

SOLID WASTE MANAGEMENT AUTHORITY  
REGULATIONS GOVERNING

**MATERIALS RECOVERY FACILITIES  
(MRF)**

Adopted by the Clark County District Board of Health  
on June 24, 2004



Clark County Health District  
625 Shadow Lane  
P.O. Box 3902  
Las Vegas, Nevada 89127  
(702) 759-0600

CLARK COUNTY DISTRICT BOARD OF HEALTH  
Regulations Governing  
**MATERIALS RECOVERY FACILITIES (MRF)**

General Provisions

**Section 1.** Clark County District Board of Health Regulations Governing Materials Recovery Facilities (MRF) are hereby adopted pursuant to the authority of Nevada Revised Statutes (NRS) 444.580.

**Section 2. Definitions.**

1. **"Materials recovery facility" defined.** As used in these regulations unless the context otherwise requires, "materials recovery facility" means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of those materials. The term does not include:

(a) A facility that receives only recyclable materials that have been separated at the source of waste generation;

(b) A salvage yard for the recovery of used motor vehicle parts;

(c) A facility that receives, processes or stores only concrete, masonry waste, asphalt pavement, brick, uncontaminated soil or stone for the recovery of recyclable materials; and

2. **"Putrescible" defined.** "Putrescible" means capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors or gases.

3. **"Recyclable material" defined.** "Recyclable material" means solid waste that can be processed and returned to the economic mainstream in the form of raw materials or products. "Recyclable material" includes, but is not limited to:

(a) Newspaper;

(b) Corrugated cardboard;

(c) Aluminum;

(d) Yard debris;

(e) Office paper;

(f) Glass;

(g) Tin and steel cans;

(h) Metal;

(i) Motor oil;

(j) Plastic;

(k) Antifreeze;

(l) wood; and

(m) food waste.

4. **"Solid waste" defined.** "Solid waste" means all putrescible and nonputrescible refuse in solid or semisolid form, including, but not limited to, garbage, rubbish, junk vehicles, ashes or incinerator residue, street refuse, dead animals, demolition waste, construction waste, solid or semisolid commercial and industrial waste. The term does not include hazardous waste managed pursuant to NRS 459.400 to NRS 459.600, inclusive.

**Section 3. Approval needed for operation; submission of application before construction begins; proper authorization from local jurisdiction condition to acceptance of application.**

1. A person shall not operate a materials recovery facility unless the location, design and operating plans of the facility have been approved by the solid waste management authority.

2. An application to operate a materials recovery facility must be submitted to the solid waste management authority before construction of the facility begins. Proper authorization by the local jurisdiction in which the facility is located is a condition for acceptance of an application to operate a materials recovery facility for review by the solid waste management authority.

**Section 4. Application to operate; application to modify.**

1. An application to operate a materials recovery facility must include:

(a) The name, location and mailing address of:

- (1) The materials recovery facility;
- (2) The owner of the materials recovery facility;
- (3) The operator of the materials recovery facility; and
- (4) The authorized agent of the owner.

(b) Proof of ownership or a lease agreement for the land on which the materials recovery facility will be located.

(c) A report of the design of the materials recovery facility that complies with the provisions of Section 5 of these regulations.

(d) A plan for operating the materials recovery facility that complies with the provisions of Section 6 of these regulations.

(e) A plan for the closure of the materials recovery facility that identifies the procedures required to close the facility and describes the manner in which the facility will comply with the provisions for closure set forth in Section 10. The plan must include a detailed written estimate, in current dollars, of the cost to hire a person to close the materials recovery facility in accordance with the plan.

(f) Proof of financial assurance that complies with the provisions of Section 11.

(g) A list of the recyclable materials that will be recovered at the materials recovery facility.

(h) A description of the final use, or the available markets, for the materials identified for recovery.

(i) Any other information that the solid waste management authority requires to evaluate the proposed operation of the facility.

2. A materials recovery facility that has been approved by the solid waste management authority may not modify:

(a) The storage or processing capacity of the facility;

(b) The types of waste that a facility may accept; or

(c) The design or method of operation of the facility, unless the facility obtains the prior approval of the solid waste management authority for those modifications. An application to modify a materials recovery facility must be submitted on a form prescribed by the solid waste management authority.

**Section 5. Report of design.** The report of the design of the materials recovery facility must:

1. Include a detailed description of the facility, a diagram indicating the manner in which the materials are processed at the facility and the design capacity and environmental controls for the facility.
2. Be prepared under the direction of and signed and stamped by a professional engineer who is licensed in this state.
3. Include a general location map that indicates land use and zoning within 1 mile of the materials recovery facility.
4. Include plans and specifications of the materials recovery facility in sufficient detail to demonstrate compliance with the standards for the design of the facility set forth in Section 7.

The plans must:

- (a) Be drawn to a scale of not more than 200 feet per inch;
- (b) Indicate existing and proposed contours;
- (c) Indicate access roads and traffic routes around and within the materials recovery facility;
- (d) Include provisions for the control of surface water to minimize the contact of storm water with waste materials and to prevent pollutants or other contaminants from entering the waters of the state;
- (e) Indicate fencing, areas for storing equipment, facilities for employees, areas for receiving and handling waste, maintenance areas and any other appurtenances;
- (f) Include the maximum processing rate of the facility and the maximum storage capacity, in cubic yards, for processed and unprocessed waste and recovered materials;
- (g) Include provisions for controlling odors and dust to prevent a public nuisance;
- (h) Define the population and area that will be served by the materials recovery facility; and
- (i) List the anticipated types, quantities and sources of solid waste that will be received at the materials recovery facility.

**Section 6 . Standards for design.**

1. A materials recovery facility must be constructed with:
  - (a) Barriers and appurtenances necessary to control access to the facility;
  - (b) A road that provides access to the facility in all kinds of weather;
  - (c) Appurtenances to control litter;
  - (d) Provisions that screen the facility from the view of members of the general public;
  - (e) In areas where putrescible wastes will be received, processed or stored, a covered enclosure with at least three sides, and a concrete or asphalt paved floor that contains drainage controls to control runoff and prevent runoff or the accumulation of standing water; and
  - (f) In areas where solid wastes from the construction, refurbishment or demolition of buildings or other structures will be received, processed or stored, a concrete or asphalt paved floor that contains drainage controls to control runoff and prevent runoff or the accumulation of standing water.
2. A materials recovery facility that is open to the public must post signs that clearly indicate:
  - (a) The owner and operator of the site;
  - (b) The hours of operation;
  - (c) Materials accepted or excluded; and
  - (d) Fees charged.

3. The design and location of a materials recovery facility must comply with applicable local ordinances.

**Section 7. Plan for operating.** The plan for operating the materials recovery facility must provide a detailed description of the proposed operating procedures and include, without limitation:

1. The provisions for controlling access to the materials recovery facility;
2. The number of persons who will be employed at the materials recovery facility during operating hours;
3. A list of the equipment and machinery that will be required to operate the materials recovery facility;
4. The procedures to control vehicular traffic within the materials recovery facility;
5. The types of wastes that the materials recovery facility will not accept and a list of the facilities where such waste will be directed;
6. A program to detect, manage, and reject regulated hazardous waste, polychlorinated biphenyl wastes or any other unacceptable wastes identified in the application;
7. The procedures for measuring or weighing solid waste that is accepted by the materials recovery facility;
8. The frequency and method for transferring solid waste to a disposal site;
9. The frequency and method for transferring recyclable materials to a recycling center or a facility that is permitted to accept materials for use as a fuel or soil amendment;
10. The location of storage areas for processed and unprocessed solid wastes and recovered materials at the materials recovery facility;
11. A plan for the disposal of processed and unprocessed solid wastes and recovered materials;
12. The proposed operating hours of the materials recovery facility;
13. A contingency plan that describes the procedures for emergencies and identifies alternate solid waste management systems;
14. A description of the manner in which the materials recovery facility will comply with the provisions set forth in Section 8; and
15. The safety procedures and protective equipment required for persons who handle solid waste at the materials recovery facility.

**Section 8. Operating Standards**

1. Solid waste that is accepted by a materials recovery facility must be:
  - (a) Transferred to a disposal site that has been issued a permit by the solid waste management authority; or
  - (b) Recovered for reuse or recycling or for use as a fuel or soil amendment.
2. Unless the owner or operator is unable to do so because of an emergency, putrescible solid waste or solid waste that is mixed with putrescible solid waste must be removed from a materials recovery facility not more than 24 hours after acceptance by the facility.
3. Nonputrescible solid waste may not be stored at the materials recovery facility for more than 1 week. Not more than 3,000 cubic yards of solid waste may be stored at the facility at one time, unless otherwise approved by the solid waste management authority.
4. Recovered materials may not be stored at the facility for more than 1 year. At least 75 percent of the materials recovered at the facility must be sold and removed from the facility in a 12-month period. Any recovered materials stored for more than 1 year must be considered waste

and properly disposed of at a disposal site that has been issued a permit by the solid waste management authority or a facility approved by the solid waste management authority.

5. Solid waste or recovered materials may not be stored in piles which are more than 15 feet in height or have an area at the base which is more than 5,000 square feet. A distance of at least 12 feet must be maintained between adjacent piles of material and at least 10 feet between any pile of materials and the boundary of the facility.

6. The acceptance, handling and transportation of asbestos must be conducted in the manner prescribed by NAC 444.965 to 444.976, inclusive.

7. The owner or operator of a materials recovery facility shall:

(a) Inspect the area of the facility daily and collect, and properly dispose of, all scattered paper and lightweight debris; and

(b) Comply with any local ordinances concerning the storage, collection or transportation of solid waste, in accordance with the following provisions:

(1) The storage on the premises, the collection and the transportation to the disposal site of solid waste must generally be according to the pertinent ordinances or regulations of the city, town or county wherein those services are performed.

(2) The provisions of these CCHD solid waste regulations do not abridge the authority of a town, city or county to establish, by ordinance or otherwise, higher standards than these regulations.

(3) No system for the storage, collection or transportation of solid waste may be allowed to cause health hazards, public nuisances or otherwise cause or contribute to the impairment of the environment.

### **Section. 9. Operating records**

1. The operator of a materials recovery facility shall maintain accurate operating records at the facility. The records must be furnished upon request to the solid waste management authority or made available for inspection by the solid waste management authority during the regular business hours of the facility. The records must include:

(a) A daily record of:

(1) The quantity of solid waste received at the facility.

(2) The quantity of solid waste transported to disposal sites and the name and location of each such disposal site.

(3) The quantity of recovered materials removed from the facility and the name and location of each facility that receives the recovered materials.

(b) The receipt or rejection of prohibited wastes.

(c) Any emergencies or unusual events.

2. The owner or operator of a materials recovery facility shall comply with the requirements concerning the reporting of recycled material:

(a) Each materials recovery facility located in Clark County, Nevada, shall submit a recycling survey to the CCHD not later than February 15 of each year. The recycling survey must be certified by an authorized representative of the materials recovery facility on a form provided by the CCHD and include the number of tons of material recycled for each type of recycled material for the preceding calendar year.

(b) The materials recovery facility shall, upon the request of the CCHD, provide any information including, but not limited to, bills of lading, manifests and certified reports which the CCHD determines may be necessary to verify the survey.

**Section 10. Closure of facility.**

1. The owner or operator of a materials recovery facility shall notify the solid waste management authority in writing at least 90 days before the date the facility is expected to close. The facility may not accept any solid waste after the expected closing date.

2. The owner or operator shall, within 30 days after receiving the final shipment of solid waste, remove all remaining solid waste, litter, recovered materials and inoperable equipment in accordance with the plan for closure of the facility, except that all putrescible waste must be removed within 24 hours after receipt.

**Section 11. Surety bond or other financial assurance required to cover cost of closure.**

1. The owner or operator of a materials recovery facility shall obtain a surety bond, or any other mechanism of financial assurance approved by the solid waste management authority. The surety bond must be sufficient to cover the cost of closing the facility, including, but not limited to, the removal and proper disposal of the maximum inventory of residual solid waste and recyclable materials for which the facility is designed. The owner or operator shall provide financial assurance for the closure of the facility until the facility is closed and the closure has been approved by the solid waste management authority.

2. The surety bond must be issued by a corporation licensed to do business in this state and include an indemnity agreement that guarantees payment to a trust fund or to the solid waste management authority.

3. If payment is guaranteed to a trust fund, the trustee of the trust fund must be an entity which is authorized to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

4. The owner or operator of the materials recovery facility or any other person who is authorized to conduct activities for the closure of the facility may request reimbursement from the trustee for any cost incurred to close the facility. The trustee may provide reimbursement for that cost only if there is sufficient money in the trust fund to pay the remaining costs to close the facility, and proof and justification of the cost is placed in the operating records of the facility. The owner or operator shall notify the solid waste management authority that the proof and justification for the reimbursement of the cost was placed in the operating records of the facility and that he/she has received the reimbursement.

5. The owner or operator of the facility shall review annually the estimate of the cost to close the facility upon which the bond or other mechanism of financial assurance is based and submit the estimate to the solid waste management authority for its review and approval.

**Section 12. Inspections; enforcement; notice of violations.**

1. Whenever the solid waste management authority conducts an inspection of a materials recovery facility, any violations of these Regulations or permit conditions shall be noted on an inspection form. The solid waste management authority shall furnish the original version of the inspection form to the owner or operator and designate a reasonable amount of time required to for the owner or operator to be in compliance with the noted violations.

2. If a owner and/or operator of a materials recovery facility is found to be in violation of a condition set forth in the permit to operate, a solid waste management regulation, or a statute; or presents a threat to human health, public safety, or the environment, the solid waste management authority may issue a written notice of violation to the owner or operator, which may subject the owner and/or operator to civil penalty and/or corrective action. The notice of violation shall:

- (a) Specify the term or condition of a permit issued pursuant to these regulations, or the statute or solid waste management regulation, which is alleged to have been violated or which is about to be violated, or the threat to human health, public safety or the environment;
  - (b) Set forth the facts alleged to constitute the violation or threat;
  - (c) State the penalty and other relief sought;
  - (d) State that an opportunity to contest any notice of violation and proposed penalty or other relief sought will be provided before the hearing officer appointed by the authority, if a written request for a hearing is filed with the solid waste management authority within the period established in the notice of violation.
3. If a person operates a materials recovery facility without a permit from the solid waste management authority, the solid waste management authority may issue a cease and desist order to discontinue operation of the materials recovery facility; the cease and desist order will remain in effect until the solid waste management authority issues approval to operate.
4. Nothing in these regulations limits the ability of the solid waste management authority to utilize any other remedy allowed by law.

**Section 13. Access to establishments; interference with duties of public officers; compliance with permit conditions, plans for design and operation; suspension or revocation of a permit to operate.**

1. The solid waste management authority shall, after providing proper identification, be permitted to enter the premises of any materials recovery facility located within Clark County at any reasonable time for the purpose of making an inspection to determine compliance with these regulations.
2. It is unlawful for any person to interfere with the solid waste management authority in the performance of his/her duties, pursuant to NRS 199.300.
3. A materials recovery facility must comply with the plans for the design and operation of the facility, and the conditions of the permit issued by the solid waste management authority. A materials recovery facility must not:
- (a) Contribute to the pollution of the air, land, or waters of the State;
  - (b) Adversely impact the environment;
  - (c) Cause a health or safety hazard to employees of the facility or the general public; or
  - (d) Cause a public nuisance.
4. Whenever the solid waste management authority finds a condition in the operation of a materials recovery facility, which, in the judgment of the solid waste management authority, constitutes a substantial hazard to public health and/or the environment, the authority may, without warning, notice or hearing, issue a written order to the owner or operator citing the condition, specifying the corrective action to be taken, and specifying the time within which the action must be taken. The order may state that the permit is immediately suspended and all operations shall be immediately discontinued. Any person to whom such an order is issued shall comply with it immediately. Upon written petition to the solid waste management authority, the person shall be afforded a hearing as soon as possible.
5. For substantial hazards to public health or the environment, repeated violations of any of the requirements of these regulations, or for interference with the solid waste management authority in the performance of its duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the solid waste management authority. Before taking such an action, the solid waste management authority shall notify the owner in writing,

stating the reasons for which the permit may be suspended for cause, pending its revocation or a hearing relative thereto.

6. The solid waste management authority may permanently revoke a materials recovery facility permit after 5 days following service of the notice unless a request for a hearing is filed with the solid waste management authority by the owner or operator within 5 days.

7. The hearings provided for in this section shall be conducted by the solid waste management authority at a time and place designated by the authority. Based upon the record of the hearing, the solid waste management authority shall make a finding and may sustain, modify or rescind any official notice or order considered in the hearing. A written order specifying the hearing officer's decision shall be furnished to the owner or operator by the solid waste management authority.

**Section 14. Issuance of permits to operate.**

1. Permits issued under the provisions of these regulations shall be issued annually.

2. The current materials recovery facility permit issued by the solid waste management authority shall be displayed in proximity to the business license issued by the applicable business licensing agency. The permit shall be removed by the solid waste management authority when the permit is suspended, or the facility is closed.

3. Permits are not transferable.

**Section 15. Service of notices.** The solid waste management authority shall properly serve notice by:

1. Delivering it to the owner or operator of the materials recovery facility;

2. Delivering it to the person in charge of the materials recovery facility; or

3. Sending it by registered or certified mail, return receipt requested, to the last known address of the owner or operator of the materials recovery facility. The solid waste management authority shall file a copy of the notice in the records of the solid waste management authority.

**Section 16. Severability Clause.**

1. Should any section, paragraph, sentence, clause, or phrase of these Regulations be declared unconstitutional or invalid for any reason, the remainder of said Regulations shall not be affected thereby.

2. These Regulations shall become effective upon approval by the District Board of Health.