

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON NATURAL RESOURCES, AGRICULTURE, AND
MINING**

**Seventy-Sixth Session
April 28, 2011**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Maggie Carlton at 2:55 p.m. on Thursday, April 28, 2011, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/76th2011/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Maggie Carlton, Chair
Assemblyman Joseph M. Hogan, Vice Chair
Assemblyman Paul Aizley
Assemblyman Elliot T. Anderson
Assemblyman David P. Bobzien
Assemblywoman Irene Bustamante Adams
Assemblyman John Ellison
Assemblyman Ed A. Goedhart
Assemblyman Ira Hansen
Assemblyman Kelly Kite
Assemblyman Pete Livermore
Assemblyman Harvey J. Munford
Assemblywoman Peggy Pierce

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Mark A. Manendo, Clark County Senatorial District No. 7

STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Judith Coolbaugh, Committee Secretary
Gianna Shirk, Committee Assistant

OTHERS PRESENT:

Kyle Davis, representing the Nevada Conservation League
Susan Fisher, representing the Coalition of Housing Providers; and the
City of Reno
Colleen Cripps, Ph.D., Acting Administrator, Division of
Environmental Protection, State Department of Conservation
and Natural Resources

Chair Carlton:

[There was no roll call.] I am opening the hearing on Senate Bill 417.

Senate Bill 417: Provides for the placement of recycling containers in certain locations. (BDR 40-1108)

Senator Mark A. Manendo, Clark County Senatorial District No. 7:

This bill was brought forward in the 75th Session, and we promised to bring it back with a possible amendment. I am here today to open up and broaden the discussion on recycling issues. Recycling has always been a passion for me, and as far back as the early 1990s, I started a paper recycling program for this Legislature. We now have recycling bins in our offices and on the floor. As a nation we need to recycle our commodities instead of creating more expensive landfills. Recycling creates jobs. I have visited a recycling plant in Las Vegas, and it had 80 employees. The owner commented that his facility was just the tip of the iceberg of what we should be doing in our state to recycle materials. It is good for the environment; it is good for the economy; and it creates good-paying jobs with benefits.

Where I work recycling bins are provided, so three times a week I take my own, my mother's, and her neighbors' recyclable materials into work and put it in the collection bins. I would like to have a recycling container at the condominium complex where I live. People can be fearful of recycling rules. A lady on the board at my complex said, "You are going to make me recycle." I told her if you do not want to recycle, you do not have to. This bill is designed to place

recycling bins in condominium and apartment complexes. There was no opposition in the Senate to this bill.

Chair Carlton:

I would like more clarification on how you envision where these recycling bins would be placed at multiple-dwelling complexes. Is the plan for single-stream recycling, or will the trash have to be separated into different categories?

Senator Manendo:

Any regulations can be developed during the interim. Many places just have large green dumpsters for all trash. One of those dumpsters could be exchanged for a recycling one. My suggestion is to start with one dumpster for single-stream recycling.

Chair Carlton:

Are there any questions?

Assemblyman Anderson:

At your work, do you have to presort the trash before it goes into the dumpster?

Senator Manendo:

We have single-stream recycling. Most of our recyclable materials are cardboard, paper, plastic, and car parts. Republic Services of Southern Nevada, our recycling provider, takes everything that is in the dumpster.

Assemblyman Anderson:

I think it is a great idea. I live in a condominium complex, and we get left out of the residential colored bins recycling process. It would make it a lot easier to recycle.

Assemblyman Ellison:

For clarification, the separation of source garbage is only required in areas with 100,000 or more population. Is that correct? Rural areas do not have recycling centers. Who purchases the recycling containers?

Senator Manendo:

Yes, there is a population requirement for recycling garbage. Just taking out one "all garbage" dumpster and replacing it with one recycling dumpster would provide adequate revenue for the company doing the collection to make it worth its time. The Evergreen Recycling in Las Vegas was bought out by Republic Services. The former Evergreen plant was the one I visited. It would

be single-stream recycling, or they could choose to have more than one bin. We can work with that in regulation.

Assemblyman Ellison:

The collection company would have to have a separate truck for pickups, different dumpsters, and a separate employment base, so it would require a large capital investment. However, it would pay for itself.

Senator Manendo:

It will create more jobs because the company is making more money.

Assemblyman Livermore:

Is this legislation enabling or mandatory?

Senator Manendo:

It is mandatory.

Assemblyman Livermore:

How can you mandate the placement of recycling dumpsters when an apartment or condominium complex may not have space for it? How are you going to enforce the regulations? There are no penalties in the bill for nonperformance. Space in large complexes is always at a premium. What incentives are you offering to promote cooperation?

Senator Manendo:

Generally, complexes have a designated trash collection area. Even in small complexes, an area for waste disposal is defined, and multiple dumpsters are provided. One of the regular dumpsters could be replaced with a recyclable one. My intent is not to go after people, but to encourage people to go in the right direction and recycle. Most tenants would be willing to recycle. If a complex is not going to be in compliance, we could look at that issue in regulations.

Assemblyman Livermore:

There are complex owners who take their own trash to the landfill. You have to find a way to incentivize those persons to recycle their waste materials. Maybe, it would be giving them the revenue from the recycling.

Senator Manendo:

In the future, Carson City may become involved in the process. Maybe we can look at that in a couple of years.

Assemblyman Livermore:

Carson City has a recycling program in place through Waste Management, Inc. Residents use yellow, white, and green bins to recycle. The containers are placed at curbside for pickup.

Senator Manendo:

During session I have stayed at local apartments that provided the recycling bins, and I really liked the system.

Chair Carlton:

Perhaps, you can give businesses that do their own private trash hauling an exemption until a certain date. Are there other questions?

Assemblyman Goedhart:

With the prices in commodities going up, the recycling value of aluminum and other metals is increasingly more valuable to the companies collecting the material.

Assemblyman Kite:

For clarification, you indicated the population cutoff was 400,000 or more . . .

Chair Carlton:

It was a 100,000, and we are investigating that to make sure it fits in the bill.

Assemblyman Kite:

Carson City's population is about 50,000, so I wanted to make sure the cutoff was the 100,000 or more mark.

Chair Carlton:

Yes, it is. Are there other questions? [There were none.] We have some other witnesses who wish to speak in favor of the bill, and no one has signed in to speak in opposition.

Kyle Davis, representing the Nevada Conservation League:

We are in support of this legislation. It makes sense to have the recyclable container process placed in regulation. There has been a problem with recycling trash, and it has not happened as much as we would like to see. The regulatory process is the appropriate method for handling the problem and for addressing all the issues. The ultimate goal is to increase our recycling rate.

Susan Fisher, representing the Coalition of Housing Providers; and the City of Reno:

The City of Reno supports this legislation. Reno is a "green" city. The city council has taken a position in support of recycling. We have been experimenting with some pilot programs for single-stream recycling in certain neighborhoods. We do have curbside recycling in place. In 1989, as an intern here, I worked with Assemblywoman Vivian Freeman to pass the first curbside recycling legislation.

On behalf of the Coalition of Housing Providers, which represents the apartment complexes in the state, we worked last session with the bill sponsor, Mr. Bobzien, and others on Senate Bill No. 137 of the 75th Session. It required apartment complexes to provide recycling containers. The problem we faced with a lot of the older apartment complexes was lack of space for the containers. It was impossible for them to meet the requirement. It was not as simple as exchanging dumpsters or adding one. An apartment complex is defined as a building housing five or more units. We amended that legislation to read any new permitted complexes after October 1, 2009, would have to provide space for recycling containers. It also included any complexes that underwent a major remodeling or rebuilding if they were required to pull a permit for the construction. The local governments had to enact ordinances to mandate that space be provided for recycling containers. This bill says "where it is available," and that is great. It puts the onus on the state to develop regulations. The Coalition supports this bill.

A number of apartment complexes in Reno do provide recycling bins. However, very little of the recyclable waste actually is picked up and taken to a recycling center by the collection company. People come by every 20 minutes or so and empty the containers. They are called "dumpster divers," and they often leave a mess behind. The apartment complex owners do not mind the diving as long as they clean up after themselves. A van with California plates comes by and the divers sell the recyclable waste to the driver. It is then transported over Donner Pass to get recycled in California where they get more money for it. We support the bill, but there are some issues with recycling in general.

Chair Carlton:

Are there any questions?

Assemblyman Bobzien:

My concern last session with that bill was whether or not the State Environmental Commission was the appropriate body to be doing this. So we took them out, and it went to the local governments. In this bill, we are saying that for counties with populations under 100,000—perhaps because of

a concern about the capacity to do this—the State Environmental Commission is going to do it. Is that the thrust of this bill, and how it relates to the previous bill?

Susan Fisher:

That is the way I understand it. This bill mandates that regulations will be promulgated, but does not kick in unless it is new construction or major remodeling.

Chair Carlton:

Let us have staff comment on it.

Assemblyman Bobzien:

I am just trying to place this bill in the proper context with what happened with that bill last session.

Randy Stephenson, Committee Counsel:

What passed last session were the provisions concerning the counties and the Board of Regents at the university. *Nevada Revised Statutes* 444A.040 deals with boards of county commissioners in counties whose populations are 100,000 or more. Currently, a program for separating recyclable waste at the source is mandatory in Clark and Washoe Counties, and discretionary in all other counties. There is nothing in this bill that says which counties would come under the regulations promulgated by the State Environmental Commission. That would be addressed in the regulations.

Assemblyman Bobzien:

The regulations promulgated by the State Environmental Commission will be for those counties impacted.

Randy Stephenson:

Yes.

Assemblyman Bobzien:

I would like to direct this question to Ms. Cripps. Given all the other important functions that the State Environmental Commission does, how much of an additional work load would this legislation create?

Colleen Cripps, Ph.D., Acting Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources:

A lot of the work would be done up front by my staff because we would be drafting the regulations and organizing the public workshops. It would have a very minimal impact on the work that we do. It is something we do regularly,

so I do not foresee promulgating these regulations to be a problem for the State Environmental Commission or for my agency.

Chair Carlton:

That means there will be no fiscal note, and that is a good thing. Are there other questions?

Assemblyman Hansen:

From the testimony we have heard, it sounds like recycling waste is quite profitable. If it is, why do we need to force a company like Waste Management or a condominium complex to do recycling since it should be a moneymaker for them?

Susan Fisher:

It is not a moneymaker for a condominium complex because it is not selling the recyclable waste to a collection company; it will be paying to have it removed.

Assemblyman Hansen:

If people are coming around and taking the recyclable materials, it must be a moneymaker for them.

Susan Fisher:

There is one apartment complex in Reno that does separate all waste and the owner takes it to the recycling center. The money earned goes into a kitty for picnics or potlucks. That money does go back into the apartment complex community. It is a lot of work, which is why some places do not personally take the recyclable waste to the center.

Chair Carlton:

Waste Management and Republic Silver State Disposal have both said there is money to be made, especially with single-stream recycling. Hopefully, this bill will increase recycling in the state.

Kyle Davis:

The two main reasons why we have recycling programs in place is the state has a 25 percent recycling goal that we have not met. We are not recycling as much as we could. The collection of recyclable waste by dumpster divers is a relatively recent phenomenon. Because of the poor economic climate, people are doing everything they can to make some money. My theory is in a robust economy that collecting will not be going on because people will have jobs. They will not have the time or opportunity to go around and pickup recyclable waste.

Chair Carlton:

There are health concerns associated with people collecting the recyclable waste.

Assemblyman Aizley:

I believe in Clark County once the recyclable material is curbside it is illegal for people to come around and collect it. It is considered to be stealing from the County.

Chair Carlton:

In talking with the health department and working on those issues, it is legal to take once it is on the curb. It is considered to be "finders, keepers." Once something is on the curb, it belongs to anyone who picks it up. We will look into it and make sure. Is there anyone in opposition to S.B. 417? [There was no one.] Is there anyone who would like to testify from a neutral position? [There was no one.] I am closing the hearing on S.B. 417. Is there any public comment? [There was none.]

This meeting is adjourned [at 3:28 p.m.].

RESPECTFULLY SUBMITTED:

Judith Coolbaugh
Committee Secretary

APPROVED BY:

Assemblywoman Maggie Carlton, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Natural Resources, Agriculture,
and Mining

Date: April 28, 2011

Time of Meeting: 2:55 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster