Assembly Bill No. 173–Committee on Natural Resources,

Agriculture, and Mining

CHAPTER.....

AN ACT relating to hazardous materials; revising the designation of highly hazardous substances for the purposes of regulating facilities where such substances are produced, used, stored or handled; excluding certain types of household waste from the definition of hazardous waste; authorizing the state department of conservation and natural resources to include within its plan of management of hazardous waste in this state a description of the hazards associated with certain uses of commercial products; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 459 of NRS is hereby amended by adding thereto a new section to read as follows:

"Household waste" means waste material, including, without limitation, garbage, trash and sanitary wastes in septic tanks that is generated by a household, including, without limitation, a single-family or multiple-unit residence, hotel, motel, bunkhouse, ranger station, crew quarters, campground, picnic ground and day-use recreational area. The term does not include nickel, cadmium, mercuric oxide, manganese, zinc-carbon or lead batteries, toxic art supplies, used motor oil, kerosene, solvent-based paint, paint thinner, paint solvents, fluorescent or high-intensity light bulbs, ammunition, fireworks, pesticides the use of which has been prohibited or restricted, or any other waste generated by a household that would otherwise be defined as hazardous waste pursuant to subsection 2 of NRS 459.430.

Sec. 2. NRS 459.3816 is hereby amended to read as follows:

459.3816 1. The following substances are designated as highly hazardous, if present in the quantity designated after each substance or a greater quantity:

Chemical Name of Substance	Number Assigned by Chemical Abstract Service	Quantity (In pounds)
Acetaldehyde	75-07-0	2500
Acrolein (2-Propenal)	107-02-8	150
Acrylyl Chloride	814-68-6	250
Allyl Chloride	107-05-1	1000
Allylamine	107-11-9 ~~[1500]~~ ***1000***	
Alkylaluminums	None	5000
Ammonia, Anhydrous	7664-41-7	5000

Ammonia solutions ~~[(44%]~~ ***(concentration greater than 44%*** ammonia by weight)	7664-41-7	10000	
Ammonium Perchlorate	7790-98-9	7500	
Ammonium Permanganate	7787-36-2	7500	
Arsine (also called Arsenic Hydride)	7784-42-1	100	
Bis (Chloromethyl) Ether	542-88-1	100	
Boron Trichloride	10294-34-5	2500	
Boron Trifluoride	7637-07-2	250	
Bromine	7726-95-6	1500	
Bromine Chloride	13863-41-7	1500	
Bromine Pentafluoride	7789-30-2	2500	
Bromine Trifluoride	7787-71-5	15000	
3-Bromopropyne (also called Propargyl Bromide)	106-96-7	~~[7500]~~ ***100***	
Butyl Hydroperoxide (Tertiary)	75-91-2	5000	
Butyl Perbenzoate (Tertiary)	614-45-9	7500	
Carbonyl Chloride (see Phosgene)	75-44-5	100	
Carbonyl Fluoride	353-50-4	2500	
Cellulose Nitrate (concentration ***greater than*** 12.6% Nitrogen)	9004-70-0	2500	
Chlorine	7782-50-5	1500	
Chlorine Dioxide	10049-04-4	1000	
Chlorine Pentafluoride	13637-63-3	1000	
Chlorine Trifluoride	7790-91-2	1000	
Chlorodiethylaluminum (also called Diethylaluminum Chloride)	96-10-6	5000	
1-Chloro-2,4-Dinitrobenzene	97-00-7	5000	
Chloromethyl Methyl Ether	107-30-2	500	
Chloropicrin	76-06-2	500	
Chloropicrin and Methyl Bromide mixture	None	1500	
Chloropicrin and Methyl Chloride mixture	None	1500	
Cumene Hydroperoxide	80-15-9	5000	
Cyanogen	460-19-5	2500	
Cyanogen Chloride	506-77-4	500	
Cyanuric Fluoride	675-14-9	100	
Diacetyl Peroxide (concentration ***greater than*** 70%)	110-22-5	5000	
Diazomethane	334-88-3	500	
Dibenzoyl Peroxide	94-36-0	7500	
Diborane	19287-45-7	100	
Dibutyl Peroxide (Tertiary)	110-05-4	5000	
Dichloro Acetylene	7572-29-4	250	
Dichlorosilane	4109-96-0	250	

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Diethylzinc	557-20-0	10000	
Diisopropyl Peroxydicarbonate	105-64-6	7500	
Dilauroyl Peroxide	105-74-8	7500	
Dimethyl Sulfide	75-18-3	100	
Dimethyldichlorosilane	75-78-5	1000	
Dimethylhydrazine, 1.1-	57-14-7	1000	
Dimethylamine, Anhydrous	124-40-3	2500	
2, 4 Dinitroaniline	***97-02-9***	***5000***	
Ethyl Methyl Ketone Peroxide (also Methyl Ethyl Ketone Peroxide; concentration ***greater than*** 60%)	1338-23-4	5000	
Ethyl Nitrite	109-95-5	5000	
Ethylamine	75-04-7	7500	
Ethylene Fluorohydrin	371-62-0	100	
Ethylene Oxide	75-21-8	5000	
Ethyleneimine	151-56-4	1000	
Fluorine	7782-41-4	~~[~~1000~~]~~ ***100***	
Formaldehyde (concentration ~~[~~90%)~~]~~ ***37% or greater by weight)***	50-00-0	1000	
Furan	110-00-9	500	
Hexafluoroacetone	684-16-2	5000	
Hydrochloric Acid, Anhydrous	7647-01-0	5000	
Hydrofluoric Acid, Anhydrous	7664-39-3	1000	
Hydrogen Bromide	10035-10-6	5000	
Hydrogen Chloride	7647-01-0	5000	
Hydrogen Cyanide, Anhydrous	74-90-8	1000	
Hydrogen Fluoride	7664-39-3	1000	
Hydrogen Peroxide ~~[~~(52% by weight or more)~~]~~ ***(concentration 52% or greater by weight)***	7722-84-1	7500	
Hydrogen Selenide	7783-07-5	150	
Hydrogen Sulfide	7783-06-4	1500	
Hydroxylamine	7803-49-8	2500	
Iron, Pentacarbonyl-	13463-40-6	250	
Isopropyl Formate	625-55-8	500	
Isopropylamine	75-31-0	5000	
Ketene	463-51-4	100	
Methacrylaldehyde	78-85-3	1000	
Methacryloyl Chloride	920-46-7	150	
Methacryloyloxyethyl Isocyanate	30674-80-7	100	
Methyl Acrylonitrile	126-98-7	250	
Methylamine, Anhydrous	74-89-5	1000	
Methyl Bromide	74-83-9	2500	
Methyl Chloride	74-87-3	15000	
Methyl Chloroformate	79-22-1	500	
Methyl Disulfide	624-92-0	10	

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Methyl Ethyl Ketone Peroxide (concentration ***greater than*** 60%)		1338-23-4	5000
Methyl Fluoroacetate		453-18-9	100
Methyl Fluorosulfate		421-20-5	100
Methyl Hydrazine		60-34-4	100
Methyl Iodide		74-88-4	7500
Methyl Isocyanate		624-83-9	250
Methyl Mercaptan		74-93-1	5000
Methyl Vinyl Ketone		78-94-4	100
Methyltrichlorosilane		75-79-6	500
Nickel Carbonyl (Nickel Tetracarbonyl)		13463-39-3	150
Nitric Acid ~~[(94.5% by weight or greater)]~~ ***(concentration 94.5% or greater by weight)***		7697-37-2	500
Nitric Oxide		10102-43-9	250
Nitroaniline (para Nitroaniline)		100-01-6	5000
Nitromethane		75-52-5	2500
Nitrogen Dioxide		10102-44-0	250
Nitrogen Oxides (NO; NO_2; N_2O_4; N_2O_3)		10102-44-0	250
Nitrogen Tetroxide (also called Nitrogen Peroxide)		10544-72-6	250
Nitrogen Trifluoride		7783-54-2	5000
Nitrogen Trioxide		10544-73-7	250
Oleum (65% or greater by weight of sulfur trioxide; also called Fuming Sulfuric Acid)		8014-95-7	1000
Osmium Tetroxide		20816-12-0	100
Oxygen Difluoride (Fluorine Monoxide)		7783-41-7	100
Ozone		10028-15-6	100
Pentaborane		19624-22-7	100
Peracetic Acid ~~[(also~~ ***(concentration greater than 60% Acetic Acid; also*** called Peroxyacetic Acid)		79-21-0	~~[5000]~~ ***1000***
Perchloric Acid (concentration ~~[60%)]~~ ***greater than 60% by weight)***		7601-90-3	5000
Perchloromethyl Mercaptan		594-42-3	150
Perchloryl Fluoride		7616-94-6	5000
Peroxyacetic Acid (concentration ~~[60%;]~~ ***greater than 60% Acetic Acid;*** also called Peracetic Acid)		79-21-0	~~[5000]~~ ***1000***

Phosgene (also called Carbonyl Chloride)	75-44-5	100	
Phosphine (Hydrogen Phosphide)	7803-51-2	100	
Phosphorus Oxychloride (also called Phosphoryl Chloride)	10025-87-3	1000	
Phosphorus Trichloride	7719-12-2	1000	
Phosphoryl Chloride (also called Phosphorus Oxychloride)	10025-87-3	1000	
Propargyl Bromide	106-96-7	~~[7500]~~ ***100***	
Propyl Nitrate	627-13-4	~~[2500]~~ ***100***	
Sarin	107-44-8	100	
Selenium Hexafluoride	7783-79-1	1000	
Stibine (Antimony Hydride)	7803-52-3	500	
Sulfur Dioxide (liquid)	7446-09-5	1000	
Sulfur Pentafluoride	5714-22-7	250	
Sulfur Tetrafluoride	7783-60-0	250	
Sulfur Trioxide (also called Sulfuric Anhydride)	7446-11-9	1000	
Sulfuric Anhydride (also called Sulfur Trioxide)	7446-11-9	1000	
Tellurium Hexafluoride	7783-80-4	250	
Tetrafluoroethylene	116-14-3	5000	
Tetrafluorohydrazine	10036-47-2	5000	
Tetramethyl Lead	75-74-1	~~[7500]~~ ***1000***	
Thionyl Chloride	7719-09-7	250	
Titanium Tetrachloride	7550-45-0	2500	
Trichloro(chloromethyl) Silane	1558-25-4	100	
Trichloro(dichlorophenyl) Silane	27137-85-5	2500	
Trichlorosilane	10025-78-2	5000	
Trifluorochloroethylene	79-38-9	10000	
Trimethyoxysilane	2487-90-3	1500	

2. The division, in consultation with the health districts created pursuant to NRS 439.370, the health division of the department of human resources and the division of industrial relations of the department of business and industry, shall regularly examine the sources of information available to it with regard to potentially highly hazardous substances. The division shall, by regulation, add to the list of highly hazardous substances any chemical that is identified as being used, manufactured, stored, or capable of being produced, at a facility, in sufficient quantities at a single site, that its release into the environment would produce a significant likelihood that persons exposed would suffer death or substantial bodily harm as a consequence of the exposure.

Sec. 3. NRS 459.405 is hereby amended to read as follows:

459.405 As used in NRS 459.400 to 459.600, inclusive, unless the context otherwise requires, the words and terms defined in NRS 459.410 to 459.455, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 4. NRS 459.430 is hereby amended to read as follows:

459.430 "Hazardous waste" means any waste or combination of wastes, including ***, without limitation,*** solids, semisolids, liquids or contained gases, ***except household waste,*** which:

1. Because of its quantity or concentration or its physical, chemical or infectious characteristics may:

(a) Cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness; or

(b) Pose a substantial hazard or potential hazard to human health, public safety or the environment when it is given improper treatment, storage, transportation, disposal or other management.

2. Is identified as hazardous by the department as a result of studies undertaken for the purpose of identifying hazardous wastes.

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

Sec. 5. NRS 459.475 is hereby amended to read as follows:

459.475 The department shall:

1. Except as ***otherwise*** provided in NRS 459.480 ***,*** enforce the commission's regulations on hazardous waste;

2. Develop and publish a plan of management of hazardous waste in this state, including among other things, descriptions of:

(a) Sources of hazardous waste, including information on the types and quantities of the waste; ~~[and]~~

(b) Current practices and costs in the management of hazardous waste, including treatment, storage and disposal; and

(c) The hazards associated with the use by a consumer of a commercial product in a manner contrary to the directions for use, cautions or warnings appearing on the label of the product, if the department determines that such a description is necessary; and

3. Cooperate with other states to bring about improved management of hazardous waste, encourage the enactment of uniform state laws relating to hazardous waste, and develop compacts between this and other states which are designed to provide for improved management of hazardous waste.

Sec. 6. This act becomes effective upon passage and approval.

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