

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

**PROPOSED REGULATIONS OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION**

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

Authority: NRS 459.485, 459.490 and 459.500

Section 1. NAC 444.8427 is hereby amended to read as follows:

444.8427 "Facility for community recycling" defined. "Facility for community recycling" means a facility for recycling hazardous waste which has a yearly capacity that is not more than twice the amount of the type of hazardous waste proposed to be recycled that is generated within the region in this state in which the facility is or is proposed to be located, as determined by the generation rate contained in the biennial report required by the provisions of 40 C.F.R. § 262.41, as that section existed on July 1, [2003] **2005**.

Section 2. NAC 444.84275 is hereby amended to read as follows:

444.84275 "Facility for community storage" defined. "Facility for community storage" means a facility for the storage and consolidation of hazardous waste which has a yearly capacity that is not more than twice the amount of hazardous waste that is generated within the county in which the facility is or is proposed to be located, as determined by the generation rate contained in the biennial report required by the provisions of 40 C.F.R. § 262.41, as that section existed on July 1, [2003] **2005**.

Section 3. NAC 444.850 is hereby amended to read as follows:

444.850 Definitions. As used in NAC 444.850 to 444.8746, inclusive, unless the context otherwise requires:

1. The words and terms defined in NAC 444.8505 to 444.861, inclusive, have the meanings ascribed to them in those sections.

2. Except for the words and terms otherwise defined in NAC 444.8505 to 444.861, inclusive, the words and terms defined in 40 C.F.R. § 260.10, as that section existed on July 1, [2003] **2005**, have the meanings ascribed to them in that section.

Section 4. NAC 444.8618 is hereby amended as follows:

444.8618 Information concerning and application for EPA identification number. A generator, transporter or facility owner or operator who is required to obtain an EPA identification number pursuant to 40 C.F.R. § 262.12, 263.11, 264.1(j)(1), 264.11, [or] 265.11 or NAC 444.8951 may obtain information relating to the procedure to obtain the identification number and an application by submitting a written request to the Division of Environmental Protection, [333 West Nye Lane, Room 138, Carson City, Nevada 89706-0851] ***Bryan State Office Building, 901 South Stewart Street, Carson City, NV 89701-5249*** or by telephone at (775) 687-9481.

Section 5. NAC 444.8632 is hereby amended to read as follows:

444.8632 Compliance with federal regulations adopted by reference.

1. In addition to the requirements of NAC 444.842 to 444.8746, inclusive, a person who generates, transports, treats, stores, disposes or otherwise manages hazardous

47 waste or used oil shall comply with all applicable requirements of, and may rely upon
48 applicable exclusions or exemptions under 40 C.F.R. Part 2, Subpart A, Part 124,
49 Subparts A and B, Parts 260 to 270, inclusive, and Parts 273 and 279, as those provisions
50 existed on July 1, [2003] **2005**, which, except as otherwise modified by NAC 444.86325,
51 444.8633 and 444.8634, are hereby adopted by reference. The commission may use
52 federal statutes and regulations that are cited in 40 C.F.R. Part 2, Subpart A, Part 124,
53 Subparts A and B, Parts 260 to 270, inclusive, and Parts 273 and 279, to interpret these
54 sections and parts.

55 2. The volumes containing these parts may be obtained from the Superintendent
56 of Documents, P.O. Box 371954, Pittsburgh PA 15250-7954, for the following prices:

- 57 (a) Volume 40 C.F.R. Part 2.....\$[57]**60**
- 58 (b) Volume 40 C.F.R. Part 124.....[42]**45**
- 59 (c) Volume 40 C.F.R. Parts 260 to 265, inclusive.....[47]**50**
- 60 (d) Volume 40 C.F.R. Parts 266 to 299, inclusive.....[47]**50**

61

62 Section 6. NAC 444.86325 is hereby amended to read as follows:

63 444.86325 Exceptions to and revision of federal regulations adopted by reference.

64 1. The following sections and parts of Title 40 of the Code of Federal
65 Regulations, and any reference to these sections and parts, are not adopted by reference:

- 66 (a) Sections 2.106(b) and 2.110;
- 67 (b) Sections 124.1(b)-(e), 124.4, 124.5(e), 124.9, 124.10(a)(1)(iv), 124.15(b)(2),
68 124.16, 124.17(b), 124.18, 124.19 and 124.21;
- 69 (c) Sections 260.1(b)(4)-(6) and 260.20, 260.21 and 260.22;
- 70 (d) Section 261.5(j);
- 71 (e) Part 262, Subpart H;
- 72 (f) Sections 264.1(d), 264.1(f), 264.149, 264.150, 264.301(1), **264.1050(h)**,
73 265.1(c)(4), 265.149, 265.150 and 265.430, **265.1050(g)**;
- 74 (g) Section 266.111;
- 75 (h) Sections 268.5 and 268.6, Part 268, Subpart B, and sections 268.42(b) and
76 268.44;
- 77 (i) Sections 270.1(c)(1)(i), 270.60(b) and 270.64; and
- 78 (j) Sections 279.10(b)(2), 279.10(b)(3), 279.10(c), 279.10(d)(1), 279.42(b)(2),
79 279.51(b)(2), 279.62(b)(2) and 279.73(b)(2).

80 2. The following parts and sections of Title 40 of the Code of Federal Regulations
81 are adopted by reference, as revised in this subsection:

- 82 (a) Part 124 is adopted with the following exceptions:
 - 83 (1) Delete all references to appeals to the Administrator in section
84 124.5(b);
 - 85 (2) Delete all references to "EPA-issued permits" and insert in its place
86 "permits issued by the department," except in sections 124.5(d), 124.10(b) and
87 124.10(d)(1)(vi);
 - 88 (3) Delete all references to "when EPA is the permitting issuing authority"
89 and insert in its place "when the department is authorized to issue a permit," except in
90 sections 124.5(d), 124.10(b) and 124.10(d)(1)(vi);

91 (4) Subpart A is adopted solely for the purpose of establishing procedures
92 for permits for the management of hazardous waste, except that all references to "UIC,"
93 "PSD" and "NPDES" are deleted;

94 (5) Delete all references to "RCRA part B," "part B RCRA" and "part B"
95 and insert in their place "NRS 459.400 to 459.600, inclusive," in sections 124.31 and
96 124.32; and

97 (6) Delete from sections 124.31(a), 124.32(a) and 124.33(a) the following
98 sentence: "For the purposes of this section only, 'hazardous waste management units over
99 which EPA has permit issuance authority' refers to hazardous waste management units
100 for which the State where the units are located has not been authorized to issue RCRA
101 permits pursuant to 40 CFR part 271."

102 (b) Section 260.2(a) is adopted except that "the Freedom of Information Act, 5
103 U.S.C. section 552, section 3007(b) of RCRA and EPA regulations implementing the
104 Freedom of Information Act and section 3007(b)" must be replaced with "NRS 459.555
105 and any regulations adopted pursuant thereto."

106 (c) Section 260.33(b) is adopted except that "in the locality where the recycler is
107 located" is deleted.

108 (d) Section 260.41(a) is adopted except that "or unless review by the
109 Administrator is requested. The order may be appealed to the Administrator by any
110 person who participated in the public hearing. The Administrator may choose to grant or
111 to deny the appeal" is deleted.

112 (e) Section 261.4(e) (3) (iii) is adopted except that "for the Region in which the
113 generator is located is deleted."

114 (f) Section 262.11(c)(1) is adopted except that ", or according to an equivalent
115 method approved by the Administrator under 40 C.F.R. Part 260.21" is deleted.

116 (g) Sections 262.42(a)(2) and 262.42(b) are adopted except that "for the Region in
117 which the generator is located" is deleted.

118 (h) Sections 264.18(c) and 265.18 are adopted except that "except for the
119 Department of Energy Waste Isolation Pilot Project in New Mexico" is deleted.

120 (i) Sections 264.143(h), 264.145(h), 265.143(g) and 265.145(g) are adopted
121 except that "If the facilities covered by the mechanism are in more than one Region,
122 identical evidence of financial assurance must be submitted to and maintained with the
123 Regional Administrators of all such Regions" is deleted.

124 (j) Sections 264.147(a)(1)(i), 264.147(b)(1)(i) and 265.147(a)(1)(i) are adopted
125 except that "or Regional Administrators if the facilities are located in more than one
126 Region" is deleted.

127 (k) Section 264.151 is adopted with the following exceptions:

128 (1) Delete all references to "(of/for) the Regions in which the facilities are
129 located"; and

130 (2) Delete "an agency of the United States Government" from the second
131 paragraph of the trust agreement.

132 (l) Part 270 is adopted except that all references to "interim authorization" are
133 deleted.

134 (m) Section 279.40(c) is adopted except that "unless, under the provisions of §
135 279.10(b), the hazardous waste/used oil mixture is determined not to be hazardous waste"
136 is deleted.

137 Section 7. NAC 444.8633 is hereby amended to read as follows:
138 444.8633 Revision of certain terms referred to in federal regulations adopted by
139 reference. Except as otherwise provided in NAC 444.8634
140 1. Any references in any part of Title 40 of the Code of Federal Regulations to the
141 U.S. Environmental Protection Agency, “United States Environmental Protection
142 Agency,” “Agency,” “EPA Headquarters,” “EPA Region(s)” or “EPA” which have been
143 adopted by reference shall be deemed to mean the “Department” with the following
144 exceptions:
145 (a) Any reference to “EPA” identification numbers;
146 (b) Any reference to “EPA” hazardous waste numbers;
147 (c) Any reference to “EPA” test methods;
148 (d) Any reference to “EPA” forms;
149 (e) Any reference to “EPA” publications or manuals;
150 (f) Any reference to “EPA” guidance;
151 (g) Any reference to “EPA” Acknowledgment of Consent; and
152 (h) Any reference to “EPA” or “Agency” in:
153 (1) Sections 124.1(f), 124.2(b), 124.6(e) and 124.10(c)(1)(ii);
154 (2) The provisions of section 124.2(a) defining “Administrator,” “Director,”
155 “EPA,” “permit,” “person” and “Regional Administrator”;
156 (3) The provisions of section 260.10 defining “Administrator,” “EPA Region,”
157 “federal agency,” “person” and “Regional Administrator”;
158 (4) Part 260, Appendix I;
159 (5) Part 261, Appendix IX;
160 (6) Section 262.32(b), Part 262, Subparts E *and F*, and the Appendix to Part 262;
161 (7) The Note following section 263.10(a);
162 (8) Sections 264.11, **264.71**, [and] 265.11 *and 265.71*;
163 (9) Section 268.1(e)(3);
164 (10) Sections 270.1(a)(1), 270.1(b), 270.3, 270.5, 270.10(e)(1)-(2), 270.11(a)(3),
165 270.32(a), 270.32(c), 270.51, 270.72(a)(5) and 270.72(b)(5); and
166 (11) The provisions of section 270.2 defining “Administrator,” “approved program
167 or approved State,” “Director,” “Environmental Protection Agency,” “EPA,” “final
168 authorization,” “permit,” “person,” “Regional Administrator” and “state/EPA
169 agreement.”
170 (i) ***Any reference to “EPA”, “the Agency” or “EPA Director of the Office of Solid***
171 ***Waste” in Section 262.21 and any subsequent references to EPA’s oversight of the***
172 ***manifest registry process in Part 262 Subparts C and E.***
173 2. Any references in any part of Title 40 of the Code of Federal Regulations to the
174 “Regional Administrator” or “Administrator” which have been adopted by reference shall
175 be deemed to mean the “Director” with the following exceptions:
176 (a) The provisions of section 124.2(a) defining “Administrator,” “Director,”
177 “interstate agency,” “major facility” and “Regional Administrator”;
178 (b) Sections 124.2(b), 124.5(d), 124.6(e) and 124.10(b);
179 (c) The provisions of section 260.10 defining “Administrator,” “Regional
180 Administrator” and “hazardous waste constituent”;
181 (d) Section 261.30(b) and Part 261, Appendix IX;
182 (e) Section 262.12, Part 262, Subpart E, and the Appendix to Part 262;

- 183 (f) Sections 263.11 and 264.1(j)(1);
184 (g) Sections 264.12(a) and 265.12(a);
185 (h) The provisions of section 270.2 defining “Administrator,” “Director,” “major
186 facility,” “Regional Administrator” and “state/EPA agreement”; and
187 (i) Sections 270.3, 270.5, 270.10(e)(1)-(2), 270.10(e)(4), 270.10(f)-(g), 270.11(a)(3),
188 270.14(b)(20), 270.32(b)(2) and 270.51.

189 3. Any references in any part of Title 40 of the Code of Federal Regulations to the
190 Resource Conservation and Recovery Act, “RCRA,” “Subtitle C of RCRA,” “RCRA
191 Subtitle C” or “Subtitle C” which have been adopted by reference shall be deemed to
192 mean “NRS 459.400 to 459.600, inclusive,” when referring to an operating permit or to
193 the federal hazardous waste program, with the following exceptions:

194 (a) Any references to a specific provision of the Resource Conservation and Recovery
195 Act, “RCRA,” “Subtitle C of RCRA,” “RCRA Subtitle C” or “Subtitle C”;

196 (b) The provisions of section 124.2 defining “appropriate act and regulations” and
197 “RCRA”;

198 (c) The provisions of section 260.10 defining “Act or RCRA”;

199 (d) Part 260, Appendix I;

200 (e) Part 261, Appendix IX;

201 (f) The Appendix to Part 262;

202 (g) Section 270.1(a)(2); and

203 (h) The provisions of section 270.2 defining “RCRA” and the provision of section
204 270.51 defining “RCRA permit.”

205 4. Following any references in any part of Title 40 of the Code of Federal Regulations
206 to a specific provision of the Resource Conservation and Recovery Act, “RCRA,”
207 “Subtitle C of RCRA,” “RCRA Subtitle C” or “Subtitle C,” which have been adopted by
208 reference, the phrase “or any comparable provisions of NRS 459.400 to 459.600,
209 inclusive, and any regulations adopted pursuant thereto” shall be deemed to be added
210 with the following exceptions:

211 (a) Section 270.1(a)(2);

212 (b) Section 270.72(a)(5); and

213 (c) Section 270.72(b)(5).

214 5. Any references in any part of Title 40 of the Code of Federal Regulations to the
215 “Department of Transportation” or “DOT” which have been adopted by reference shall
216 be deemed to mean “the Department of Transportation of the United States.”

217 6. Any references in any part of Title 40 of the Code of Federal Regulations to
218 “state(s),” “authorized state,” “approved state” or “approved program” which have been
219 adopted by reference shall be deemed to mean “Nevada” with the following exceptions:

220 (a) The provisions of section 124.2(a) defining “Director,” “interstate agency,”
221 “person” and “state”;

222 (b) The provisions of section 260.10 defining “person,” “state” and “United States”;

223 (c) Part 262;

224 (d) Sections 264.143(e)(1), 264.145(e)(1), 264.147(a)(1)(ii), 264.147(b)(1)(ii),
225 264.147(g)(2) and 264.147(i)(4);

226 (e) Sections 265.143(d)(1), 265.145(d)(1), 265.147(a)(1)(ii), 265.147(g)(2) and
227 265.147(i)(4); and

228 (f) The provisions of section 270.2 defining “approved program or approved State,”
229 “Director,” “final authorization,” “person” and “state.”
230 (Added to NAC by Environmental Comm’n, eff. 6-29-84; A 7-22-87; 9-19-90; 1-2-92;
231 10-29-93; R019-00, 5-26-2000)

232

233 Section 8. NAC 444.86334 hereby amended to read as follows:

234 444.8634 Meanings ascribed to certain terms referred to in federal regulations;
235 payment and deposit of certain fees.

236 1. Any reference to the following terms in 40 C.F.R. Part 2, Subpart A, shall
237 be deemed to have the meanings ascribed thereto in this section:

238 (a) “District court of the United States” or “Federal district court” shall be deemed to
239 mean “district court in Nevada”;

240 (b) “Federal agency” shall be deemed to mean “state agency”;

241 (c) Except in section 2.118(a), Freedom of Information Act, “FOIA,” the “Act” or “5
242 U.S.C. 552” shall be deemed to mean “NRS 459.555 and any regulations adopted
243 pursuant thereto”;

244 (d) “Freedom of information officer” shall be deemed to mean the “Administrator of
245 the Division or his designee”;

246 (e) “General counsel” shall be deemed to mean the “Attorney General of Nevada”;

247 (f) Any addresses shall be deemed to mean the “Division of Environmental
248 Protection,[333 W. Nye Lane, Room 138, Carson City, Nevada 89706-0851] ***Bryan State***
249 ***Office Building, 901 South Stewart Street, Carson City, NV 89701-5249***”;

250 (g) Any references to the employment rankings of “GS-8” or “GS-9” shall be deemed
251 to mean, respectively, “grade 31” and “grade 32” of the Nevada Personnel System
252 established pursuant to NRS 284.170, and any reference to a fee for the cost of staff time
253 shall be deemed to mean, respectively, \$15 and \$22.50 per half hour;

254 (h) Any references to duplication or reproduction charges of “\$0.15 per page” shall be
255 deemed to mean “10 cents per page”; and

256 (i) Any reference to an officer except the general counsel shall be deemed to mean the
257 “Administrator of the Division.”

258 2. Any reference to the “Administrator” in 40 C.F.R. 262.12, 263.11 or 264.1(j)(1)
259 shall be deemed to include the “Director.”

260 3. Any reference to the “EPA” in 40 C.F.R. 264.11 or 265.11 shall be deemed to
261 include the “Director.”

262 4. Fees required to be paid to the “U.S. Environmental Protection Agency” or the
263 “United States Environmental Protection Agency” pursuant to section 2.120 of 40 C.F.R.
264 must be paid to the “State of Nevada” and deposited in the Account for the Management
265 of Hazardous Waste.

266 (Added to NAC by Environmental Comm’n, eff. 7-22-87; A 9-19-90; 1-2-92;
267 10-29-93; R170-99, 1-26-2000; R019-00, 5-26-2000)

268

269 Section 9. NAC 444.8688 is hereby amended as follows:

270 444.8688 Transfer of hazardous waste from transport vehicle to boiler or
271 industrial furnace.

272 1. A person shall not transfer hazardous waste from a transport vehicle directly to
273 a boiler or industrial furnace without the use of a storage unit.

274 2. An owner or operator of a boiler or industrial furnace may transfer hazardous
275 waste from a transport vehicle to the boiler or furnace using a storage unit if he first
276 obtains a permit for the storage of hazardous waste in the manner prescribed by 40 C.F.R.
277 Part 270, as that part existed on July 1, [2003] **2005**.

278
279 Section 10. NAC 444.8871 is hereby amended as follows:

280 444.8871 Applicability.

281 1. The provisions of NAC 444.8806 to 444.9071, inclusive, apply to used
282 antifreeze that is recycled and is determined to be a hazardous waste because:

283 (a) It exhibits a characteristic of hazardous waste which is identified in 40 C.F.R. Part
284 261, Subpart C, as that part existed on July 1, [2003] **2005** or

285 (b) It was designated as a hazardous waste in the state of its origin.

286 2. The provisions of NAC 444.8806 to 444.9071, inclusive, do not apply to used
287 antifreeze which will be disposed of and not recycled, or to mixtures of used antifreeze
288 and hazardous waste. The used antifreeze described in this subsection is governed by the
289 provisions of NAC 444.850 to 444.8746, inclusive.

290
291 Section 11. NAC 444.8881 is hereby amended as follows:

292 444.8881 Underground storage tanks: Compliance with federal regulations;
293 identification of pipes.

294 1. Each storage tank that is underground which stores used antifreeze must
295 comply with the requirements of 40 C.F.R. Part 265, Subpart J, as that subpart existed on
296 July 1, [2003] **2005**.

297 2. Each pipe that transfers used antifreeze to storage tanks that are underground
298 must be clearly marked with the words Used Antifreeze.

299
300 Section 12. NAC 444.8926 is hereby amended as follows:

301 444.8926 Recycling of used antifreeze for personal use: Requirements;
302 calculation in determination of status; management of waste as hazardous waste.

303 1. A generator of used antifreeze may recycle his used antifreeze for his own use
304 if the recycling:

305 (a) Is performed by the generator at a site which is located where the used antifreeze was
306 generated; or

307 (b) Is performed pursuant to a written contract by a mobile unit for the recycling of used
308 antifreeze which is located where the used antifreeze was generated.

309 2. Used antifreeze which is recycled pursuant to this section will not be calculated
310 in the determination of the status of the generator of used antifreeze as a generator of
311 hazardous waste pursuant to 40 C.F.R. Part 262, as that part existed on July 1, [2003]
312 **2005**.

313 3. A person who performs recycling pursuant to this section shall manage any
314 waste which is generated during the recycling process pursuant to the provisions of NAC
315 444.850 to 444.8746, inclusive.

316 4. A generator who recycles his used antifreeze pursuant to paragraph (a) of
317 subsection 1 is not required to obtain a written determination pursuant to NAC 444.8455
318 and 444.84555.

320 Section 13. NAC 444.8931 is hereby amended as follows:

321 444.8931 Responsibility of generator for transport of used antifreeze by holder of
322 identification number; exception; calculation in determination of status.

323 1. Except as otherwise provided in this section, a generator of used antifreeze
324 shall ensure that his used antifreeze is transported by persons who hold an identification
325 number.

326 2. A generator may transport, without an identification number, used antifreeze
327 generated at a site which is owned by the generator or collected from a person who
328 generated the used antifreeze from his household if:

329 (a) The used antifreeze is transported in a motor vehicle which is owned by the generator
330 or an employee of the generator;

331 (b) Not more than 350 gallons of used antifreeze is transported at one time; and

332 (c) The used antifreeze is transported to a point for aggregation or a center for the
333 collection of used antifreeze which is registered pursuant to NAC 444.8921.

334 3. Used antifreeze which is transported pursuant to subsections 1 and 2 will not be
335 calculated in the determination of the status of the generator of used antifreeze as a
336 generator of hazardous waste pursuant to 40 C.F.R. Part 262, as that part existed on July
337 1, [2003] **2005** if he maintains records which describe the disposition of the used
338 antifreeze. The records must be maintained for at least 3 years and be made available,
339 upon request, for inspection by a representative of the division or commission. The
340 records may be in the form of a log, copies of contractual agreements, invoices, bills of
341 lading or other documents relating to shipping which show each shipment of used
342 antifreeze that is transported for recycling. The records must include:

343 (a) The name and address of the generator;

344 (b) The identification number of the generator, if he has an identification number;

345 (c) The name and address of the center for the collection of used antifreeze or the facility
346 for the recycling of used antifreeze with whom the generator has contracted to recycle the
347 used antifreeze;

348 (d) The identification number of the center or facility, if it has an identification number;

349 (e) The amount of used antifreeze that is transported for recycling; and

350 (f) The signature and date of acceptance of the representative of the center or facility.

351

352 Section 14. NAC 444.8941 is hereby amended as follows:

353 444.8941 Management of used antifreeze transported in truck used for hazardous
354 waste. If a transporter of used antifreeze transports used antifreeze in a truck which was
355 used to transport hazardous waste, he shall manage the used antifreeze as a hazardous
356 waste pursuant to the provisions of NAC 444.850 to 444.8746, inclusive, unless he
357 removes the hazardous waste from the truck in accordance with 40 C.F.R. § 261.7, as that
358 section existed on July 1, [2003] **2005** before he transports the used antifreeze.

359

360 Section 15. NAC 444.8951 is hereby amended as follows:

361 444.8951 Identification number; compliance with federal regulations.

362 1. Except as otherwise provided in subsection 2 of NAC 444.8931, a transporter
363 of used antifreeze must hold an identification number. A person may obtain information
364 relating to the procedure to obtain the identification number and an application by
365 submitting a request in writing to the Division of Environmental Protection, [333 West

366 Nye Lane, Room 138, Carson City, Nevada 89706-0851] ***Bryan State Office Building,***
367 ***901 South Stewart Street, Carson City, NV 89701-5249,*** or by telephone at (775) 687-
368 9481.

369 2. A transporter of used antifreeze shall comply with all applicable provisions of
370 49 C.F.R. Parts 173, 178 and 179, which govern the packaging, labeling and placarding
371 of hazardous waste.

372

373 Section 16. NAC 444.8996 is hereby amended as follows:

374 444.8996 Written determination; identification number.

375 1. An owner or operator of a facility for the recycling of used antifreeze shall
376 obtain a written determination from the administrator pursuant to NAC 444.8455 and
377 444.84555.

378 2. An owner or operator of a facility for the recycling of used antifreeze shall
379 obtain an identification number. An identification number may be obtained from the
380 Environmental Protection Agency by submitting to the administrator a completed Form #
381 8700-12. This form is available, upon request, by telephone at (800) 882-3233.
382 Information relating to the procedure to obtain the number and an application may be
383 obtained by submitting a written request to the Division of Environmental Protection,
384 [333 West Nye Lane, Room 138, Carson City Nevada 890706-0851] ***Bryan State Office***
385 ***Building, 901 South Stewart Street, Carson City, NV 89701-5249*** or by telephone at
386 (775) 687-9481.

387

388 Section 17. NAC 444.9006 is hereby amended as follows:

389 444.9006 Requirements when above-ground storage tank no longer used.

390 1. Except as otherwise provided in subsection 2, if a storage tank that is above the
391 ground is no longer used at a facility for the recycling of used antifreeze, the owner or
392 operator of the facility shall ensure that the used antifreeze, including its residue, is
393 decontaminated or removed from the storage tank, system for containment, soil and other
394 structures or equipment which are contaminated with used antifreeze. The owner or
395 operator shall manage the used antifreeze as a hazardous waste unless it does not exhibit
396 a characteristic of hazardous waste identified in 40 C.F.R. Part 261, as that part existed
397 on July 1, [2003] ***2005***.

398 2. If the owner or operator demonstrates to the satisfaction of the division that the
399 used antifreeze cannot be removed or decontaminated as required by subsection 1, he
400 must follow the procedures for closure and postclosure which are set forth in 40 C.F.R. §
401 265.310, as that section existed on July 1, [2003] ***2005***.

402

403 Section 18. NAC 444.9011 is hereby amended as follows:

404 444.9011 Requirements when container no longer used. If a facility for the
405 recycling of used antifreeze is closed, the owner or operator of the facility shall ensure
406 that containers which are used to store used antifreeze, including its residue, are removed
407 from the facility and that systems for containment, soil and other structures or equipment
408 which are contaminated with used antifreeze are decontaminated or removed. Material
409 that is removed must be managed as a hazardous waste unless it does not exhibit a
410 characteristic of hazardous waste which is identified in 40 C.F.R. Part 261, as that part
411 existed on July 1, [2003] ***2005***.

412
413
414
415
416
417
418
419
420
421
422
423
424

Section 19. NAC 444.9452 is hereby amended to read as follows:

444.9452 Adoption by reference of certain provisions of Code of Federal Regulations

1. All sections, subparts and parts of Title 40 of the Code of Federal Regulations referred to in NAC 444.940 to 444.9555, inclusive, as modified by NAC 444.9453, are hereby adopted by reference as they existed on July 1, [2003] **2005**.

2. The volumes containing these sections, subparts and parts may be obtained from the Superintendent of Documents, United States Government Printing Office, P.O. Box 371954, Pittsburgh, PA 15250-7954, for the following prices:

- (a) The volume containing 40 C.F.R. Parts 260 to 265, inclusive.....\$[45]**50**
- (b) The volume containing 40 C.F.R. Parts 266 to 299, inclusive.....[45]**50**
- (c) The volume containing 40 C.F.R. Part 761[55]**61**