.

Garbage, excluding biohazardous waste, generated at an active mining property, may receive a permit from the Health Authority to be buried in the on-site mining overburden, provided that:

A. The garbage is not generated from a dwelling on the mining property;

B. All garbage to be permitted is generated on the mining property;

C. The garbage will be covered with a minimum of six (6) inches of compacted soil on a daily basis; and

D. The mine is operating within prior established conditions of a special use permit.

Permits issued under this section shall be valid for one (1) year and are renewable on an annual basis, if the mining property remains in compliance with the above conditions.

090.012 The design of a landfill shall be under the direction of a person registered as a civil engineer in the State of Nevada.

090.015 Before a landfill can be established, the design parameters, operational plans and all applicable construction plans shall be submitted to the Health Authority for review, and shall be furnished to other approval/regulatory agencies as necessary.

090.018 Each operator of a landfill shall obtain a Permit to Operate from the Washoe County Health District.

- A. The Permit to Operate shall be valid for the life of the landfill.
- B. The owner or operator must apply for a new Permit to Operate whenever a vertical or lateral expansion is proposed for an existing municipal landfill unit.
- C. The permit may be suspended or revoked for cause; such suspension or revocation may only occur after written notification of such action and all appeals hearings have been exhausted.

090.021 **APPLICATION FOR PERMIT TO OPERATE:** Application to modify.

- A. An application for a Permit to Operate must be submitted to the Health Authority for review and approval. The application must be submitted in writing and on forms provided by the Washoe County Health District prior to operating any landfill or municipal solid waste landfill unit. The application must include the following:
 - 1. The name, physical address and telephone number of the proposed landfill;
 - 2. The names, addresses and other pertinent contact information for all owners of the proposed landfill;
 - 3. The names, addresses and other pertinent contact information for any agents authorized to act on behalf of the owner;
 - 4. Copies of any permits, business license, special use permit or similar registration documents required by any other regulatory/governmental agencies;
 - 5. A copy of the lease, deed or certificate of ownership of the property on which the facility will be sited;
 - 6. An operational plan that meets the requirements of in Sections 090.124 and 090.169 of these regulations;
 - 7. A report of design for the proposed landfill that complies with Section 090.112 of these regulations;
 - 8. A plan for closure and postclosure for the proposed landfill as required in Sections 090.226, 090.229 and 090.232;
 - 9. Proof of financial assurance that complies with Sections 090.127 to 090.139; and
 - 10. Any other information the Health Authority requires in order to evaluate or approve the proposed operation of the facility.
- B. The owner or operator of a proposed disposal site must obtain the permit before the construction or operation of that site. An application for the permit must be submitted at least 180 days before the anticipated start of construction, to allow sufficient time for the review and issuance of a permit.

090.024 PERMIT TO OPERATE A DISPOSAL SITE: Evaluation of application; notice to applicant concerning completeness and compliance; notice of intent to issue or deny application; period for public comment.

- A. The Health Authority shall, within 45 days after receiving an application for a permit to operate a disposal site, 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 the specified documents and supporting information required by Sections 090.021, 090.309 and 090.406, 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.
- B. If the Health Authority determines that an application is complete, the 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 mail a 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 within which the applicant is required to submit to the Health Authority the documents or other information requested pursuant to paragraph 2.
- C. Upon completion of the evaluation, the Health Authority shall prepare and issue:
 - 1. A notice of intent to issue or deny the issuance of a permit. The notice must:
 - a) Be sent to the applicant and the local governing body in the area in which the disposal site is to be located, and published in a newspaper of general circulation for the area in which the site is located;
 - b) Summarize the action to be taken by the Health Authority;
 - c) State that the authority will accept comments from the general public for 30 days after the date that the notice is issued; and
 - d) Describe the procedure for obtaining copies of the documents and comments submitted with the application; and
 - 2. A factual sheet which describes the proposed facility, the proposed action, the availability of the documents submitted with the application, and the procedure for public review and comment.

090.027 PERMIT TO OPERATE DISPOSAL SITE: Response to notice of intent to issue or deny application; request for public hearing; notice of public hearing.

- A. An applicant for a permit to operate a disposal and any other interested person may, within 30 days after the notice of intent is issued pursuant to Section 090.024:
 - 1. Submit a written request to the Health Authority for a public hearing on the proposed issuance or denial of the permit which must state the nature of the issues which the requester intends to raise at the hearing; or

2. Submit written comments on the proposed issuance or denial of the permit to the Health Authority.

B. The Health Authority:

1. May schedule a public hearing if requested pursuant to this section or on its own initiative; and
2. Shall publish a notice of hearing scheduled pursuant to this section at least 30 days before the date of that hearing.

C. The Health Authority may extend the period for public review as it deems necessary.

090.030 PERMIT TO OPERATE A DISPOSAL SITE: Response by Health Authority to written comments concerning proposed issuance or denial of permit; publication of written comments.

- A. The Health Authority shall issue a statement responding to the written comments on the proposed issuance or denial of a permit to operate a disposal site which are received during the period for public review.
- B. A copy of the statement must be sent to the applicant, the person who submitted the written comments, if different from the applicant, and all other persons who specifically request in writing, a copy of the statement.
- C. A copy of the statement as required in paragraph A must be made available for inspection by the general public at a location specified by the Health Authority.

090.033 PERMIT TO OPERATE DISPOSAL SITE: Duties of the Health Authority after period of public review; modification or placement of conditions based on public comments.

- 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 Division Director of Environmental Health Services. The request to appeal the decision must be made within 30 days of receipt of the notice to deny the Health Permit to Operate.
 - 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 section based on public comments received concerning the permit.

090.036 PERMIT TO OPERATE DISPOSAL SITE: Issuance; revocation or suspension; requirements for transfer to subsequent owner or operator.

A permit to operate a disposal site issued by the Health Authority:

- A. Must be issued for the life of the design of the disposal site;

- B. 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 and the environment;
- C. Must specify the amount and type of solid waste which the disposal site may receive that is consistent with the design and operational plans of the site;
- D. Must be issued for the area and volume of waste specified in the application, if the disposal site is a municipal solid waste landfill unit, Class II or Class III site;
- E. May be revoked or suspended if written notice is given by the Health Authority and the disposal site does not remain in compliance with the applicable statutes and regulations; and
- F. Must be issued to a specific operator or owner. A permit may be transferred to a subsequent owner or operator only if the Health Authority approves the transfer based on documentation of financial responsibility provided by the new owner or operator.

090.039 PERMIT TO OPERATE DISPOSAL SITE: Request for modification: conditions requiring public notice and review.

A permit to operate a disposal site may be modified upon the request of the owner or operator of the disposal site and approval of the Health Authority. A proposal to modify a permit may be subject to public notice and 30 days of public review if the proposed modification includes:

- A. An increase in the manner of waste management at the site which is inconsistent with the permitted design, operational plans or municipal plans concerning the management of solid waste;
- B. A change in the manner of waste management at the site which is inconsistent with the permitted design or operational plans of the site;
- C. A substantive change in the:
 - 1. Permitted design of the site;
 - 2. Plans for closure and postclosure;
 - 3. Procedures for monitoring the site and for taking any necessary corrective actions; or
 - 4. The mechanisms for financial assurance; and
- D. Any other change which is deemed by the Health Authority to require public notice and a public hearing.

090.042 Requirements for owner or operator of landfill when the landfill has a life expectancy of twenty (20) years or less.

- A. The owner or operator of any municipal solid waste landfill, operating in the Washoe County Health District or operating under an interlocal agreement with the Washoe County Health District which has reached a life expectancy of twenty (20) years or less, must give notice to the Health Authority that it intends to either:
 - 1. Commence site selection for a new municipal solid waste landfill which will conform with the requirements of 40 CFR, Subtitle D and Section 090.103 of these regulations and the permitting requirements of Sections 090.021 through 090.039; or

2. Commence expansion of the existing municipal solid waste landfill to conform with the requirements of 40 CFR, Subtitle D and Section 090.103 of these regulations; or
3. Commence development of an approved solid waste management system for the collection and ultimate disposal of municipal solid waste generated within the Washoe County Health District or subject to any interlocal agreement with Washoe County Health District to another approved disposal site; or
4. Close the landfill at the end of its life expectancy as outlined in Sections 090.217, 090.220 and 090.223.

In addition, the owner or operator of the affected municipal solid waste landfill must submit a plan to maintain capacity for continued acceptance of municipal solid waste at the existing landfill until such time as an alternative has been approved and is operational. This plan must be submitted to the solid waste management authority no more than one hundred eighty (180) days after reaching the twenty (20) year life expectancy.

- B. When the twenty (20) year life is reached, and if it is the intent of the operator to operate to the design capacity of the landfill site, or to close the landfill, the solid waste management authority must be notified. A closure plan must be provided to the Health Authority at least one (1) year prior to beginning closure. The requirements set forth in Section 090.202 of these regulations for closure and postclosure will apply.
- C. The owner or operator of a municipal solid waste landfill operating within Washoe County Health District or under an interlocal agreement with the Washoe County Health District must submit an annual report to the solid waste management authority outlining the current life expectancy of the landfill. The report must be submitted no later than March 1st of each calendar year.
- D. In addition to the enforcement sections outlined in these regulations 020.120 to 020.160, inclusive, any person who violates the provisions of this section of the regulation will be subject to the penalty provisions of Nevada Revised Statutes 444.592 through and inclusive of 444.610.

090.045 Fees for a permit to operate shall be set by the District Board of Health.

- A. All applicable fees must be paid at the time an application for a Permit to Operate is submitted. Such fees may include but not be limited to permit application fees, plan review fees, variance fees or special use fees.
- B. Renewal fees for the Permit to Operate must be paid on an annual basis as authorized in the District Board of Health approved fee schedule.
- C. Reinspection fees for inspections may be required as authorized in the District Board of Health approved fee schedule.

090.048 The following provisions are adopted by reference from the Code of Federal Regulations (CFR), United States Geological Survey and Environmental Protection Agency:

- A. Appendix I to 40 C.F.R. Part 258, as that Appendix existed on November 8, 1993;
- B. Appendix II to 40 C.F.R. Part 258, as that Appendix existed on November 8, 1993;
- C. The provisions of 40 C.F.R. Part 257.2 as that part existed on November 8, 1993, for the limited purposes of defining "municipal solid waste landfill unit" in Section 010.452 of these regulations;

- D. The United States Geological Survey, Open File Report 82-1033, "Probabilistic Estimates of Maximum Acceleration and Velocity in Rock in the Contiguous United States," for the limited purpose of defining "seismic impact zone in Section 010.640;
- E. "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," Environmental Protection Agency, Publication No. SW-846, for the limited purposes of defining "liquid waste" in NAC 444.692; and
- F. The Toxic Substances Control Act Good Laboratory Practices Standards, 40 C.F.R. Part 792, as those standards existed on March 1, 1994, for the limited purpose of conducting scientific studies pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1 of NAC 444.7492.

CLASS I SITES

090.103 MINIMUM REQUIREMENTS: A Class I site must comply with the minimum requirements set forth in these regulations, inclusive. A Class I site which fails to comply with these minimum requirements shall be deemed an open dump for the purposes of solid waste planning and is prohibited.

090.106 APPLICATION FOR PERMIT TO OPERATE CLASS I SITE OR LATERAL EXPANSION THEREOF

- A. An application for a permit to operate a Class I site or lateral expansion of a Class I site must be submitted to the Health Authority and must include:
 - 1. The name, location and mailing address of the site, owner of the site, operator of the site and authorized agent of the owner;
 - 2. Proof of ownership of the land on which the site will be located;
 - 3. The report of the design of the site required by Section 090.112 of these regulations;
 - 4. The plan for monitoring water required by Section 090.118 of these regulations;
 - 5. The plan for operating the site required by Section 090.124 and 090.169 of these regulations;
 - 6. A plan for closure required in Section 090.220 of these regulations;
 - 7. A plan for postclosure required by Section 090.223 of these regulations;
 - 8. A copy of the financial assurance required by Section 090.127 of these regulations; and
 - 9. Any additional information which the Health Authority may require.

090.109 LOCATION RESTRICTIONS

- A. General restrictions on the location for Class I sites 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 unit at the site from degrading the waters of the State;
 - 3. Prevent uncontrolled migration of gas at the site;

4. Have an adequate quantity of earth cover that is workable and compactible 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-fourth mile of the nearest inhabited dwelling or place of public gathering or be within 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 Health Authority;
 7. Meet approval of the Health Authority;
 8. Comply with the requirements set forth in sections 090.103 B to G, of these regulations inclusive; and
 9. Unless approved by the Health Authority, not be within 1,000 feet of any surface water or 100 feet of the uppermost aquifer if the site is approved after September 1, 2011.
- B. Location restrictions for airport safety:
- 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 10,000 feet of the end of any airport runway used by a turbojet aircraft; or
 - b) Within 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 Health Authority that the proof has been placed in the operating records.
 3. The owner or operator who proposes to locate a new municipal solid waste landfill unit or lateral expansion within a 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.
- C. Location restrictions for Class I sites for floodplains:
1. 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:
 - a) Restrict the flow of the floodplain;
 - b) Reduce the temporary capacity of the floodplain to store water; and
 - c) Result in the washout of solid waste that poses a hazard to public health and safety and the environment.

2. The owner or operator shall place the proof in the operating records of the municipal solid waste landfill unit and notify the Health Authority that the proof has been placed within the operating records.

D. Location restrictions for Class I sites for wetlands:

1. A new municipal solid waste landfill unit or a lateral expansion may not be located in wetlands unless the owner or operator satisfactorily demonstrates to the Health Authority that:
 - a) 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.
 - b) The construction and operation of the municipal solid waste landfill unit or lateral expansion will not:
 - 1) Cause or contribute to violations of any applicable state water quality standard set forth in NAC 445A.450 to 445A.492, inclusive;
 - 2) 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;
 - 3) 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 act existed on November 8, 1993; and
 - 4) 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.
 - c) 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:
 - 1) The potential erosion, stability and migration of the soils, muds and deposits of the wetlands that are used to support the site;
 - 2) The potential erosion, stability and migration of dredged and fill materials used to support the site;
 - 3) The volume and chemical composition of the waste managed at the site;
 - 4) The potential impact on fish, wildlife and other aquatic resources and their habitat;
 - 5) The potential effects of a catastrophic release of waste to the wetlands and the resulting impacts on the environment; and
 - 6) Any additional factors required by the Health Authority to show that the ecological resources in the wetlands are protected.

- d) 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 (a), 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 creation of a man-made wetland.
- e) Sufficient information is available to make a reasonable determination with respect to these demonstrations.

E. Location restrictions for Class I Sites for fault areas:

- 1. A new municipal solid waste landfill unit or lateral expansion must not be located within 200 feet of a fault that has had a displacement in Holocene time unless the owner or operator demonstrates to the solid waste management authority that an alternative setback distance of less than 200 feet will prevent damage to the structural integrity of the unit and will protect public health and safety and the environment.

F. Location restrictions for Class I Sites for seismic impact areas:

- 1. 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 Health Authority that all structures for 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 submitted documents outlining the proof that the structures of the landfill can resist the maximum horizontal acceleration must be approved by the Health Authority prior to being placed in the operating records for the site.

G. Location restrictions for Class I Sites for unstable areas:

- 1. The owner or operator of a new or existing municipal solid waste landfill unit or a 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. This proof must be provided to and approved by the Health Authority prior to being placed in the facility operating records.
- 2. To determine if an area is unstable, the owner or operator shall consider:
 - a) Conditions of the soil on or near the site which may result in a significant differential settling;
 - b) Geologic or geomorphic features on or near the site; and
 - c) Man-made features or events which are on the surface or subsurface.

090.112 REPORT OF DESIGN

The report of design for a Class I Site must:

- A. Be signed by a professional engineer registered in this State.
- B. Include a general location map showing land use and zoning within 1 mile of the disposal site.

- C. Include plans and specifications of the facility which are of sufficient detail to show compliance with the applicable design standards and provide a clear understanding of the development of the site. The plan must:
1. Be at a scale of not more than 200 feet to the inch, including contour intervals of not more than 5 feet.
 2. Show the topography of the site before the development.
 3. Show the proposed limits of excavation and fill areas, including:
 - a) The final elevations and grades of each municipal solid waste landfill unit on the site;
 - b) The system for final cover;
 - c) The location and placement of each system of liners;
 - d) Each system for the collection and removal of leachate showing all critical grades and elevations of the inverts and drainage envelopes for the collection pipes, manholes, cleanouts, valves and sumps and showing the thicknesses of the drainage blankets; and
 - e) The location and placement of a monitoring system for detection of landfill gases including methane gas and other explosive gases.
 4. Show any proposed soil borrow areas.
 5. Show the sequence of development for the facility including an outline of fill areas, the sequence of filling operations and the locations of access roads.
 6. Show access roads, including dimensions, slopes, profiles and the types of pavement to be used.
 7. Show a typical cross section of the landfill.
 8. Show grades, berms, dikes, swales and other devices for proper drainage and control of surface water, runoff and runoff for the site.
 9. Show the devices for monitoring and controlling the gases at the site.
 10. Show fencing, equipment shelter, employee facilities and all other features for the development of the site.
- D. Define the population and area to be served by the site.
- E. Define the anticipated types, quantities and sources of solid wastes to be disposed of at the site.
- F. Define the source, type and quantity of cover material which is workable, compatible, and which does not contain organic material of a quantity and distribution conducive to the harborage and breeding of disease vectors.
- G. Include proof of compliance with the requirements relating to the control of surface water set forth in Section 090.211 and Section 090.214.
- H. Contain documentation that the disposal site is in compliance with Section 090.115 including:

1. Appropriate charts and graphs;
 2. Soil borings, test pit logs and other relevant geologic information;
 3. Engineering calculations; and
 4. Other supporting data, including literature citations.
- I. Every four (4) years, the owner or operator of the municipal solid waste landfill shall have a civil engineer review the facility design and operations, and prepare a report with conclusions and recommendations.

090.115 DESIGN CRITERIA: The design criteria for a Class I Site.

- A. A new municipal solid waste landfill unit or lateral expansion must be constructed:
1. In accordance with a design approved by the Health Authority that is sufficient to protect the waters of the State from degradation by pollutants or contaminants; or
 2. With a composite liner and 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 mils 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 mils. The flexible membrane liner must be installed in direct and uniform contact with the compacted soil.
- B. The owner or operator of a municipal solid waste landfill unit shall:
1. Develop and carry out a program for quality assurance and quality control for the construction of all liner systems required in this Section; and
 2. Submit a summary of this program to the Health Authority before waste may be placed in the municipal solid waste landfill unit.
- C. To approve the design of a new municipal solid waste landfill unit or lateral expansion, the Health 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; and
 4. Any other relevant factors.

090.118 PLAN FOR MONITORING WATER

- A. The plan for monitoring 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 ground water 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 Health Authority;
5. Establish procedures which must be used if monitoring provides evidence of leachate migration; and
6. Comply with Sections 090.500 to 090.557, inclusive.

090.121 SCHEDULE FOR COMPLIANCE WITH MONITORING REQUIREMENTS

A new municipal solid waste landfill unit must comply with 090.509 to 090.536, inclusive, before waste may be placed in the unit.

090.124 PLAN FOR OPERATING CLASS I SITES

The plan must include:

- A. A description of the equipment and persons necessary to operate the site;
- B. Provide for:
 1. Adequate fire control methods to extinguish and prevent the spread of accidental fires;
 2. The prevention of scattering of papers and other lightweight debris by portable litter fences or other suitable devices; and
 3. The disposal of any special wastes specifically permitted by the Health Authority;
- C. Show how the site will comply with the requirement to set up a program for detecting and preventing disposal of regulated hazardous waste and PCB wastes as set forth in 090.172; and
- D. Show how the site will comply with the requirement to set up a program for detecting and controlling explosive gases as set forth in 090.175;
- E. Show how the site will comply with Sections 090.166 to 090.202, inclusive, of these regulations; and
- F. Include a plan of action to be taken in the event of an emergency which might occur at the site. The plan must include, without limitation, an organized, coordinated and technically and financially feasible course of action to be taken:
 1. If a fire occurs at the site, including identifying the nearest fire department and how and under what circumstances the fire department will be notified.
 2. To protect the safety of personnel and users of the site, including training for employees on first aid and the availability of emergency services. The site must have a telephone, radio, or other similar communication device to enable the personnel to contact the appropriate providers of emergency services.
 3. To shut down the site because of inclement weather or an act of God.

4. If equipment breaks down, including the provision for and a description of backup equipment.
5. If hazardous or toxic materials are released from the site.
6. If the presence of leachate is detected in a structure for the collection of leachate which was previously dry, or if a spill or leak occurs at a tank or surface impoundment for the storage of leachate.

090.127 FINANCIAL ASSURANCE: Compliance mandatory; exemptions; waiver.

- A. Except as otherwise provided in this section, the owner or operator of a Class I site or lateral expansion of a Class I site shall comply with the provisions of Section 090.127 to 090.154, inclusive.
- B. Owners or operators of Class I Sites:
 1. Who are entities of the State of Nevada or the Federal Government; and
 2. 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.

090.130 FINANCIAL ASSURANCE: Estimate for cost of plan for closure; adjustments to estimate.

- A. The owner or operator shall obtain a detailed written estimate, in current dollars, of the cost of hiring, a third person to close the largest area of all municipal solid waste landfill units within the site requiring final cover as required by Section 090.214 at any time during active life of the unit, in accordance with the plan for closure. The owner or operator shall provide the Health Authority a copy of the estimate for the permit file and place a copy of the estimate in the operating records of the disposal site.
- B. The estimate must equal the cost of closing the largest area of all municipal solid waste landfill units within the site requiring a final cover at any time during the active life of the unit when the extent and manner of its operation would make closure the most expensive, as indicated in the plan for closure.
- C. During the active life of the municipal solid waste landfill unit, the owner or operator shall annually adjust the estimate for inflation.
- D. The owner or operator shall increase the estimate and amount of financial assurance if changes to the plan for closure or conditions at the municipal solid waste landfill unit increase the maximum cost of closure at any one time during the remaining active life of the unit.
- E. The owner or operator may reduce the estimate and amount of financial assurance if the estimate exceeds the maximum cost of closure at any time during the remaining life of the municipal solid waste landfill unit. The owner or operator shall provide the Health Authority the justification for the reduction for review and approval prior to placing a copy in the operating records of the site.
- F. The owner or operator of each municipal solid waste landfill unit shall establish financial assurance for closure of the municipal solid waste landfill unit in compliance with Section 090.136 to 090.154, inclusive. The owner or operator shall provide continuous coverage for closure until released by the Health Authority from the requirements for financial assurance by demonstrating compliance with Section 090.184 of these regulations.

090.133 FINANCIAL ASSURANCE: Estimate for cost of program for postclosure; adjustments to estimate.

- A. The owner or operator shall obtain a detailed written estimate, in current dollars, of the cost of hiring a third person to conduct a program for postclosure for each of the municipal solid waste landfill units within the site in compliance with the plan for postclosure developed pursuant to Section 090.187. The estimate for postclosure used to demonstrate financial assurance pursuant to subsection F must account for the total costs of conducting the program for postclosure, including annual and periodic costs as described in the plan for postclosure over the entire period for postclosure. The owner or operator shall provide the Health Authority a copy of the estimate for the permit file and place a copy of the estimate in the operating records of the disposal site.
- B. The estimate for postclosure must be based on the most expensive costs of postclosure during the period for postclosure.
- C. During the active life of the municipal solid waste landfill unit and the period for postclosure, the owner or operator shall annually adjust the estimate for postclosure for inflation.
- D. The owner or operator shall increase the estimate for postclosure and amount of financial assurance if changes in the plan for postclosure or the conditions of the municipal solid waste landfill unit increase the maximum costs of the postclosure.
- E. The owner or operator may reduce the estimate for postclosure and amount of financial assurance if the estimate exceeds the maximum costs of postclosure remaining over the period for postclosure. The owner or operator shall provide the Health Authority the justification for the reduction for review and approval prior to placing a copy in the operating records of the unit.
- F. The owner or operator of each municipal solid waste landfill unit shall establish, in accordance with Section 090.136 to 090.154, inclusive, financial assurance for the costs of postclosure as required by Section 090.223. The owner or operator shall provide continuous coverage for postclosure until released by the Health Authority from the requirements of financial assurance for postclosure by demonstrating compliance with subsection C of Section 090.223.

090.136 FINANCIAL ASSURANCE: Estimate for cost of plan for corrective action; adjustments to estimate.

- A. An owner or operator of a municipal solid waste landfill unit required to undertake a plan for corrective action pursuant to Sections 090.551, 090.554 and 090.557 shall obtain a detailed written estimate, in current dollars, of the cost of hiring a third person to perform the corrective action in accordance with that plan. The estimate of the corrective action must account for the total cost of activities for corrective action as described in the plan for corrective action for the period of the plan. The owner or operator shall provide the Health Authority a copy of the estimate for the permit file and place a copy of the estimate in the operating records of the unit.
- B. The owner or operator shall annually adjust the estimate for inflation until the plan for corrective action is completed in accordance with Sections 090.551, 090.554 and 090.557.
- C. The owner or operator shall increase the estimate for corrective action and amount of financial assurance if changes in the plan for corrective action or conditions at the municipal solid waste landfill unit increase the maximum costs of the corrective action.
- D. The owner or operator may reduce the amount of the estimate for corrective action and amount of financial assurance if the estimate exceeds the maximum remaining costs of the corrective action. The owner or operator shall provide the Health Authority the justification for the reduction for review and approval prior to placing a copy in the operating records of the unit.
- E. The owner or operator of each municipal solid waste landfill unit required to undertake a plan for corrective action pursuant to Sections 090.551, 090.551, 090.554 and 090.557, shall establish, in accordance with Sections 090.139 to 090.163,, inclusive, financial assurance for the most recent

plan for corrective action until released by the Health Authority from the requirements of financial assurance for corrective action by demonstrating compliance with 090.557.

090.139 FINANCIAL ASSURANCE: Allowable mechanisms.

The mechanisms used to demonstrate financial assurance pursuant to Section 090.127 must ensure that the money necessary to meet the cost of closure, postclosure, and corrective action for known releases of contaminants will be available whenever it is needed. The financial assurance may be in the form of:

- A. A trust fund as described in Section 090.139;
- B. A surety bond guaranteeing payment or performance as described in Section 090.145;
- C. A letter of credit as described in Section 090.148;
- D. A policy of insurance as described in Section 090.151;
- E. A mechanism approved by the Health Authority pursuant to Section 090.154; and
- F. Any combination of the options listed in subsections A to E, inclusive.

090.142 FINANCIAL ASSURANCE TRUST FUND

- A. An owner or operator may satisfy the requirements of Section 090.127 by establishing a trust fund which conforms to the requirements of this section. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency. A copy of the trust agreement must be placed in the operating records of the disposal site.
- B. The owner or operator shall annually make payments into the trust fund over the term of the period for payment into the fund.
- C. If a trust fund is used to demonstrate financial assurance for closure and postclosure, the first payment into the fund must be at least equal to the current estimate of the cost for closure or postclosure, except as otherwise provided in Section 090.157, divided by the number of years of the period for payment into the fund. The amount of subsequent payments must be determined by the following formula:

$$\text{Next Payment} = \text{CE} - \text{CV} / \text{Y}$$

Where:

CE is the current estimate for closure or postclosure, as adjusted for inflation or other changes.

CV is the current value of the trust fund.

Y is the number of years remaining in the period for payment into the fund.

- D. If a trust fund is used to demonstrate financial assurance for corrective action, the first payment into the trust fund must be at least equal to one-half of the current estimate of the cost for corrective action, except as otherwise provided in Section 090.157, divided by the number of years in the period for payment into the fund. The amount of the subsequent payments must be determined by the following formula:

$$\text{Next Payment} = \text{RB} - \text{CV} / \text{Y}$$

Where:

RB is the most recent estimate of the required balance in the trust fund needed for corrective action.

CV is the current value of the trust fund.

Y is the number of years remaining in the period for payment into the trust fund.

- E. The owner or operator shall:
1. For a trust fund for closure or postclosure, obtain and make the initial payment into the fund before the initial receipt of solid waste.
 2. For a trust fund for corrective action, obtain the trust fund and make the initial payment into the trust fund no later than 120 days after the remedy for corrective action has been selected in accordance with the requirements of Sections 090.551, 090.554 and 090.557.
 3. Maintain the trust fund until he is no longer required to demonstrate financial responsibility pursuant to Sections 090.127, 090.130 and 090.133.
- F. If the owner or operator establishes a trust fund after having used one or more alternate mechanisms specified in Section 090.139, the first payment into the trust fund must be at least equal to the amount which the fund would have contained if the trust fund were established initially and annual payments made pursuant to this section.
- G. The owner, operator or any other person authorized to conduct activities for closure, postclosure or corrective action may request reimbursement from the trustee for related expenditures. Requests for reimbursement may be granted by the trustee only if sufficient money is remaining in the trust fund to cover the remaining costs of closure, postclosure or corrective action, and if justification and documentation of the cost is placed in the operating records of the disposal site. The owner or operator provide the Health Authority copies of documentation showing that reimbursement has been received and place a copy of the documentation in the operating records of the disposal site.
- H. The owner or operator may terminate the trust fund only if he substitutes alternate financial assurance as specified in this section or is no longer required to demonstrate financial responsibility in accordance with the requirements of Sections 090.130, 090.133 or 090.136.
- I. As used in this section, "period for payment into the fund" means:
1. In the case of a trust fund for closure or postclosure, the remaining life of the municipal solid waste landfill unit.
 2. In the case of a trust fund for corrective action, over one-half of the estimated length of the program for corrective action.

090.145 FINANCIAL ASSURANCE: Surety bond guaranteeing payment or performance.

- A. An owner or operator may demonstrate financial assurance for closure or postclosure by obtaining a surety bond guaranteeing payment or performance which conforms to the requirements of this section. An owner or operator may demonstrate financial assurance for corrective action by obtaining a surety bond guaranteeing performance which conforms to the requirements of this section.
- B. A bond must:
1. If for closure or postclosure, be obtained by the owner or operator and become effective before the initial receipt of waste.
 2. If for corrective action, be obtained by the owner or operator and become effective no later than 120 days after the remedy for corrective action has been selected in accordance with the requirements of Sections 090.551, 090.554 and 090.557.

3. Be maintained until the owner or operator is no longer required to demonstrate financial responsibility pursuant to Sections 090.130, 090.133 and 090.136.
- C. The owner or operator shall submit to the Health Authority a copy of the bond that has been placed in the operating records of the disposal site.
 - D. 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 in each July in the Federal Register.
 - E. Except as otherwise provided in Section 090.160, the sum of the bond must be in an amount at least equal to the current estimate for closure, postclosure or corrective action, whichever is applicable.
 - F. The surety must become liable on the bond if the owner or operator fails to make payments or perform as guaranteed by the bond.
 - G. In addition to obtaining the surety bond, the owner or operator shall establish a trust fund. The trust fund must meet the requirements of Section 090.142, except the requirements for initial payment and subsequent annual payments specified in that section.
 - H. The surety shall deposit payments made under the terms of the bond directly into the trust fund. Payments from the trust fund must be approved by the trustee.
 - I. 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. If the surety cancels the bond, the owner or operator shall obtain alternate financial assurance as specified in Sections 090.139 to 090.136, inclusive.
 - J. The owner or operator may cancel the bond only if alternate financial assurance is substituted as specified in Sections 090.139 to 090.163, inclusive, or the owner or operator is no longer required to demonstrate financial responsibility in accordance with Sections 090.130, 090.133 or 090.136.

090.148 FINANCIAL ASSURANCE: Letter of credit.

- A. An owner or operator may satisfy the requirements of Section 090.127 by obtaining an irrevocable letter of credit which conforms to the requirements of this section.
- B. A letter of credit must:
 1. If for closure and postclosure, be obtained by the owner or operator and become effective prior to the initial receipt of waste.
 2. If for corrective action, be obtained by the owner or operator and become effective no later than 120 days after the remedy for corrective action has been selected in accordance with Sections 090.551, 090.554 and 090.557.
 3. Be maintained until the owner or operator is no longer required to demonstrate financial responsibility pursuant to Sections 090.130, 090.133 and 090.136.
- C. The owner or operator shall submit to the Health Authority a copy of the letter of credit that has been placed in the operating records of the disposal site.
- D. The issuing institution must be and 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:
 - 1. A reference to the letter of credit by number;
 - 2. The issuing institution;
 - 3. The date of issuance;
 - 4. The name of the owner or operator;
 - 5. The address of the disposal site; and
 - 6. The amount of money assured.
- F. Except as otherwise provided in this section, the letter of credit must be irrevocable and issued for a period of at least 1 year in an amount at least equal to the current estimate of closure, postclosure or corrective action, whichever is applicable. The letter of credit must provide that the expiration date will be automatically extended for a period of at least 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. If 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 if alternate financial assurance is substituted as specified in Sections 090.139 to 090.163, inclusive, or the owner or operator is released from the requirements of this section in accordance with Sections 090.130, 090.133 or 090.136.

090.151 FINANCIAL ASSURANCE: Insurance.

- A. An owner or operator may demonstrate financial assurance for closure and postclosure by obtaining insurance which conforms to the requirements of this section.
- B. The insurance must:
 - 1. Be obtained by the owner or operator and become effective before the initial receipt of waste; and
 - 2. Be maintained until the owner or operator is no longer required to demonstrate financial responsibility pursuant to Sections 090.130, 090.133 and 090.136 of 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 submit to the Health Authority a copy of this policy of insurance that has been placed in the operating records of the disposal site.
- E. The policy of insurance must guarantee that money will be available to close the municipal solid waste landfill until whenever final closure occurs or to carry out a program for postclosure whenever the period of postclosure begins, whichever is applicable. The policy must also guarantee that once closure or postclosure begins, the insurer is responsible for paying money to

the owner, operator or any other person authorized to conduct the closure or postclosure, up to an amount equal to the face amount of the policy.

- F. Except as otherwise provided in Section 090.142, the policy of insurance must be issued for a face amount at least equal to the current estimate for closure or postclosure, whichever is applicable. 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 or postclosure may receive reimbursements for related expenditures. Requests for reimbursement may be granted by the insurer only if the remaining value of the policy is sufficient to cover the remaining costs of the closure or postclosure, and if justification and documentation of the cost is placed in the operating records of the disposal site. 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. If 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 the Health Authority at least 120 days before the cancellation. If the insurer cancels the policy, the owner or operator shall obtain alternate financial assurance as specified in Sections 090.139 to 090.163, inclusive.
- J. If a policy of insurance provides coverage for postclosure, the insurer shall, commencing on the date that liability to make payments pursuant to the policy accrues, annually increase the face amount of the policy. The increase must be equivalent to the face amount of the policy, less any payments made, multiplied by an amount equal to 85 percent of the most recent rate of interest for or 85 percent of the equivalent yield announced by the United States Treasury for 26-week treasury bills.
- K. The owner or operator may cancel the policy of insurance only if he substitutes alternate financial assurance in accordance with Sections 090.139 to 090.163, inclusive, or he is no longer required to demonstrate financial responsibility in accordance with the requirements of Sections 090.130, 090.133 and 090.136.
- L. As used in this section, "face amount" means the total amount the insurer is obligated to pay under the policy.

090.154 FINANCIAL ASSURANCE: Alternate mechanisms approved by the Health Authority.

- A. An owner or operator may satisfy the requirements of Section 090.130 by obtaining any other mechanism which:
 - 1. Meets the criteria specified in Section 090.163; and
 - 2. Is approved by the Health Authority.
- B. A mechanism obtained pursuant to this section must be obtained by the owner or operator:
 - 1. For closure and postclosure, before the initial receipt of waste.

2. For corrective action, no later than 120 days after the remedy for corrective action has been selected in accordance with the requirements of Sections 090.551, 090.554 and 090.557.
3. Maintained until the owner or operator is no longer required to demonstrate financial responsibility pursuant to Sections 090.130, 090.133 and 090.136.

010.160 FINANCIAL ASSURANCE: Use of multiple mechanisms.

- A. Except as otherwise provided in subsection B, an owner or operator may satisfy the requirements of Section 090.127 by establishing more than one mechanism for financial assurance per municipal solid waste landfill unit as specified in Sections 090.142 to 090.154, inclusive. The combination of mechanisms, rather than a single mechanism, must provide financial assurance for an amount at least equal to the current estimate of cost for closure, postclosure or corrective action, whichever is applicable.
- B. Any financial assurance provided by:
 1. A corporate parent, if the entity holding the financial mechanism is a subsidiary of the corporate parent or a subsidiary of a subsidiary of the corporate parent; or
 2. Another subsidiary of the corporate parent, if the entity holding the financial mechanism is a subsidiary of the same corporate parent, may not be combined if the financial statements of the two entities are consolidated.

090.163 FINANCIAL ASSURANCE: General requirements for all mechanisms.

- A. An entity providing the mechanism used to demonstrate financial assurance pursuant to Section 090.127 shall reimburse or make payments to the owner, operator or any other person designated by the Health Authority, from that mechanism, for expenses in such amounts as the Health Authority shall direct in writing.
- B. Any such mechanism must:
 1. Ensure that the amount of money assured is sufficient to cover the costs of closure, postclosure or corrective action for known releases of contaminants, when needed;
 2. Ensure that money will be available in a timely fashion, when needed; and
 3. Be legally valid, binding and enforceable under applicable state and federal law.

090.166 GENERAL OPERATION AND MAINTENANCE

- A. The operation and maintenance of a Class I site must be in a manner which will not create odors, unsightliness or other nuisances.
- B. An owner or operator shall prevent or control populations of disease vectors at the municipal solid waste landfill unit using techniques appropriate for the protection of public health and safety and the environment. Other than daily cover, appropriate techniques must be instituted whenever required by the Health Authority to minimize the transmission of disease.
- C. The face of the working fill must be kept as narrow as is consistent with safe and efficient operation of equipment.
- D. Bulky waste material which may provide for the harborage of rodents must not be used for the final surface of side slopes.

- E. The solid wastes must be spread and compacted in thin layers. In the construction of each cell it must be spread into layers that do not exceed 2 feet before compaction. Equipment for compaction must be appropriately sized and must make a minimum of two passes over each layer of waste.
- F. Solid waste must not be placed within 500 feet of the boundary line of a Class I site unless a shorter distance is approved by the Health Authority. In approving a setback of less than 500 feet, the Health Authority shall consider the uses of the surrounding land, the surrounding topography and the operations conducted at the site.

090.169 OPERATIONAL PLAN REQUIRED

- A. The operational plan shall include a detailed listing of operational procedures to include, but not limited to:
 - 1. Time of day the first and last load from the transfer station will arrive at the municipal solid waste landfill unit.
 - 2. Method of compaction.
 - 3. Time of cover.
 - 4. Type and depth of cover.
 - 5. Specific wastes excluded.
 - 6. Traffic control.
 - 7. Litter control.
 - 8. Vector control as outlined in Section 090.163 Paragraph B.
 - 9. Personnel safety and training procedure of personnel.
 - 10. Maintenance procedure.
 - 11. Site controls.
 - 12. Contingency plan.
 - 13. Fire controls and approval from the local fire authority.
 - 14. Special waste handling.
 - 15. Control of public.
 - 16. Records of weights and volumes on a specified regular basis.
 - 17. Current listing of responsible persons to contact who control the municipal solid waste landfill unit. The listing shall include telephone numbers and email addresses of each responsible person, so that they may be contacted in the event of an emergency.
 - 18. Recovery operations.
 - 19. Any other information pertinent to the facility operation, such as leachate monitoring, or well monitoring.

- B. Once approved, each municipal solid waste landfill unit shall be operated in accordance with the operational plan.
- C. A current copy of the approved operational plan shall be maintained with the Health Authority at the Washoe County Health District (WCHD). At least one (1) current copy shall be maintained on site where each described operation occurs. This copy shall be immediately available to all site personnel. Site personnel shall be fully knowledgeable of this regulation and of all pertinent information contained in the operational plan. It is the responsibility of the site operator to insure that each employee on site possesses this knowledge.
- D. As site operating procedures evolve and change, they shall be submitted to the Health Authority for review and approval.
- E. Each copy of the operating plan shall be updated by the operator within thirty (30) working days of the approved change.

090.172 OPERATING CRITERIA: Program for detecting and preventing disposal of regulated hazardous waste and PCB wastes.

- A. The owner or operator shall carry out a program at the municipal solid waste landfill unit for detecting and preventing the disposal of regulated hazardous waste and PCB wastes. The program must include, but is not limited to:
 - 1. Random inspections of incoming loads;
 - 2. Records of inspections;
 - 3. Training persons employed at the unit to recognize regulated hazardous waste and PCB wastes;
 - 4. Procedures for handling hazardous waste or PCB wastes found at the site; and
 - 5. Notification of the Health Authority if hazardous waste or PCB wastes are discovered at the unit.
- B. As used in this section:
 - 1. Hazardous waste includes those wastes described by Section 010.324, 40 C.F.R. Part 261.3 which are not excluded by 40 C.F.R. Part 261.4(b) or generated by a conditionally exempt small quantity generator in accordance with 40 C.F.R. part 261.5, as those sections existed on November 8, 1993.
 - 2. PCB has the meaning ascribed to it in 40 C.F.R. Part 761.3, as that section existed on November 8, 1993.

090.175 OPERATING CRITERIA: Control of explosive gases.

- A. An owner or operator shall provide for the control of explosive gas at a municipal solid waste landfill unit in accordance with the provisions in this section.
- B. The owner or operator shall ensure that:
 - 1. 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

2. The concentration of methane gas does not exceed the lower explosive limit for methane at the boundary of the unit.
- C. The owner or operator shall carry out a routine program for monitoring methane gas to ensure that the standards set forth in Subsection B are met. Except as otherwise provided in subsection D, the level of methane must be monitored at least quarterly each year. The type and frequency of monitoring must be determined based on the:
1. Conditions of the soil;
 2. Hydrogeologic conditions surrounding the unit;
 3. Hydraulic conditions surrounding the unit; and
 4. Location of the structures and boundaries of the unit.
- D. The Health Authority may, after public review and comment, allow the owner or operator of a Class I site to monitor the level of methane gas less frequently than one time each quarter. In deciding whether to allow such a deviation, the Health 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.
- E. If the owner or operator detects levels of methane gas exceeding the limits specified in paragraph 1 of Section B, he shall:
1. Immediately take all necessary actions to ensure protection of public health and safety and notify the Health Authority;
 2. Except as otherwise provided in Subsection F, within 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
 3. Except as otherwise provided in Subsection F, within 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 Health Authority that the plan has been carried out. The plan must describe the nature and extent of the problem and the proposed remedy.
- F. The Health Authority may establish alternative schedules for demonstrating compliance with paragraphs 2 and 3 of Subsection E.
- G. 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.

090.178 SIGNS

Signs must be posted that clearly indicate:

- A. The owner and operator of the site.
- B. The hours of operation.

- C. Materials accepted or excluded.
- D. Fees charged.

090.181 DISPOSAL OF NONHAZARDOUS LIQUIDS

- 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 Health Authority in accordance with subsections 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 090.115.
- C. Containers holding liquid waste may not be placed in a municipal solid waste landfill unit unless:
 - 1. The container is similar in size to a container which would normally be found in household waste; and
 - 2. The container is designed to hold liquids for use other than storage; and
 - 3. The liquid waste in the container is household waste; and
 - 4. The liquid waste in the container is characterized as nonhazardous.
- D. As used in the section, "liquid waste" has the meaning ascribed to it in Section 010.428.

090.184 DISPOSAL OF WASTES REQUIRING IMMEDIATE BURIAL

- 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. All wastes containing or suspected of containing asbestos materials must be segregated from the waste stream and immediately buried.
- C. All biohazardous wastes or wastes suspected of containing biohazardous components must be buried immediately upon receipt at the landfill.

090.187 CONTROL OF EROSION AND DUST

- A. Suitable vegetation must be planted, as required, in completed areas of the landfill to prevent erosion, surface deterioration and fugitive dust.
- B. Adequate water or other dust palliative must be made available at all times for dust control and for compaction of cover material.

090.190 ACCESS; ROADS

- 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 must be provided from the public road system to the site. Temporary roads must be provided as necessary to the working face. Roads must be constructed for all weather conditions.

090.193 FACILITIES FOR PERSONNEL

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

090.196 MISCELLANEOUS REQUIREMENTS FOR OPERATION; QUARTERLY REPORTS; TOPOGRAPHIC OR OTHER VOLUMETRIC SURVEYS AND REPORTS

- A. Scavenging and salvaging is prohibited at the working face of a Class I site.
- B. A Class I 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 I site shall establish provisions concerning weighing or otherwise adequately measuring and recording all solid waste delivered to the site.
- D. The operation of a Class I site must be approved by the Health Authority.
- E. The operator of a Class I site shall submit quarterly to the Health Authority a report of the volume and type of solid waste received at the site. The report must be submitted on a form approved by the Health Authority.
- F. The operator of a Class I site shall at least once every five (5) years conduct a topographic survey, or other volumetric survey approved by the Health Authority, of the site and submit a report to the Health 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 five (5) feet;
 - 3. Show 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.

090.199 OPERATING RECORDS REQUIRED TO BE KEPT; SUBMITTED TO HEALTH AUTHORITY

- 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 Health Authority all operating records must be provided to and approved by the Health Authority prior to implementation. These records include the following as it becomes available:

1. Any demonstration of restrictions on location required by Section 090.109;
 2. Records of inspection, training procedures and procedures for notification required by Section 090.172;
 3. Results from the monitoring of gas and any remediation plans required by Section 090.175;
 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 paragraph B of subsection 2 of 090.208;
 5. Any demonstration, certification, finding, monitoring, testing or analytical data from the program for monitoring ground water required by Section 090.500 to 090.557, inclusive;
 6. Plans for closure and postclosure and any monitoring, testing or analytical data required by Section 090.214 to 090.229, inclusive; and
 7. Any documentation of cost estimates and financial assurance required by Section 090.127.
- B. The owner or operator shall submit for review and approval all documentation to the Health Authority before such documentation is placed in or added to the operating records. All information contained in the operating records must be furnished upon request to the Health Authority or be made available at all reasonable times for inspection by the Health Authority.
- C. The Health Authority may establish alternative schedules for recordkeeping and notification required by these Regulations, inclusive, except for the notification required by paragraph 2 of subsection B of Section 090.109 and by subsection C of Section 090.533.

090.202 COVERING OF COMPACTED SOLID WASTE; CONTINUOUS OPERATION AS ALTERNATIVE

- A. The compacted solid waste of a Class I site must be covered as follows:
1. Except as otherwise provided by this section, solid waste that is disposed of at the Class I site must be covered at the end of each operating day or at more frequent intervals as necessary to control disease vectors, fires, odors, blowing litter and scavenging with at least six (6) inches of compacted earthen material.
 2. The Health Authority may approve alternative materials to be used for compaction and alternative thicknesses of that material if the owner or operator shows that the alternative materials and thicknesses are capable of controlling disease vectors, fires, odors, blowing litter and scavenging without presenting a threat to public health and safety and the environment.
 3. The Health Authority may grant a temporary waiver from the requirements of subsections A and B if the owner or operator can show that extreme seasonal climatic conditions make the requirements impractical.
 4. Unless otherwise approved by the Health Authority, at least 12 inches of compacted earthen material must be placed as an intermediate cover on a fill surface if that surface is not to receive waste for more than 30 days. This subsection does not apply to final fill surfaces.
 5. The integrity of daily and intermediate cover must be maintained until further filling or the addition of final cover is made. All cracks, depressions and erosion of the cover for surface and side slopes of fills must be promptly repaired as soon as practicable, or no longer than 30 days after they occur.

6. Daily and temporary cover must be graded to drain runoff of surface water. The top slope must have a grade of not less than three (3) percent.
- B. The Health Authority may approve the continuous operation of Class I site as an alternative to the requirements outlined in Paragraphs A subsections 1-6 if the owner or operator shows that its plan for continuous operation of the site is sufficient to control disease vectors, fires, odors, blowing litter and scavenging without presenting a threat to public health and safety and the environment.
 - C. As used in this section:
 1. "Continuous Operation" means that at all times throughout each 24-hour period:
 - a) Waste is being received, placed, spread or compacted on the working surface of the site to spread or compact the waste; and
 - b) At least one piece of heavy equipment is operating on the working surface of the site to spread or compact the waste.
 2. "Operating Day" means the portion of a day during which a site is accepting or managing solid waste.

090.205 SPECIAL HANDLING OF WASTES: BIOHAZARDOUS AND ASBESTOS WASTES

In addition to meeting the requirements for a landfill, the landfill operation shall adhere to the following procedure when biohazardous and asbestos wastes are received:

- A. A receiving plan (as a part of the operations plan) to insure separate handling at the site of biohazardous and asbestos waste shall be developed and used. This plan shall meet the approval of the Health Authority.
- B. Unloading of biohazardous and asbestos waste shall be in a separate location away from the working face, where burial, without compacting is accomplished immediately, and immediate covering of the load with other solid wastes, soil or alternative cover shall occur before any compaction is commended.

090.208 SYSTEM TO CONTROL RUNON AND RUNOFF

- A. The owner or operator of a Class I site shall provide a system to control runon and runoff.
- B. The owner or operator of a Class I site shall design, construct and maintain;
 1. A system to control runon to prevent flow onto the active portion of the landfill during the peak discharge from a 50-year storm; and
 2. A system to control runoff from the active portion of the landfill to collect and control at least the volume of water resulting from a 24-hour, 50-year storm as those durations and frequencies for storms are defined in the "Precipitation Frequency Atlas of the Western United States," vol. VII-Nevada, prepared by the National Weather Service and National Oceanic and Atmospheric Administration, United States Department of Commerce. The publication may be obtained from the Hydrometeorological Design Studies Center, Office of Hydrology, National Weather Service, 1325 East-West Highway, Silver Spring, Maryland 20910, at a cost of \$9.
- C. Runoff from the active portion of the landfill must be handled in accordance with section 090.181.

D. As used in this section, “active portion” has the meaning ascribed to it in Section 010.010.

090.211 DISCHARGE OF POLLUTANTS OR CONTAMINANTS INTO SURFACE WATERS PROHIBITED

The owner or operator of a Class I site shall not:

- A. Cause a discharge of pollutants or contaminants from a municipal solid waste landfill unit into the waters of the State or waters of the United States, including wetlands, which violates any requirements of the federal Clean Water Act of 1977, including, but not limited to, the National Pollutant Discharge Elimination System (33 U.S.C. § 1342), as that section existed on November 8, 1993, or NRS 445A.300 to 445A.730, inclusive, and the regulations adopted pursuant thereto; or
- B. Cause the discharge of a nonpoint source of pollution into the waters of the State or waters of the United States, including wetlands, which violates any requirements of a plan for the management of the quality of water that is applicable in the area or throughout the State and which has been approved pursuant to sections 208 or 319 of the Clean Water Act of 1977 (33 U.S.C. §§ 1288 or 1329), as those sections existed on November 8, 1993, or NRS 445A.300 to 445A.730, inclusive, and the regulations adopted pursuant thereto.

090.214 REQUIREMENTS FOR DESIGN AND CONSTRUCTION OF SYSTEM FOR FINAL COVER

- A. The owner or operator of a Class I site shall install a system for final cover which is designed to minimize infiltration and erosion. Except as otherwise provided in subsection B, the system must be designed and constructed to:
 - 1. Have a permeability that is less than or equal to the permeability no greater than 1×10^{-5} centimeters per second, whichever is less;
 - 2. Minimize infiltration through the closed municipal solid waste landfill unit by the use of an infiltration layer which contains at least 18 inches of earthen material; and
 - 3. Minimize erosion of the final cover by the use of an erosion layer which contains at least six (6) inches of earthen material which is capable of sustaining the growth of native plants.
- B. The Health Authority may approve an alternative design for a final cover which includes:
 - 1. An infiltration layer which achieves an equivalent reduction in infiltration as the infiltration layer specified in parts 1 and 2 of subsection A; and
 - 2. An erosion layer which provides equivalent protection from wind and water erosion as the erosion layer specified in part 3 of subsection A.
- C. 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.

090.217 NOTICE OF INTENT TO CLOSE; GENERAL REQUIREMENTS CONCERNING CLOSURE

- A. At least one (1) year before beginning the closure of a municipal solid waste landfill unit at a Class I site pursuant to subsection B, an owner or operator shall provide notice to the Health 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 30 days after the date on which the unit receives the final receipt of wastes.

- C. The owner or operator of a Class I site shall complete activities for closure of each municipal solid waste landfill unit at the site in accordance with the plan for closure within 180 days after the beginning the closure. Extensions of the period for closure may be granted by the Health Authority if the owner or operator demonstrates that closure will, of necessity, take longer than 180 days and that the owner or operator has taken and will continue to take all actions to prevent threats to public health and 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 Health Authority that a certification, signed by an independent licensed professional engineer and approved by the Health Authority verifying that closure has been completed in accordance with the plan for closure, has been placed in the operating record of the site.

090.220 REQUIREMENTS AFTER CLOSURE OF ALL MUNICIPAL SOLID WASTE LANDFILL UNITS WITHIN A CLASS I SITE

- A. After 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 subsection 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. Submit documentation to the Health 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 with Section 090.229.
- C. The owner or operator may request permission from the Health Authority to remove the notation from the deed or other instrument if all wastes are removed from the site.

090.223 PROGRAM FOR POSTCLOSURE FOR EACH MUNICIPAL SOLID WASTE LANDFILL UNIT WITHIN CLASS I SITE

- 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 postclosure for that unit. Except as otherwise provided in subsection B, the program must be conducted for 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 runoff and runoff from eroding or otherwise damaging the final cover.
 - 2. The system to collect leachate must be maintained and operated in accordance with the requirements of Section 090.115, if applicable. The Health Authority may allow the owner or operator to stop managing leachate if the owner or operator demonstrates that leachate no longer poses a threat to public health and safety and the environment.
 - 3. The ground water must be monitored in accordance with Section 090.500 to Section 090.557, inclusive, and the system for monitoring the ground water must be maintained if applicable.

4. The system for monitoring gas must be maintained and operated in accordance with Section 090.175.
- B. The length of the program for postclosure may be:
1. Decreased by the Health Authority if the owner or operator demonstrates that the reduced period is sufficient to protect public health and safety and the environment and this demonstration is approved by the Health Authority; or
 2. Increased by the Health Authority if it determines that the lengthened period is necessary to protect public health and safety and the environment.
- C. After the completion of the program for postclosure for each municipal solid waste landfill unit at a Class I site, the owner or operator shall submit documentation to the Health Authority that a certification, signed by an independent licensed professional engineer and approved by the Health Authority verifying that the program has been completed in accordance with the plan for postclosure, has been placed in the operating record.

090.226 PLAN FOR FINAL COVER OR CLOSURE OF A CLASS I SITE

A plan for closing a Class I site must include:

- A. A description of the actions necessary to close all municipal solid waste landfill units within the site at any time during their active life;
- B. A description of the final cover required by Sections 090.214, 090.217, and 090.220;
- C. An estimate of the largest area of the municipal solid waste landfill unit which would require final cover at any time during the active life of the unit if the site is closed;
- D. An estimate of the total maximum inventory of wastes to be placed on the disposal site during the entire estimated life of the site;
- E. The equipment and structures for the removal of wastes; decommissioning and decontamination;
- F. The placement and installation of devices to monitor or control water, vadose zone and landfill gases, if necessary; and
- G. A schedule for completing all construction and related activities needed to close the disposal site in accordance with Sections 090.214, 090.217, and 090.220.

090.229 PLAN FOR POSTCLOSURE; USE OF PROPERTY DURING OR AFTER PERIOD OF POSTCLOSURE

- 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 section 090.500 to 090.5579, inclusive;
 2. A program for the 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 a planned uses of the property during the period of postclosure; and
 - 5. Any other information which the Health 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 these Regulations, inclusive.

090.232 MAINTENANCE OF PLANS FOR CLOSURE AND POSTCLOSURE IN OPERATING RECORDS OF SITE

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. To receive a permit to operate the disposal site, the plans for closure and postclosure must be approved by the Health Authority prior to the initial receipt of waste at the disposal site. The owner or operator shall include the plans for closure and postclosure in his application for a permit to operate the site.

CLASS II SITES

090.303 MINIMUM REQUIREMENTS; OPERATING RECORDS; CONTAMINATION OF GROUND WATER

- A. All Class II sites must comply with the minimum requirements set forth in this section and Section 090.312 to 090.348, inclusive. 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 of a Class II site pursuant to section 090.112 shall place in the operating records of the unit such information as necessary to demonstrated 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 shall have an approved ground water monitoring plan as outlined for all Class I sites as set forth in Section 090.115, 090.172, 090.166 Paragraph B, Sections 090.100 to 090.232, inclusive, and Sections 090.500 to 090.557, inclusive.

090.306 PROVISIONS FOR EMPLOYEES AT CLASS II SITES.; COMPLIANCE WITH CERTAIN PROVISIONS; DEVIATIONS

- 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.

090.307 COMPLIANCE WITH CERTAIN PROVISIONS FOR CLASS II SITES

The owner or operator of a Class II site shall comply with:

- A. Section 090.196, for the closure of the municipal solid waste landfill units;

- B. Sections 090.193 and 090.199, for postclosure maintenance of municipal solid waste landfill units;
- C. Section 090.127 to 090.163, inclusive;
- D. Sections 090.169 to 090.196, inclusive, Sections, 090.181, 090.190, 090.199, 090.208 and 090.211, if the Class II site contains at least one municipal solid waste landfill unit;
- E. Section 090.109; and
- F. Sections 090.214, 090.217 and 090.220.

090.308 DEVIATIONS FOR CLASS II SITES

The Health Authority may, after public review and comment, allow the owner or operator to deviate from the provisions concerning the final cover set forth in Section 090.214. In deciding whether to allow the deviation, the Health Authority shall consider:

- A. The unique characteristics of small communities;
- B. Climatic and hydrogeologic conditions; and
- C. Whether allowing deviation would have an adverse effect on human health or the environment.

090.309 APPLICATION FOR PERMIT TO OPERATE CLASS II SITE OR LATERAL EXPANSION THEREOF

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 Health Authority and must include the requirements outlined in Sections 090.018 and 090.021 and the following information:

- A. The name, location and mailing address of the:
 - 1. Site;
 - 2. Owner of the site;
 - 3. Operator of the site; and
 - 4. Authorized agent of the owner.
- B. Proof of ownership of the land on which the site will be located.
- C. The report for the design of the site as required in Section 090.315.
- D. The plan for operating the site required in Section 090.321.
- E. The plan for closing the site, the plan for postclosure and the documentation of the financial assurance required by Section 090.303.

090.312 LOCATION

- A. Not be within one-half mile of the nearest inhabited dwelling or place of public gathering or within 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 Health Authority.

B. Meet with the approval of the Health Authority.

090.315 REPORT OF DESIGN

The report for the design of a Class II site must include a design that:

- A. Is intended to protect the waters of the State from degradation by pollutants or contaminants; and
- B. Complies with the requirements set forth in subsections A to G, inclusive of Section 090.112.

090.318 REQUIRED INSTALLATION OF CERTAIN SYSTEMS

The Health Authority shall require the owner or operator of a Class II site to install:

- A. A system for monitoring ground water which complies with the provisions of Section 090.509; or
- B. A system for monitoring moisture in the unsaturated zone,

Unless it meets the criteria outlined in Section 090.308.

090.321 PLAN FOR OPERATING

The plan for operating a Class II site must meet the same requirements as a Class I Site as outlined in Section 090.124:

- A. Comply with subsection A,B2, and D of Section 090.124; and
- B. Demonstrate how the site will comply with Section 090.324 to 090.348, inclusive, and Sections 090.172 and 090.175.

090.324 OPERATION AND MAINTENANCE

The operation and maintenance of a Class II site must be in accordance with Section 090.166.

090.327 COVER OF SOLID WASTES

- A. Except as otherwise provided in subsection B, solid wastes at a Class II site must be covered in accordance with Section 090.202.

090.330 FINAL COVER AND CLOSURE FOR CERTAIN SITES

The Health 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 090.214. In deciding whether to allow the deviation, the Health 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.

090.333 SIGNS

Signs must be posted that clearly indicate:

- A. The owner and operator of the site;

- B. The hours of operation;
- C. Materials accepted or excluded; and
- D. Fees charged.

090.336 DISPOSAL OF SPECIAL WASTES

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 Health Authority.

090.339 PUTRESCIBLE WASTES; VECTOR CONTROL

- A. Any dead animals, carrion, slaughterhouse wastes or 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 Health Authority, to minimize transmission of disease.

090.342 CONTROL OF EROSION AND DUST

Suitable vegetation must be planted, as required, in completed areas of the landfill to prevent erosion, surface deterioration and fugitive dust unless a suitable alternative is proposed and approved by the Health Authority to control erosion and dust.

090.345 ROADS

- A. Permanent roads shall be provided from the public road system to the site.
- B. Temporary roads may be provided as necessary to the working face.
- C. All roads must be passable during normal inclement weather.

090.348 MISCELLANEOUS REQUIREMENTS FOR OPERATION; SEMIANNUAL REPORTS; TOPOGRAPHIC OR OTHER VOLUMETRIC SURVEYS AND REPORTS

- A. Salvaging is prohibited at the working face of a Class II site. Scavenging is prohibited at a Class II site.
- B. A Class II site must be inspected semiweekly and all scattered papers and other lightweight debris returned to the fill area and covered.
- C. The operator of a Class II site shall establish provisions concerning weighing or otherwise adequately measuring and recording all solid waste delivered to the site.
- D. The operation of a Class II site must be approved by the Health Authority.
- E. The operator of a Class II site shall:
 - 1. Submit quarterly to the Health Authority a report of the solid waste received at the site. The report must be submitted on a form approved by the Health Authority.
 - 2. At least once every five (5) years until the site is closed in accordance with Sections 090.214, 090.217 and 090.220, conduct a topographic survey, or other volumetric survey approved by the Health Authority, of the site and submit the report to the Health Authority. Each report

must be submitted no later than five (5) years after the date on which the immediately preceding report was submitted. Each report must:

- a) Be signed by a professional engineer registered in this State;
- b) Be at a scale of not more than 200 feet to the inch, including contour intervals of not more than five (5) feet;
- c) Show the current topography of the site;
- d) Indicate the remaining volume and disposal capacity of the site;
- e) Indicate the volume used and the waste disposed of since the original report of design; and
- f) Calculate the remaining life of the site, in years.

CLASS III SITES

090.403 MINIMUM STANDARDS; REDUCTION OR WAIVER OF REQUIREMENTS

- 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 Section 090.406 to 090.427, inclusive.
- B. The Health 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. The Health Authority may waive some of 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 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 materials 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 Health Authority for approval. The plan must include a description of the type and estimated amount of material which will be placed in the landfill.

090.406 APPLICATION FOR PERMIT TO OPERATE CLASS III SITE OR LATERAL EXPANSION THEREOF

An application for a permit to operate a Class III site or lateral expansion of a Class III site must be submitted to the Health Authority. Unless otherwise determined by the Health Authority, the application must include:

- A. The name, location and mailing address of the:
 1. Site;
 2. Owner of the site;

- 3. Operator of the site; and
 - 4. Authorized agent of the owner.
- B. Proof of ownership of the land on which the site will be located.
 - C. The plan to characterize solid waste required by Section 090.412.
 - D. The report required by Section 090.415.
 - E. The plan for monitoring water required by Section 090.418.
 - F. The plan for operating the site required by Section 090.124.
 - G. The plan for closing the site which complies with Section 090.220.
 - H. The plan for postclosure of the site which complies with Section 090.223.
 - I. Documentation of financial assurance which complies with Section 090.127.

090.409 LOCATION

The location of a Class III site must:

- A. Be easily accessible in all kinds of weather to all vehicles expected to use it.
- B. Safeguard against water pollution originating from the decomposed solid waste at the site.
- C. Safeguard against uncontrolled movement or collection of gas originating from the decomposed waste at the site.
- D. Have an adequate quantity of cover material that is workable, compactible and does not contain organic material of a quantity and distribution conducive to the harboring and breeding of disease vectors.
- E. Conform to the land use planning of the area.
- F. Not be within one-fourth mile of the nearest inhabited domestic dwelling or place of public gathering or be within 1,000 feet of a public highway, unless special provisions for the beautification of the site and control of litter vectors are included in the design and approved by the Health Authority.
- G. Not to be within 1,000 feet of any surface water or be within 100 feet of the uppermost aquifer unless approved by the Health Authority.
- H. Be approved by the Health Authority.

090.412 PLAN TO CHARACTERIZE SOLID WASTE

A plan to characterize solid waste for a Class III site must be sufficient to:

- A. Determine that the waste is not a hazardous waste;
- B. Provide for the periodic characterization of the waste stream as needed;

- C. Identify physical and chemical characteristics of the waste which may create an environmental hazard or threaten the health of the general public; and
- D. Exclude all wastes determined to be hazardous through the characterization process as outlined in this section.

090.415 REPORT FOR DESIGN

A report for the design of a Class III site must:

- A. Be signed by a professional engineer registered in the state of Nevada.
- B. Include a general location map showing land use and zoning within one (1) mile of the disposal site.
- C. Include a topographic map of the area which must:
 - 1. Be at a scale of not more than 200 feet to the inch, including contour intervals of not more than five (5) feet.
 - 2. Indicate the proposed fill areas.
 - 3. Indicate any proposed borrow areas.
 - 4. Indicate access roads.
 - 5. Indicate a typical cross section of a lift.
 - 6. Indicate grades for proper drainage of each lift.
 - 7. Indicate the placement of special devices for drainage and controlling gas, if required.
 - 8. 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.
- D. Define anticipated types, quantities and sources of solid wastes to be disposed of at the site.
- E. Demonstrate the design is sufficient to protect the waters of the State from degradation by pollutants or contaminants. The demonstration must consider, without limitation:
 - 1. The hydrogeologic characteristics of the site and surrounding area;
 - 2. The climatic factors of the area; and
 - 3. The volume and physical and chemical characteristics of predicted leachate generation.
- F. Provide proof of compliance with the provisions relating to the runoff and control of surface water set forth in Sections 090.208 and 090.211.
- G. Define the source, type and quantity of cover material at the site.

090.418 PLAN FOR MONITORING WATER; SUSPENSION OF MONITORING REQUIREMENTS

- 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 ground water 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 Health Authority;
 - 5. Define procedures which will be followed if monitoring provides evidence of potential design failure; and
 - 6. Comply with the provisions of Sections 090.500 to 090.557, inclusive, if the plan includes the monitoring of ground water.
- C. The Health 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 the waters of the state.

090.421 FINAL COVER OR CLOSURE; POSTCLOSURE

A Class III site must comply with the requirements set forth in Sections 090.214 to 090.223, inclusive, concerning closure and postclosure.

090.424 CONTROL OF EROSION AND DUST

- A. Suitable vegetation must be planted at a Class III site, if required, in completed areas of the landfill to prevent erosion, surface deterioration and fugitive dust unless a suitable alternative is proposed and approved by the Health Authority to control erosion and 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.

090.427 MISCELLANEOUS REQUIREMENTS; REPORTS; RECORDS; NOTIFICATION

- 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 Health Authority a report of the solid waste received at the site. The report must be submitted on a form provided by the Health Authority within 30 days following the end of each calendar year.

- D. The operation of a Class III site must be approved by the Health Authority.
- E. The owner or operator of a Class III site shall record and retain in its operating records at the site or at another location approved by the Health Authority:
 - 1. Any documentation of cost estimates and financial assurance required pursuant to 090.127;
 - 2. Plans for closure and postclosure care and any monitoring, testing or analytical data required pursuant to Section 090.214 to 090.229, inclusive;
 - 3. How the site conforms to the restrictions on location set forth in 090.409;
 - 4. Any plan to characterize solid waste required pursuant to 090.412; and
 - 5. Any demonstration, certification, finding, monitoring, testing or analytical data from the program for monitoring ground water required pursuant to these Regulations, inclusive.
- F. The owner or operator shall promptly notify the Health Authority after the owner or operator has placed the information in the operating record of its facility pursuant to subsection E. The information must be furnished upon request to the Health Authority or be made available for inspection by the Health Authority at any reasonable time.
- G. Notwithstanding any other provision of this Section, the Health Authority may establish alternative schedules for Class III sites for any recordkeeping and notification required pursuant to NAC 444.570 to NAC 444.7499, inclusive, except that the authority will not establish an alternative schedule for the notification required pursuant to subsection C of 090.533.

GROUND WATER MONITORING AND CORRECTIVE ACTION

090.503 SUSPENSION AND CONTINUATION OF MONITORING REQUIREMENTS

- A. The requirements for monitoring ground water set forth in 090.509 to 090.536, inclusive, may be suspended by the Health 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 that unit, including the period of closure and postclosure. The demonstration must be certified by a qualified ground water scientist and approved by the Health Authority. The demonstration must be based upon:
 - 1. 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
 - 2. 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.
- B. Once monitoring of ground water begins at a municipal solid waste landfill unit, the owner or operator of the unit shall continue to monitor the ground water throughout the active life of the unit, including the period of closure and postclosure, as specified in Section 090.193.

090.506 ALTERNATIVE SCHEDULE FOR COMPLYING WITH MONITORING REQUIREMENTS

- A. The Health 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 Sections 090.509 to 090.557, inclusive.

- B. The Health Authority may establish alternative schedules for demonstrating compliance with:
1. The provisions of 090.509 that require notification of the placement of the certification in the operating plan;
 2. The provisions of 090.530 relating to:
 - a) Notification and the placement of the notice in the operating record of any statistically significant increase in levels of constituents listed in Appendix I; and
 - b) The program for assessment monitoring;
 3. The provisions of 090.530 related to:
 - a) The sampling and analyzing of constituents listed in Appendix II;
 - b) Placement in the operating record of the notice that constituents listed in Appendix II have been detected and notification of that notice; and
 - c) Sampling for constituents listed in Appendix I or II;
 4. The provisions of 090.533 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 ground water;
 5. The provisions of 090.533 and 090.539 relating to assessment of corrective measures;
 6. The provisions of 090.533 relating to the selection of a remedy and notification of the placement of documents relating to the selection in the operating record; and
 7. The provisions of 090.554 and 090.557 relating to the notification of the placement in the operating record of:
 - a) Alternative measures of corrective action; and
 - b) Certification of the completion of the remedy.

090.509 REQUIREMENTS CONCERNING SYSTEM FOR MONITORING GROUND WATER

- A. The owner or operator of a municipal solid waste landfill unit shall install a system for monitoring ground water which consists of a sufficient number of wells, install at appropriate locations and depths, to yield samples of ground water from the uppermost aquifer which:
1. Represent the quality of background ground water 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:
 - a) Hydrogeologic conditions do not allow the owner or operator to determine which wells are hydraulically upgradient; or
 - b) Sampling at other wells will provide an indication of the quality of the background ground water which is a representative or more representative than that provided by the upgradient wells.
 2. Represent the quality of ground water at the boundary of the waste management unit.

The monitoring system must be installed to ensure detection of contaminants in the ground water in the uppermost aquifer. When physical obstacles preclude installation of wells to monitor ground water at the boundary of the waste management unit, a downgradient monitoring system may be installed at the closest practicable distance hydraulically downgradient from the boundary which ensures detection of contamination of ground water in the uppermost aquifer.

- B. If a disposal site has more than one municipal solid waste management landfill unit, the Health Authority may approve a system for monitoring ground water with multiple units instead of separate systems for each municipal solid waste landfill unit, if the system complies with the requirements of subsection A and is as protective of public health and safety and the environment as the separate systems. To approve a system with multiple units, the Health Authority shall consider:
 - 1. Number, spacing and orientation of the municipal solid waste landfill units; and
 - 2. Hydrogeologic setting;
 - 3. History of the disposal site;
 - 4. Engineering design of the municipal solid waste landfill units; and
 - 5. Type of waste accepted at the municipal solid waste landfill units.
- C. 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 ground water. The annular space above the sampling depth must be sealed to prevent contamination of samples and the ground water.
- D. The owner or operator shall notify the Health Authority that documentation concerning the design, installation, development and decommission of any monitoring wells, piezometers and other measurement, sampling and analytical devices have 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.
- E. The number, spacing and depths of the monitoring systems must be:
 - 1. Determined based upon technical information for each specific site, including a thorough characterization of the:
 - a) Thickness of the aquifer and the rate and direction of the flow of ground water, including seasonal and temporal fluctuations; and
 - b) 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
 - 2. Certified by a qualified ground water scientist and approved by the Health Authority. Within 14 days after receiving certification and approval, the owner or operator shall place the certification in the records for the site.

- F. As used in this section: “Boundary of the waste management unit” means the vertical surface located at the hydraulically downgradient limit of the unit that extends down in the uppermost aquifer.

090.512 PROGRAM FOR SAMPLING AND ANALYSIS

- A. The owner or operator shall notify the Health Authority that the documentation of the program for sampling and analysis has been placed in the records of the disposal site.
- B. A system for monitoring ground water must include:
1. Consistent sampling and analytical procedures designed to ensure monitoring results which provide an accurate representation of the quality of the background and downgradient ground water at the monitoring wells installed in compliance with Section 090.509.
 2. Procedures and techniques for:
 - a) The collection, preservation and shipment of samples;
 - b) Analyzing samples;
 - c) The control of the chain of custody; and
 - d) Quality assurance and quality control.
 3. Methods for sampling and analysis which are appropriate for sampling ground water and which accurately measure hazardous constituents and other monitoring parameters in samples of ground water. Samples of ground water must not be filtered in the field before they are analyzed in the laboratory.
- C. The sampling procedures and frequency must be protective of public health and safety and the environment.
- D. Each time ground water is sampled, the elevations of ground water must be measured in each well immediately before purging and the owner or operator shall determine the rate and direction of the flow of ground water. The elevations of ground water in the 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 ground water which could preclude an accurate determination of the rate of flow and direction of ground water.
- E. The owner or operator shall determine the quality of the background ground water in a hydraulically upgradient or background well for each of the monitoring parameters or constituents required by the system for monitoring ground water which applies to the municipal solid waste landfill unit, as determined pursuant to 090.521 or 090.530. The quality of the background ground water 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 090.509.
- F. The number of samples collected to establish data concerning the quality of ground water must be consistent with the appropriate statistical procedures set forth in 090.515. The sampling procedures used must be those specified by 090.524 for detection monitoring, 090.530 for assessment monitoring and 090.539 for corrective action.

090.515 STATISTICAL METHODS FOR EVALUATING DATA; PERFORMANCE STANDARDS

- A. 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 ground water for each hazardous constituent:
 - 1. 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.
 - 2. 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.
 - 3. 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.
 - 4. A procedure using a control chart which gives limits of control for each constituent.
 - 5. Any other statistical method which meets the performance standards set forth in subsection C. 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 Health Authority of the use of this alternative method. The justification must demonstrate that the alternative method meets the performance standards set forth in subsection C.
- B. The statistical method chosen pursuant to this section must be conducted separately for each hazardous constituent in each well.
- C. Any statistical method chosen pursuant to this section must comply with the following performance standards, as appropriate:
 - 1. The statistical method used to evaluate data from monitoring ground water 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.
 - 2. 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 ground water, 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, 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.
 - 3. 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.

4. If a tolerance interval or a predictional interval is used to evaluate data from monitoring ground water, the levels of confidence and, for tolerance intervals, the percentage of the population of samples which the interval must contain, must be protective to 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.
 5. 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 quantitative 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.
 6. If necessary, the statistical method must include procedures to control or correct for seasonal and spatial variability and temporal correlation in the data.
- D. 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 ground water incorrectly indicates contamination or an increase in contamination at a regulated unit.

090.518 DETERMINATION OF STATISTICALLY SIGNIFICANT INCREASE OVER BACKGROUND VALUES

- A. 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 ground water which applies to the municipal solid waste landfill unit, as determined pursuant to 090.521 or 090.530.
- B. In determining whether a statistically significant increase has occurred, the owner or operator shall compare the quality of the ground water of each parameter or constituent at each monitoring well designated pursuant to 090.509 to the background value of that constituent, according to the statistical procedures and performance standards set forth in 090.515.

090.521 CONSTITUENTS REQUIRED TO BE MONITORED; ESTABLISHMENT OF LIST OF ALTERNATIVE PARAMETERS FOR INORGANIC MATERIALS

- A. An owner or operator shall monitor constituents at all wells monitoring ground water pursuant to 090.509. At a minimum, the constituents listed in Appendix I must be monitored.
- B. The Health Authority may delete any of the parameters for monitoring constituents listed in 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.
- C. The Health 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 if alternative parameters provide a reliable indication of releases of inorganic materials from the municipal solid waste landfill unit into ground water.
 1. Antimony;
 2. Arsenic;
 3. Barium;

4. Beryllium;
5. Cadmium;
6. Chromium;
7. Cobalt;
8. Copper;
9. Lead;
10. Nickel;
11. Selenium;
12. Silver;
13. Thallium;
14. Vanadium; and
15. Zinc.

D. In establishing alternative parameters, the Health Authority shall consider:

1. The types, quantities and concentrations of constituents in waste managed at the municipal solid waste landfill unit;
2. The mobility, stability and persistence of constituents or their reaction products in the unsaturated zone beneath the municipal solid waste landfill unit;
3. The detectability of indicator parameters, constituents and reaction products in the ground water; and
4. The concentration or values and coefficients of variation of monitoring parameters or constituents in the ground water background.

090.524 PROGRAM FOR DETECTION MONITORING

- A. Except as otherwise provided in subsection B, all constituents listed in Appendix I or in the list of alternative parameters established pursuant to 090.521 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 downgradient well must be collected and analyzed for the constituents during the first semiannual sampling. At least one sample from each background and downgradient well must be collected and analyzed during subsequent semiannual sampling.
- B. The Health Authority may specify an appropriate alternative schedule for monitoring constituents listed in 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:
 1. Lithology of the aquifer and unsaturated zone;
 2. Hydraulic conductivity of the aquifer and unsaturated zone;

3. Rate of flow of ground water;
4. Minimum distance between the upgradient edge of the municipal solid waste landfill unit and downgradient monitoring well screen; and
5. Resource value of the aquifer.

090.527 PROCEDURES UPON DETERMINATION OF STATISTICALLY SIGNIFICANT INCREASE OF APPENDIX I CONSTITUENTS OR ALTERNATIVE PARAMETERS

- A. If an owner or operator determines, pursuant to 090.515, that there is a statistically significant increase over background for one or more of the constituents listed in Appendix I or the list of alternative parameters established pursuant to 090.521, at any monitoring well at the boundary specified by 090.509, the owner or operator shall:
 1. 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 Health Authority that this notice was placed in the operating records; and
 2. Except as otherwise provided in subsection B, establish a program for assessment monitoring pursuant to 090.530 and 090.533 within 90 days after making the determination.
- B. 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 ground water. A report documenting this demonstration must be certified by a qualified ground water scientist, approved by the Health 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 090.5521 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 090.530 and 090.533.

090.530 PROGRAM FOR ASSESSMENT MONITORING

- A. If a statistically significant increase over background has been detected for one or more of the constituents listed in Appendix I or the list of alternative parameters established pursuant to 090.521, an owner or operator shall establish a program for assessment monitoring.
- B. Except as otherwise provided in subsection C, within 90 days after initiating a program for assessment monitoring, and annually thereafter, the owner or operator shall sample and analyze the ground water for all constituents identified in Appendix II. At least one sample from each downgradient well must be collected and analyzed during each sampling. For any constituent detected in the downgradient wells as a result of this analysis, at least four independent samples from each background and downgradient well must be collected and analyzed to establish background for the constituents. The Health Authority may specify an appropriate subset of wells to be sampled and analyzed for constituents listed in Appendix II during assessment monitoring. The Health Authority may delete any of the parameters for monitoring constituents listed in 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 waste contained in the unit.
- C. The Health Authority may specify an appropriate alternative schedule for monitoring all constituents listed in Appendix II. The alternative schedule must be based on the:
 1. Lithology of the aquifer and unsaturated zone;
 2. Hydraulic conductivity of the aquifer and unsaturated zone;

3. Rate of flow of ground water;
 4. Minimum distance between the upgradient edge of the municipal solid waste landfill unit and downgradient monitoring well screen;
 5. Resource value of the aquifer; and
 6. Nature, fate and transportation of any constituents detected in accordance with this section.
- D. After obtaining the results from the initial or subsequent sampling pursuant to subsection B or C, the owner or operator shall:
1. Within 14 days, place a notice in the operating records of the disposal site identifying the constituents listed in Appendix II which have been detected and submit the sampling results to the Health Authority.
 2. Within 90 days, and on at least a semiannual basis thereafter:
 - a) Resample all wells specified in 090.509;
 - b) Conduct analyses for all constituents listed in Appendix I or the list of alternative parameters established pursuant to 090.521, and for those constituents in Appendix II which are detected as a result of sampling pursuant to subsection B or C; and
 - c) 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 Health Authority may specify an alternative schedule for monitoring the constituents referred to in this section. The alternative schedule for listed in Appendix I or the list of alternative parameters established pursuant to 090.521 may not require monitoring not less than annually. The alternative schedule must be based on the factors specified in subsection C.

3. Establish background concentrations for any constituents detected pursuant to paragraph 2 or subsection B or C.

090.533 PROCEDURES UPON DETERMINATION OF CONCENTRATIONS OF APPENDIX II CONSTITUENTS

- A. If the concentrations of all constituents listed in Appendix II are shown to be at or below background values, using the statistical procedures set forth in 090.515, for two consecutive samplings, the owner or operator shall notify the Health Authority of this finding and may return to the monitoring procedures set forth in 090.524.
- B. If the concentrations of any constituents listed in Appendix II are above background values, but all concentrations are below the standard for the protection of ground water established pursuant to 090.536, using the statistical procedures in 090.515, the owner or operator shall continue monitoring in accordance with this section.
- C. Except as otherwise provided in subsection D, if one or more constituents listed in Appendix II are detected at statistically significant levels above the standard for the protection of ground water in any sampling, the owner or operator shall:

1. 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 Health Authority and all appropriate local government officials that the notice has been placed in the operating records;
 2. Characterize the nature and extent of the release by installing additional monitoring wells as necessary;
 3. 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 090.530;
 4. 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
 5. Initiate an assessment of corrective measures pursuant to 090.539.
- D. In lieu of complying with the provisions of subsection C, 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 ground water. A report documenting this demonstration must be certified by a qualified ground water scientist, approved by the Health 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 A. Until a successful demonstration is made, the owner or operator shall comply with the provisions of subsection C.

090.536 ESTABLISHMENT OF STANDARD FOR PROTECTION OF GROUND WATER

- A. The Health Officer shall establish a standard for the protection of ground water for each constituent listed in Appendix II detected in the ground water as follows:
1. 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 C.F.R. Part 141, as those sections existed on November 8, 1993, the maximum contaminant level for that constituent.
 2. For a constituent for which a maximum contaminant level has not been adopted, a level equal to:
 - a) The background concentration of the constituent; or
 - b) An appropriate level that is based on the protection of public health and safety and complies with the following requirements:
 - 1) The level must be established in compliance with state and federal guidelines for assessing the health risks of environmental pollutants;
 - 2) The level must be based on scientific studies conducted in accordance with the Toxic Substances Control Act Good Laboratory Practice Standards, 40 C.F.R. Part 792, as those standards exist on March 11, 1994, or equivalent studies;
 - 3) 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 the range of 1×10^{-4} to 1×10^{-6} , inclusive; and

- 4) 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 lifetime. As used in this sub-subparagraph, "systemic toxicant" includes toxic chemicals that cause deleterious effects other than cancer or a mutation.
3. For a constituent for which the background level is higher than the maximum contaminant level set forth in paragraph 1 of this subsection, the background concentration of the constituent.
- B. In establishing standards pursuant to paragraph 2 of subsection A, the Health Authority may consider:
1. Multiple contaminants in the ground water;
 2. Potential threats to sensitive areas of the environment; and
 3. Other threats specific to that site or potential threats to ground water.

090.539 ASSESSMENT OF CORRECTIVE MEASURES UPON DETERMINATION THAT LEVEL OF ANY APPENDIX II CONSTITUENT EXCEEDS STANDARD FOR PROTECTION OF GROUND WATER; PUBLIC NOTICE AND COMMENT

- A. Within 90 days after finding that any of the constituents listed in Appendix II have been detected at a statistically significant level exceeding the standards for the protection of ground water established pursuant to 090.536, the owner or operator shall initiate an assessment of corrective measures. Such an assessment must be completed within a reasonable period specified by the Health Authority and submitted for review and approval by the Health Authority.
- B. The owner or operator shall continue monitoring in accordance with 090.530 and 090.533 until the Health Authority approves the assessment of corrective measures.
- C. 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 090.542, 090.545 and 090.548, including, but not limited to:
1. 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;
 2. The time required to begin and complete the remedy;
 3. The costs of carrying out the remedy; and
 4. 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.
- D. The Health 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.

090.542 SELECTION AND APPROVAL OF REMEDY BY THE HEALTH AUTHORITY

- A. Based on the results of the assessment of corrective measures conducted pursuant to 090.539, and the public comments received, if any, the Health Authority may approve a remedy which:

1. Is protective of public health and safety and the environment;
 2. Complies with the standard for the protection of ground water established pursuant to 090.536;
 3. 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
 4. Complies with standards for the management of wastes as specified in subsection C of 090.554.
- B. In selecting a remedy, the Health Authority shall consider:
1. 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:
 - a) Magnitude of reducing existing risks;
 - b) Magnitude of residual risks and the likelihood of further releases caused by waste remaining after the implementation of a potential remedy;
 - c) The type and degree of long-term management required, including monitoring, operation and maintenance;
 - d) 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;
 - e) Time until full protection is achieved;
 - f) 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;
 - g) Long-term reliability of the engineering and institutional controls; and
 - h) Potential need for the replacement of the remedy.
 2. The effectiveness of the remedy in controlling the source to reduce further releases based on the extent to which:
 - a) Practices for containment will reduce further releases; and
 - b) Technologies for treatment may be used.
 3. The ease or difficulty of carrying out a potential remedy based on the consideration of the following factors:
 - a) The degree of difficulty associated with constructing the technology;
 - b) The expected operational reliability of the technologies;

- c) The need to coordinate with and obtain necessary approvals and permits from other agencies;
 - d) The availability of necessary equipment and specialists; and
 - e) The available capacity and location of needed treatment, storage and disposal services.
4. The practicable capability of the owner or operator to carry out the remedy, including a consideration of his technical and economic capability.
 5. The degree to which concerns of the community are addressed by the potential remedy.

090.545 SCHEDULE FOR INITIATION AND COMPLETION OF REMEDIAL ACTIVITIES

An owner or operator shall submit to the Health 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 Health Authority. In proposing the schedule, the owner or operator shall consider:

- A. The extent and nature of the contamination;
- B. The practical capabilities of remedial technologies in achieving compliance with standards for the protection of ground water established pursuant to 090.536 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:
 1. The current and future uses;
 2. The proximity and rate of withdrawal of users;
 3. The quantity and quality of ground water;
 4. The potential damage to wildlife, crops, vegetation and physical structures caused by exposure to a constituent;
 5. The hydrogeologic characteristics of the disposal site and surrounding land;
 6. The cost of removing and treating ground water; and
 7. 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.

090.548 EXEMPTIONS FROM REQUIREMENT OF REMEDIATION

- A. The Health Authority may determine that remediation of a release of a constituent listed in Appendix II from a municipal solid waste landfill unit is not necessary if the owner or operator demonstrates to the Health Authority that:
 - 1. The ground water 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;
 - 2. The constituents are present in ground water which:
 - a) Is not currently or reasonably expected to be a source of drinking water; and
 - b) Is not hydraulically connected with waters to which the constituents are migrating or are not likely to migrate in concentrations which would exceed the standards for the protection of ground water established pursuant to 090.536;
 - 3. Remediation of the releases is technically impracticable; or
 - 4. Remediation would result in unacceptable cross-media impacts.
- B. The provisions of subsection A do not affect the authority of the Health Authority to require the owner or operator to undertake measures to control the source of the constituent or any other measures which may be necessary to:
 - 1. Eliminate or minimize further releases to the ground water;
 - 2. Prevent exposure of the ground water to constituents; or
 - 3. Remediate the ground water to concentrations which are technically practicable and significantly reduce threats to public health and safety and the environment.

090.551 PROGRAM FOR MONITORING CORRECTIVE ACTION; PERFORMANCE OF REMEDIAL ACTIVITIES; INTERIM MEASURES TO PROTECT PUBLIC

Based on the schedule established pursuant to 090.545 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 ground water which:
 - 1. At a minimum, meets the requirements for monitoring set forth in 090.530 and 090.533;
 - 2. Indicates the effectiveness of the remedy; and
 - 3. Demonstrates compliance with the standard for protection of ground water in accordance with paragraph 2 of subsection A of 090.557;
- B. Carry out the remedy selected pursuant to 090.542, 090.545 and 090.548; 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 090.542, 090.545 and 090.548. In determining whether interim measures are necessary, the owner or operator shall consider:
 - 1. The time required to develop and carry out a final remedy;
 - 2. The actual or potential exposure of nearby populations or environmental conditions to hazardous constituents;
 - 3. The actual or potential contamination of supplies for drinking water or sensitive ecosystems;
 - 4. The further degradation of the ground water which may occur if remedial action is not initiated expeditiously;
 - 5. Weather conditions which may cause hazardous constituents to migrate or be released;
 - 6. 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
 - 7. Any other situations which may pose threats to public health and safety and the environment.

090.554 INEFFECTIVENESS OF SELECTED REMEDY; IMPRACTICABILITY OF CURRENTLY AVAILABLE METHODS OF REMEDIATION

- A. The Health Authority may determine, based on information developed after the initiation of a remedy or any other information, that compliance with the requirements of 090.542 is not being achieved by the remedy selected. If the Health 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 Health Authority determines pursuant to subsection B that compliance cannot be practicably achieved.
- B. If the Health Authority determines that compliance with the requirements of 090.542 cannot be practically achieved with any currently available methods, the owner or operator shall:
 - 1. Obtain certification from a qualified ground-water scientist and the approval of the Health Authority that compliance with 090.542 cannot be practically achieved with any currently available methods;
 - 2. Carry out alternative measures to control exposure or persons or the environment to residual contamination, as necessary to protect public health and safety and the environment;
 - 3. Carry out alternative measures for the control of the sources of contamination, or for the removal or decontamination of equipment, units, devices or structures which are:
 - a) Technically practicable; and
 - b) Consistent with the overall objective of the remedy; and
 - 4. Obtain the approval of the Health Authority for the alternative measures before carrying out those measures.
- C. All solid wastes managed pursuant to a remedy required by 090.542, 090.545 and 090.548 or an interim measure required by 090.551 must be managed in a manner which:

1. Is protective of public health and safety and the environment; and
2. 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.

090.557 REMEDY DEEMED COMPLETE; CERTIFICATION OF COMPLETION

- A. A remedy selected pursuant to 090.542, 090.545 and 090.548 shall be deemed to be complete when each of the following occurs:
 1. The owner or operator demonstrates that concentrations of constituents listed in Appendix II have not exceeded the standards for the protection of ground water established pursuant to 090.536 at all points within the plume of contamination which lie beyond the system of wells for monitoring the ground water established pursuant to 090.509.
 2. The owner or operator demonstrates that concentrations of constituents listed in Appendix II have not exceeded the standards for the protection of ground water for a period of three (3) consecutive years using the statistical procedures and performance standards set forth in 090.515. The Health Authority may specify an alternative length of time during which the owner or operator may demonstrate that concentrations of constituents listed in Appendix II have not exceeded the standards for the protection of ground water, taking into consideration the:
 - a) Extent and concentration of the release;
 - b) Behavioral characteristics of the constituents in the ground water;
 - c) Accuracy of monitoring or modeling techniques, including any seasonal, meteorological or other environmental variables which may affect the accuracy of those techniques; and
 - d) Characteristics of the ground water.
 3. All actions required to complete the remedy have been taken.
- B. Within 14 days after the completion of the remedy, the owner or operator shall notify the Health Authority that a certification, that the remedy has been completed in compliance with the requirements of subsection A, has been placed in the operating records of the disposal site. The certification must be signed by the owner or operator and a qualified ground water scientist and approved by the Health Authority.
- C. When, upon completion of the certification, the Health Authority determines that the remedy for corrective action has been completed in accordance with the requirements of subsection A, the owner or operator is no longer required to comply with the requirements for financial assurance for corrective action pursuant to NAC 444.6852.