
SENATE BILL NO. 396—COMMITTEE ON NATURAL RESOURCES
(ON BEHALF OF THE DIVISION OF ENVIRONMENTAL PROTECTION)

MARCH 29, 2005

Referred to Committee on Natural Resources

SUMMARY—Revises provisions concerning sanitation and recycling programs and grants. (BDR 40-401)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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 solid waste; revising provisions governing searches and inspections of solid waste disposal facilities; revising provisions concerning recycling; authorizing the Division of Environmental Protection of the State Department of Conservation and Natural Resources to award certain grants; requiring the State Environmental Commission to adopt regulations governing the administration of such grants; authorizing certain fees; 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.** NRS 444.560 is hereby amended to read as follows:
2 444.560 1. The State Environmental Commission shall adopt
3 regulations concerning solid waste management systems, or any part
4 thereof, including regulations establishing standards for the
5 issuance, renewal, modification, suspension, revocation and denial
6 of, and for the imposition of terms and conditions for, a permit to
7 construct or operate a disposal site.
8 2. The State Environmental Commission may establish a
9 schedule of fees for the ~~importation of solid waste into the State.]~~
10 *disposal of solid waste in areas subject to the jurisdiction of the*
11 *State Department of Conservation and Natural Resources in*



1 *accordance with NRS 444.495 or for the issuance of permits or*
2 *other approvals by the Department for the operation of solid waste*
3 *management facilities.* The Department may use the money
4 collected under the schedule to defray the cost of managing and
5 regulating ~~[the disposal in this State of solid waste which is~~
6 ~~generated outside of the State.] solid waste.~~

7 3. Notice of the intention to adopt and the adoption of any
8 regulation or schedule of fees must be given to the clerk of the
9 governing board of all municipalities in this State.

10 4. Within a reasonable time, as fixed by the State
11 Environmental Commission, after the adoption of any regulation, no
12 governing board of a municipality or person may operate or permit
13 an operation in violation of the regulation.

14 **Sec. 2.** NRS 444.570 is hereby amended to read as follows:

15 444.570 1. The State Department of Conservation and
16 Natural Resources shall:

17 (a) Advise, consult and cooperate with other agencies and
18 commissions of the State, other states, the Federal Government,
19 municipalities and persons in the formulation of plans for and the
20 establishment of any solid waste management system.

21 (b) Accept and administer loans and grants from any person that
22 may be available for the planning, construction and operation of
23 solid waste management systems.

24 (c) Enforce the provisions of NRS 444.440 to 444.560,
25 inclusive, and any regulation adopted by the State Environmental
26 Commission pursuant thereto.

27 (d) Periodically review the programs of other solid waste
28 management authorities in the State for issuing permits pursuant to
29 NRS 444.553 and 444.556 and ensuring compliance with the terms
30 and conditions of such permits, the regulations of the State
31 Environmental Commission, the laws of this State and the
32 provisions of the Resource Conservation and Recovery Act of 1976,
33 ~~[Subtitle D.]~~ 42 U.S.C. §§ 6941 et seq., and the regulations adopted
34 pursuant thereto. The Director of the State Department of
35 Conservation and Natural Resources shall review the adequacy of
36 such programs in accordance with the standards adopted by the
37 United States Environmental Protection Agency to review the
38 adequacy of the state program. If the Director determines that a
39 program is inadequate, the Department shall act as the solid waste
40 management authority until the deficiency is corrected. A finding by
41 the Director that a program is inadequate is not final until reviewed
42 by the State Environmental Commission. This paragraph does not
43 limit the authority or responsibility of a district board of health to
44 issue permits for disposal sites and enforce the laws of this State
45 regarding solid waste management systems.



(e) Make such investigations and inspections and conduct such monitoring and testing as may be necessary to require compliance with NRS 444.450 to 444.560, inclusive, and any regulation adopted by the State Environmental Commission.

2. The State Environmental Commission shall:

(a) In cooperation with governing bodies of municipalities, develop a statewide solid waste management system plan, and review and revise the plan every 5 years.

(b) Examine and approve or disapprove plans for solid waste management systems.

(c) Review any determination by the Director of the State Department of Conservation and Natural Resources that a program for issuing permits administered by a solid waste management authority is inadequate. The Commission may affirm, modify or reverse the findings of the Director.

3. Employees of the State Department of Conservation and Natural Resources or its authorized representatives ~~[may enter a facility;]~~ *may, during the normal hours of operation of a facility* subject to the provisions of NRS 444.440 to 444.620, inclusive, ~~[where solid]~~ *enter and inspect areas of the facility where:*

(a) *Solid* waste may have been generated, stored, transported, treated or ~~[disposed, or where records]~~ *disposed; or*

(b) *Records* are kept, and may inspect and copy any records, reports, information or test results relating to the management of the solid waste.

Sec. 3. NRS 444.583 is hereby amended to read as follows:

444.583 1. Except as otherwise provided in subsection 5, it is unlawful willfully to:

(a) Dispose of, abandon or dump a motor vehicle battery, motor vehicle tire or motor oil at any site which has not been issued a permit for that purpose by the ~~[State Department of Conservation and Natural Resources;]~~ *solid waste management authority;*

(b) Dispose of, abandon or dump a motor vehicle battery, motor vehicle tire or motor oil at a sanitary landfill or other disposal site established by a municipality which has not been issued a permit for that purpose by the ~~[State Department of Conservation and Natural Resources;]~~ *solid waste management authority;* or

(c) Incinerate a motor vehicle battery or motor vehicle tire as a means of ultimate disposal, unless the incineration is approved by the ~~[Department]~~ *solid waste management authority* for the recovery of energy or other appropriate use.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, shall be punished by a fine of not less than \$100 per violation.



3. The *State Department of Conservation and Natural Resources* shall establish a plan for the appropriate disposal of used or waste motor vehicle batteries, motor vehicle tires and motor oil. The plan must include the issuance of permits to approved sites or facilities for the disposal of those items by the public. The plan may include ~~[coordination with the Office of Community Service within the Governor's Office for the]~~ education of the public regarding the necessity of disposing of these items properly and recycling them.

4. The *State Department of Conservation and Natural Resources* shall encourage the voluntary establishment of authorized sites which are open to the public for the deposit of used or waste motor vehicle batteries, motor vehicle tires and motor oil.

5. The provisions of subsections 1 and 2 do not apply to the disposal of used or waste motor vehicle batteries or motor vehicle tires if the unavailability of a site that has been issued a permit by the ~~[State Department of Conservation and Natural Resources]~~ *solid waste management authority* makes disposal at such a site impracticable. The provisions of this subsection do not exempt a person from any other regulation of the ~~[Department]~~ *solid waste management authority* concerning the disposal of used or waste motor vehicle batteries or motor vehicle tires.

Sec. 4. NRS 444.592 is hereby amended to read as follows:

444.592 If the solid waste management authority receives information that the handling, storage, recycling, transportation, treatment or disposal of any solid waste presents or may present a threat to human health, public safety or the environment, or is in violation of a term or condition of a permit issued pursuant to NRS 444.553 or 444.556, a statute, a regulation or an order issued pursuant to NRS 444.594, the authority may, in addition to any other remedy provided in NRS 444.440 to 444.620, inclusive:

1. Issue an order directing the owner or operator of the disposal site or any other site where the handling, storage, recycling, transportation, treatment or disposal has occurred or may occur, or any other person who has custody of the solid waste, to take such steps as are necessary to prevent the act or eliminate the practice which constitutes the threat or violation.

2. Commence an action in a court of competent jurisdiction to enjoin the act or practice which constitutes the threat or violation in accordance with the provisions of NRS ~~[459.580.]~~ *444.600*.

3. Take any other action designed to reduce or eliminate the threat or violation.

Sec. 5. NRS 444A.040 is hereby amended to read as follows:

444A.040 1. The board of county commissioners in a county whose population is 100,000 or more, or its designee, shall make available for use in that county a program for:



1 (a) The separation at the source of recyclable material from
2 other solid waste originating from the residential premises and
3 public buildings where services for the collection of solid waste are
4 provided.

5 (b) The establishment of recycling centers for the collection and
6 disposal of recyclable material where existing recycling centers do
7 not carry out the purposes of the program.

8 (c) The disposal of hazardous household products which are
9 capable of causing harmful physical effects if inhaled, absorbed or
10 ingested. This program may be included as a part of any other
11 program made available pursuant to this subsection.

12 (d) *The encouragement of businesses to reduce solid waste and*
13 *to separate at the source recyclable material from other solid*
14 *waste. This program must, without limitation, offer consultation,*
15 *upon request, and make information regarding solid waste*
16 *reduction and recycling opportunities available to a business at*
17 *the time the business applies for or renews a business license.*

18 2. The board of county commissioners of a county whose
19 population is 40,000 or more but less than 100,000, or its designee:

20 (a) May make available for use in that county a program for the
21 separation at the source of recyclable material from other solid
22 waste originating from the residential premises and public buildings
23 where services for the collection of solid waste are provided.

24 (b) Shall make available for use in that county a program for:

25 (1) The establishment of recycling centers for the collection
26 and disposal of recyclable material where existing recycling centers
27 do not carry out the purposes of the program established pursuant to
28 paragraph (a).

29 (2) The disposal of hazardous household products which are
30 capable of causing harmful physical effects if inhaled, absorbed or
31 ingested. This program may be included as a part of any other
32 program made available pursuant to this subsection.

33 3. The board of county commissioners of a county whose
34 population is less than 40,000, or its designee, may make available
35 for use in that county a program for:

36 (a) The separation at the source of recyclable material from
37 other solid waste originating from the residential premises and
38 public buildings where services for the collection of solid waste are
39 provided.

40 (b) The establishment of recycling centers for the collection and
41 disposal of recyclable material where existing recycling centers do
42 not carry out the purposes of the program.



(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any other program made available pursuant to this subsection.

4. Any program made available pursuant to this section:

(a) Must not:

(1) Conflict with the standards adopted by the State Environmental Commission pursuant to NRS 444A.020; and

(2) Become effective until approved by the Department.

(b) May be based on the model plans adopted pursuant to NRS 444A.030.

5. The governing body of a municipality may adopt and carry out within the municipality such programs made available pursuant to this section as are deemed necessary and appropriate for that municipality.

6. Any municipality may, with the approval of the governing body of an adjoining municipality, participate in any program adopted by the adjoining municipality pursuant to subsection 5.

7. Persons residing on an Indian reservation or Indian colony may participate in any program adopted pursuant to subsection 5 by a municipality in which the reservation or colony is located if the governing body of the reservation or colony adopts an ordinance requesting such participation. Upon receipt of such a request, the governing body of the municipality shall make available to the residents of the reservation or colony those programs requested.

Sec. 6. NRS 444A.050 is hereby amended to read as follows:

444A.050 1. A county or health district that adopts a program pursuant to NRS 444A.040 shall:

(a) On or before July 1 of each year, submit a report to the Department of the number of tons of material disposed of in the area covered by the program.

(b) Within 6 months after adopting the program, and at least once every 6 months thereafter, notify all persons occupying residential, commercial, governmental and institutional premises within the area covered by the program of the local recycling opportunities and the need to reduce the amount of waste generated.

2. The governing body of a municipality that adopts a program pursuant to NRS 444A.040 shall:

(a) Adopt such ordinances as are necessary for the enforcement of the program.

(b) At least once every ~~[36]~~ 24 months, conduct a review of the program and ~~[make]~~ *propose* such revisions to the program and any ordinances adopted pursuant thereto as ~~[are deemed]~~ *the governing body determines are* necessary and appropriate. *The findings of the review and any proposed revisions must be submitted to the*



Department for approval on or before July 30 of each even-numbered year.

Sec. 7. NRS 444A.060 is hereby amended to read as follows:

444A.060 1. A person who offers a tire for a vehicle for sale at retail shall post at the point of purchase a written notice which is at least 8 1/2 inches by 11 inches in size and contains the following information:

NOTICE

State law requires us to accept used tires for *disposal or* recycling when new tires are purchased from us.

2. It is unlawful for a person who offers a tire for a vehicle for retail sale to refuse to accept used or waste tires in exchange on the purchase of a new tire. This section does not require the purchaser of a tire to provide a used or waste tire as a condition of his purchase of a new tire. The seller shall comply with the regulations of the State Environmental Commission regarding the proper disposal of the used or waste tires so collected. In addition to any other applicable penalty, any person who violates the provisions of this subsection is guilty of a misdemeanor and shall be fined not less than \$100 for each day of violation.

Sec. 8. NRS 444A.110 is hereby amended to read as follows:

444A.110 1. The Division ~~[of Environmental Protection of the State Department of Conservation and Natural Resources]~~ shall develop a program of public education to provide information, increase public awareness of the individual responsibility of properly disposing of solid waste and encouraging public participation in recycling, reuse and waste reduction. The program must be designed in accordance with the plans to provide for a solid waste management system approved pursuant to NRS 444.510 to communicate the importance of conserving natural resources, in addition to the importance of protecting public health and the environment. The program must include promotion of the private and public efforts to accomplish conservation, recovery and reuse.

2. The Division ~~[of Environmental Protection of the State Department of Conservation and Natural Resources]~~ shall encourage the reduction of waste and litter by:

(a) Providing, upon request, advice to persons regarding techniques to reduce waste and general information on recycling.



(b) Establishing a computer database to process related information.

(c) Establishing a toll-free telephone line to assist in the dissemination of information.

(d) Sponsoring or cosponsoring technical workshops and seminars on waste reduction.

(e) Assisting local programs for the research and development of plans to reduce waste.

(f) Coordinating the dissemination of publications on waste reduction, regardless of the source of those publications.

(g) Assisting in the development and promotion of programs of continuing education for educators and administrators to enable them to teach and encourage methods of waste reduction.

(h) Developing an emblem to signify and advertise the efforts in Nevada to encourage recycling.

(i) Recommending to educational institutions courses and curricula relating to recycling and the reduction of waste.

(j) Assisting state agencies, upon request, to develop and carry out programs for recycling within state buildings.

3. The Division ~~[of Environmental Protection of the State Department of Conservation and Natural Resources]~~ shall coordinate the technical assistance available from the various state agencies. The Administrator of ~~[that]~~ *the* Division shall prepare and deliver biennial reports to the Governor regarding the progress of the program.

4. The Division may award grants to municipalities, educational institutions and nonprofit organizations for projects that enhance solid waste management systems and promote the efficient use of resources. The Division shall consult a solid waste management authority before awarding a grant for a project within the jurisdiction of that solid waste management authority.

5. The State Environmental Commission shall adopt regulations governing the administration of grants awarded pursuant to subsection 4.

6. As used in this section, unless the context otherwise requires, "Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Sec. 9. NRS 444.587 is hereby repealed.



TEXT OF REPEALED SECTION

**444.587 Division of Environmental Protection:
Development of markets for products made from recycled
materials; reports to Legislature.**

1. The Division of Environmental Protection of the State Department of Conservation and Natural Resources shall:

(a) Develop markets in this State for products made from recycled materials;

(b) Determine the feasibility for the development of markets outside the State for products made from recycled materials; and

(c) Provide producers of recycled materials in this State with information relating to manufacturers of products made from those materials.

2. The Division of Environmental Protection of the State Department of Conservation and Natural Resources shall, not later than February 1 of each year, submit a report to the Director of the Legislative Counsel Bureau for presentation to the Legislature. The report must include:

(a) A general description of the markets for recycled materials in this State; and

(b) Any recommendations relating to:

(1) Increasing the demand for recycled materials and developing markets for recycled materials;

(2) The development of state and local policies which encourage the purchasing of products manufactured from recycled materials; and

(3) Financial assistance and incentives to encourage the use of recycled materials in this State.

3. As used in this section, "recycled material" means material which is separated from solid waste and processed for use as a raw material or product.



