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PROPOSED PERMANENT REGULATION OF THE NEVADA STATE ENVIRONMENTAL COMMISSION

LCB File No. R237-03 Petition 2003-13

Explanation: Matter in **bold italics** is new; matter in brackets **[omitted material]** is material to be omitted.

AUTHORITY: NRS 445B.210

Section. 1. Chapter 445B of NAC is hereby amended by adding thereto new sections as set forth as Sections 2 and 3 of this regulation.

Sec. 2. *“Rubbish” defined. “Rubbish” means nonputrescible solid waste, consisting of both combustible and noncombustible wastes such as paper, cardboard, plastics, abandoned automobiles, tin cans, treated wood, glass, bedding, crockery and similar materials. Weeds and other vegetative waste are not considered rubbish.*

Sec. 3. *“Plastic” defined. Plastic means any of various complex organic compounds produced by polymerization, capable of being molded, extruded, cast into various shapes and films, or drawn into filaments used as in textile fibers.*

Sec. 4. NAC 445B.22067 is hereby amended to read as follows:

NAC 445B.22067. 1. The open burning of any combustible refuse, waste, garbage, oil, or for any salvage operations, except as specifically exempted **in subsections 2, 3 and 4**, is prohibited.

2. Open burning:

(a) Is allowed at single-family residences outside:

(1) Ten miles from a facility approved by the Nevada Division of Environmental Protection for the collection or disposal of household waste; or

(2) Areas with household waste pickup available by a collector of solid waste operating pursuant to a license for solid waste collection issued by a local government.

(b) Of yard waste and other untreated wood waste at single-family residences is allowed in those areas of the state that are within ten miles of the trash collection or disposal services delineated in paragraph (a), but outside the boundaries of the cities, towns and areas listed in subsection 3.

3. The open burning of yard waste and other untreated wood waste at single-family residences is allowed in the following areas of the state only if it has been authorized by an officer of the state or its political subdivisions, concurred in by the director and is not specifically prohibited by local ordinances or regulations:

(a) In and within 1 mile of the boundaries of Babbitt, Battle Mountain, Caliente, Carlin, Douglas County, East Ely, Elko (Township), Ely, Fallon, Fernley, Gabbs, Hawthorne, Lovelock, McGill, Tonopah, Virginia City, Weed Heights, Wells, Winnemucca and Yerington; and

(b) Inside the limits of Carson City and those portions of Lyon County that are within 1 mile of the Carson City line.

47 4. ~~2.~~ ~~[This]~~ Subsection 1 does not apply to open burning:
48 (a) Approved in advance by the director *for the purpose of weed abatement, conservation,*
49 *disease control, game or forest management, personnel training, elimination of hazards, or for*
50 *open burning of yard waste and other untreated wood waste as provided for in NAC 444.640;*
51 ~~]~~

52 (b) ~~[Concurred in by the director and authorized by an officer of the state or its political~~
53 ~~subdivisions for the purpose of weed abatement, conservation, disease control, game or~~
54 ~~forest management, personnel training or elimination of hazards.~~

55 ~~—(e)]~~ For agricultural purposes and management except where prohibited by local ordinances or
56 regulations. *Nevertheless, the open burning of rubbish for agricultural purposes and*
57 *management is not allowed:*

58 (1) *Within ten miles of a facility approved by the Nevada Division of Environmental*
59 *Protection for the collection or disposal of household waste; or*

60 (2) *In areas with household waste pickup available by a collector of solid waste operating*
61 *pursuant to a license for solid waste collection issued by a local government; or*

62 (d) ~~At single-family residences, unless prohibited by local ordinances or regulations, in~~
63 ~~all areas of the state except in and within 1 mile of the boundaries of the following cities,~~
64 ~~towns and areas: Babbitt, Battle Mountain, Caliente, Carlin, East Ely, Elko, Ely, Fallon,~~
65 ~~Fernley, Gabbs, Gardnerville, Gardnerville Ranchos, Genoa, Hawthorne, Johnson Lane,~~
66 ~~Lovelock, McGill, Minden, Tonopah, Topaz Ranch Estates, Virginia City, Weed Heights,~~
67 ~~Wells, Winnemucca and Yerington; and on the Nevada side of the Tahoe Basin, in Carson~~
68 ~~City and in those portions of Douglas and Lyon counties that are within 1 mile of the~~
69 ~~Carson City line.]~~

70 (c) ~~(e)]~~ Of small wood fires for recreational, educational, ceremonial, heating or cooking
71 purposes.

72 5. ~~3.]~~ All open burning must be attended and controlled at all times to eliminate fire hazards.

73
74 **Sec. 5.** NAC 445B.2207 is hereby amended to read as follows:

75 NAC 445B.2207. 1. Except as provided in subsection 6:

76 (a) Burning in any incinerator other than the multiple chamber type ~~[or as approved by~~
77 ~~the director]~~ is prohibited.

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

80 2. Incinerators used for the burning of pathological wastes, wet garbage or high moisture
81 content material must be high temperature types with either grate or solid hearth construction,
82 drying shelves for wet wastes, and an auxiliary heating unit to ensure temperatures of 1400°F
83 (760°C) for not less than 0.3 of a second. The hearth must be frequently cleaned at regular
84 intervals to prevent buildup of residues and deposits.

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

87 4. Allowable PM₁₀ emissions from incinerators of less than 2,000 lb per hour rated burning
88 capacity may not exceed 1.8 lb/ton of dry refuse charged.

89 5. Allowable PM₁₀ emissions from incinerators equal to or greater than 2,000 lb per hour
90 burning capacity must be calculated using the following equation:

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

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94 For the purposes of this subsection, “E” means the maximum allowable rate of emission of PM₁₀
95 in pounds per hour and “C” means the rate of charge of dry refuse in pounds per hour.

96 6. Single chamber incinerators at single-family residences **are only allowed in those areas**
97 **of the state where open burning or burning of yard waste and untreated wood waste is allowed**
98 **as provided in NAC 445B.22067. [~~in all areas of the state, except in and within 1 mile of~~**
99 **the boundaries of the following cities, towns and areas: Babbitt, Battle Mountain, Caliente,**
100 **Carlin, East Ely, Elko, Ely, Fallon, Fernley, Gabbs, Gardnerville, Gardnerville Ranchos,**
101 **Genoa, Hawthorne, Johnson Lane, Lovelock, McGill, Minden, Tonopah, Topaz Ranch**
102 **Estates, Virginia City, Weed Heights, Wells, Winnemucca and Yerington; and on the**
103 **Nevada side of the Tahoe Basin, in Carson City and in those portions of Douglas and Lyon**
104 **counties that are within 1 mile of the Carson City line, unless otherwise prohibited by local**
105 **ordinances or regulations, are exempt from the provisions of this section.]**

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