

ASSEMBLY BILL NO. 173—COMMITTEE ON NATURAL RESOURCES, AGRICULTURE,
AND MINING

(ON BEHALF OF DIVISION OF ENVIRONMENTAL PROTECTION)

FEBRUARY 9, 1999

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Makes various changes concerning regulation of hazardous waste. (BDR 40-434)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

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:

- 1 **Section 1.** Chapter 459 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 ***“Household waste” means waste material, including, without***
4 ***limitation, garbage, trash and sanitary wastes in septic tanks that is***
5 ***generated by a household, including, without limitation, a single-family***
6 ***or multiple-unit residence, hotel, motel, bunkhouse, ranger station, crew***
7 ***quarters, campground, picnic ground and day-use recreational area. The***
8 ***term does not include nickel, cadmium, mercuric oxide, manganese,***
9 ***zinc-carbon or lead batteries, toxic art supplies, used motor oil, kerosene,***
10 ***solvent-based paint, paint thinner, paint solvents, fluorescent or high-***
11 ***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:

Number Assigned by Chemical	Quantity Abstract Service(In pounds)	
Chemical Name of Substance		
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

1	Chlorine Trifluoride	7790-91-2	1000
2	Chlorodiethylaluminum (also called		
3	Diethylaluminum Chloride).....	96-10-6	5000
4	1-Chloro-2,4-Dinitrobenzene ..	97-00-7	5000
5	Chloromethyl Methyl Ether.....	107-30-2	500
6	Chloropicrin.....	76-06-2	500
7	Chloropicrin and Methyl Bromide		
8	mixture.....	None	1500
9	Chloropicrin and Methyl Chloride		
10	mixture.....	None	1500
11	Cumene Hydroperoxide.....	80-15-9	5000
12	Cyanogen.....	460-19-5	2500
13	Cyanogen Chloride.....	506-77-4	500
14	Cyanuric Fluoride.....	675-14-9	100
15	Diacetyl Peroxide (concentration		
16	greater than 70%)	110-22-5	5000
17	Diazomethane	334-88-3	500
18	Dibenzoyl Peroxide	94-36-0	7500
19	Diborane	19287-45-7	100
20	Dibutyl Peroxide (Tertiary)	110-05-4	5000
21	Dichloro Acetylene.....	7572-29-4	250
22	Dichlorosilane	4109-96-0	2500
23	Diethylzinc	557-20-0	10000
24	Diisopropyl Peroxydicarbonate	105-64-6	7500
25	Dilauroyl Peroxide.....	105-74-8	7500
26	Dimethyl Sulfide	75-18-3	100
27	Dimethyldichlorosilane	75-78-5	1000
28	Dimethylhydrazine, 1.1-	57-14-7	1000
29	Dimethylamine, Anhydrous.....	124-40-3	2500
30	2, 4 Dinitroaniline	97-02-9	5000
31	Ethyl Methyl Ketone Peroxide (also		
32	Methyl Ethyl Ketone Peroxide;		
33	concentration greater than 60%)	1338-23-4	5000
34	Ethyl Nitrite	109-95-5	5000
35	Ethylamine.....	75-04-7	7500
36	Ethylene Fluorohydrin.....	371-62-0	100
37	Ethylene Oxide	75-21-8	5000
38	Ethyleneimine.....	151-56-4	1000
39	Fluorine	7782-41-4	1000 100
40	Formaldehyde (concentration 90%)		
41	37% or greater by weight)	50-00-0	1000
42	Furan.....	110-00-9	500
43	Hexafluoroacetone	684-16-2	5000

1	Hydrochloric Acid, Anhydrous	7647-01-0	5000	
2	Hydrofluoric Acid, Anhydrous	7664-39-3	1000	
3	Hydrogen Bromide	10035-10-6	5000	
4	Hydrogen Chloride	7647-01-0	5000	
5	Hydrogen Cyanide, Anhydrous	74-90-8	1000	
6	Hydrogen Fluoride.....	7664-39-3	1000	
7	—Hydrogen Peroxide [(52% by weight			
8	or more)] (concentration 52% or			
9	greater by weight)	7722-84-1	7500	
10	Hydrogen Selenide	7783-07-5	150	
11	Hydrogen Sulfide	7783-06-4	1500	
12	Hydroxylamine	7803-49-8	2500	
13	Iron, Pentacarbonyl-	13463-40-6	250	
14	Isopropyl Formate	625-55-8	500	
15	Isopropylamine	75-31-0	5000	
16	Ketene.....	463-51-4	100	
17	Methacrylaldehyde	78-85-3	1000	
18	Methacryloyl Chloride.....	920-46-7	150	
19	Methacryloyloxyethyl Isocyanate	30674-80-7	100	
20	Methyl Acrylonitrile	126-98-7	250	
21	Methylamine, Anhydrous	74-89-5	1000	
22	Methyl Bromide.....	74-83-9	2500	
23	Methyl Chloride.....	74-87-3	15000	
24	Methyl Chloroformate	79-22-1	500	
25	Methyl Disulfide.....	624-92-0	100	
26	Methyl Ethyl Ketone Peroxide			
27	(concentration greater than 60%)	1338-23-4	5000	
28	Methyl Fluoroacetate	453-18-9	100	
29	Methyl Fluorosulfate	421-20-5	100	
30	Methyl Hydrazine	60-34-4	100	
31	Methyl Iodide	74-88-4	7500	
32	Methyl Isocyanate.....	624-83-9	250	
33	Methyl Mercaptan	74-93-1	5000	
34	Methyl Vinyl Ketone	78-94-4	100	
35	Methyltrichlorosilane	75-79-6	500	
36	Nickel Carbonyl (Nickel			
37	Tetracarbonyl)	13463-39-3	150	
38	—Nitric Acid [(94.5% by weight or			
39	greater)] (concentration 94.5% or			
40	greater by weight)	7697-37-2	500	
41	Nitric Oxide	10102-43-9	250	
42	Nitroaniline (para Nitroaniline)	100-01-6	5000	
43	Nitromethane	75-52-5	2500	

1	Nitrogen Dioxide.....	10102-44-0	250	
2	Nitrogen Oxides (NO; NO ₂ ; N ₂ O ₄ ;			
3	N ₂ O ₃)	10102-44-0	250	
4	Nitrogen Tetroxide (also called			
5	Nitrogen Peroxide)	10544-72-6	250	
6	Nitrogen Trifluoride	7783-54-2	5000	
7	Nitrogen Trioxide	10544-73-7	250	
8	Oleum (65% or greater by weight of			
9	sulfur trioxide; also called Fuming			
10	Sulfuric Acid).....	8014-95-7	1000	
11	Osmium Tetroxide.....	20816-12-0	100	
12	Oxygen Difluoride (Fluorine			
13	Monoxide)	7783-41-7	100	
14	Ozone.....	10028-15-6	100	
15	Pentaborane	19624-22-7	100	
16	–Peracetic Acid {(also)}			
17	<i>(concentration greater than 60%</i>			
18	<i>Acetic Acid; also</i> called			
19	Peroxyacetic Acid)	79-21-0	{5000} 1000	
20	Perchloric Acid (concentration			
21	{60%} <i>greater than 60% by</i>			
22	<i>weight)</i>	7601-90-3	5000	
23	Perchloromethyl Mercaptan	594-42-3	150	
24	Perchloryl Fluoride.....	7616-94-6	5000	
25	Peroxyacetic Acid (concentration			
26	{60%} <i>greater than 60% Acetic</i>			
27	<i>Acid; also</i> called Peracetic Acid)	79-21-0	{5000} 1000	
28	Phosgene (also called Carbonyl			
29	Chloride).....	75-44-5	100	
30	Phosphine (Hydrogen Phosphide)	7803-51-2	100	
31	Phosphorus Oxychloride (also called			
32	Phosphoryl Chloride).....	10025-87-3	1000	
33	Phosphorus Trichloride	7719-12-2	1000	
34	Phosphoryl Chloride (also called			
35	Phosphorus Oxychloride).....	10025-87-3	1000	
36	Propargyl Bromide	106-96-7	{7500} 100	
37	Propyl Nitrate	627-13-4	{2500} 100	
38	Sarin.....	107-44-8	100	
39	Selenium Hexafluoride.....	7783-79-1	1000	
40	Stibine (Antimony Hydride)....	7803-52-3	500	
41	Sulfur Dioxide (liquid)	7446-09-5	1000	
42	Sulfur Pentafluoride	5714-22-7	250	
43	Sulfur Tetrafluoride.....	7783-60-0	250	

1	Sulfur Trioxide (also called		
2	Sulfuric Anhydride).....	7446-11-9	1000
3	Sulfuric Anhydride (also called		
4	Sulfur Trioxide).....	7446-11-9	1000
5	Tellurium Hexafluoride.....	7783-80-4	250
6	Tetrafluoroethylene	116-14-3	5000
7	Tetrafluorohydrazine	10036-47-2	5000
8	Tetramethyl Lead.....	75-74-1	7500 1000
9	Thionyl Chloride	7719-09-7	250
10	Titanium Tetrachloride.....	7550-45-0	2500
11	Trichloro(chloromethyl) Silane	1558-25-4	100
12	Trichloro(dichlorophenyl) Silane	27137-85-5	2500
13	Trichlorosilane.....	10025-78-2	5000
14	Trifluorochloroethylene.....	79-38-9	10000
15	Trimethoxysilane	2487-90-3	1500

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

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

29 459.405 As used in NRS 459.400 to 459.600, inclusive, unless the
30 context otherwise requires, the words and terms defined in NRS 459.410 to
31 459.455, inclusive, **and section 1 of this act** have the meanings ascribed to
32 them in those sections.

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

34 459.430 “Hazardous waste” means any waste or combination of
35 wastes, including , **without limitation**, solids, semisolids, liquids or
36 contained gases, **except household waste**, which:

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

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

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

1 2. Is identified as hazardous by the department as a result of studies
2 undertaken for the purpose of identifying hazardous wastes.
3 The term includes, among other wastes, toxins, corrosives, flammable
4 materials, irritants, strong sensitizers and materials which generate pressure
5 by decomposition, heat or otherwise.

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

7 459.475 The department shall:

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

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

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

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

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

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

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