

SOLID WASTE MANAGEMENT AUTHORITY
REGULATIONS GOVERNING

RECYCLING CENTERS

Adopted by the Clark County District Board of Health
on December 13, 2001
Amended January 24, 2002



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RECYCLING CENTERS

General Provisions

WHEREAS, Nevada Revised Statute 444.580 authorizes the District Board of Health to adopt standards and regulations governing the location, design, construction, operation and maintenance of solid waste management systems, including Recycling Centers;

WHEREAS, the improper management and disposal of solid waste and recyclable materials may constitute a hazard to public health and the environment;

WHEREAS, properly designed and operated Recycling Centers encourage the diversion and recovery of recyclable materials from the solid waste stream, and provide a more reliable reporting mechanism to the solid waste management authority; and

NOW, THEREFORE, the District Board of Health of Clark County hereby adopts the following regulations for the enforcement of chapter 444 of Nevada Revised Statutes.

INTENT AND SCOPE

- INTENT** The purpose of these Regulations is to protect public health and the environment, encourage the diversion and recovery of recyclable materials, and provide for the reporting of recycling information to the solid waste management authority.
- SCOPE** These Regulations establish definitions; set standards for the location, design, construction, operation, and maintenance of Recycling Centers; establish record keeping and reporting requirements; provide for enforcement; and include provisions for the issuance, suspension, and revocation of permits.

Section 1. The Clark County District Board of Health (BOH) Solid Waste Management Regulations (SWMR) are hereby amended to include the following provisions set forth as Sections 2 through 16.

Section 2. Definitions.

1. **"Hazardous waste " defined. (NRS 459.430)** AHazardous waste@ means any waste or combination of wastes, including, without limitation, solids, semisolids, liquids or contained gases, except household waste, which:

(a) Because of its quantity or concentration or its physical, chemical or infectious characteristics may:

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

(2) 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.

(b) Is identified as hazardous by the Nevada Department of Conservation and Natural Resources as a result of studies undertaken for the purpose of identifying hazardous wastes.

(c) Is defined under RCRA 40 Code of Federal Regulations 261.3. The term includes, among other wastes, toxins, corrosives, flammable materials, irritants, strong sensitizers and materials which generate pressure by decomposition, heat or otherwise.

2. **"Prohibited waste@ defined.** AProhibited waste@ means solid waste that cannot be accepted at a recycling center. The following list is developed due to the difficulty in handling and processing these wastes and the potential threat to public health and the environment. The prohibited wastes include, but are not limited to:

(a) Hazardous wastes;

(b) PCBs;

(c) Asbestos;

(d) Contaminated soils;

(e) Raw sewage;

(f) Septic tank pumpings; and

(g) Regulated medical waste as defined in 49 CFR Part 173, Appendix G, as that appendix existed on November 8, 1993.

3. **"Putrescible" defined.** "Putrescible" means capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors or gases (ref. Dist. BOH SWMR 444.608).

4. **"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 as determined by the solid waste management authority (ref. NRS 444A.013). "Recyclable material" includes, but is not limited to:

(a) Newspaper;

(b) Corrugated cardboard;

(c) Aluminum;

(d) Yard debris, i.e., vegetation, green waste;

(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.

(ref. Dist. BOH SWMR 444A.100)

5. **"Recycling center" defined.** A Recycling center@ means a facility designed and operated to receive, store, or process recyclable material which has been separated at the source from all but residual solid waste (ref. NRS 444A.014). The center must receive store and process only source-separated recyclables for which there is an available market to be permitted as a recycling center. The recyclable materials must be separated from the solid waste stream at the source of waste generation. A Recycling Center may not receive any solid waste, other than residual solid waste, commingled with recyclables at the recycling facility. The term "Recycling Center" does not include a:

- (a) Materials recovery facility (Dist. BOH MRF Reg=s. - Section 2, #1);
- (b) Transfer station (Dist. BOH SWMR 444.628);
- (c) Compost plant (Dist. BOH SWMR 444.670);
- (d) Hazardous waste recycling facility permitted by the NDEP or the U.S. EPA;
- (e) Convenience center (Dist. BOH Public Storage Bin Facility Reg=s. - Section 2, #1);
- (6) Drop off bins; and
- (7) Agricultural facility.

6. **A Residual solid waste@ defined.** A Residual solid waste@ means an insubstantial amount of non-permitted material, as determined by the solid waste management authority, that remains or is left after the separation and removal of legitimate recyclable materials, that cannot be recycled and that must be disposed of as solid waste pursuant to Section 8, Subsection 1, of these regulations.

7. **"Solid waste" defined.** A Solid waste@ means all putrescible and non-putrescible 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 459.600, inclusive (ref. NRS 444.490).

8. **"Solid waste management authority" defined.** "Solid waste management authority" means the officers and agents of the district board of health in any area in which a health district has been created pursuant to NRS 439.370 and in any area over which the board has authority pursuant to an interlocal agreement, if the board has adopted all regulations that are necessary to carry out the provisions of NRS 444.440 to 444.620, inclusive.

Section 3. Approval needed for operation.

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

2. A permit application to operate a recycling center must be submitted to the solid waste management authority before construction and/or operation of the center begins.

3. An existing recycling center must submit a permit application for approval to the solid waste management authority not later than 120 days after the adoption of these regulations.

4. The recycling center must be approved, licensed, and/or permitted by local applicable agencies, i.e., air quality, zoning, fire, flood control, business license, planning, stormwater, etc., before construction and operation begin.

Section 4. Application for permit to operate; application to modify.

1. A permit application to operate a recycling center must include:

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

- (1) The recycling center;
- (2) The owner of the recycling center;
- (3) The operator of the recycling center; and
- (4) The authorized agent of the owner.

(b) Proof of ownership or lease agreement for the land on which the recycling center will be located;

(c) A report of the design of the recycling center that complies with the provisions of Sections 5 and 6 of these regulations;

(d) A plan for operating the recycling center that complies with the provisions of Sections 7 and 8 of these regulations;

(e) A plan for the closure of the recycling center that identifies the costs for removal and proper disposal of the maximum inventory of residual solid waste and recyclable materials for which the center is designed and other associated closure costs as required by section 11 of these regulations;

(f) A list of the anticipated types, quantities and sources of recyclable materials that will be received and processed at the recycling center;

(g) Proof of financial assurance that complies with Section 11 of these regulations.

(h) A description of the final use, or the available markets, for the recyclable materials;

and

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

2. A recycling center that has been approved by the solid waste management authority may not modify:

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

(b) The types of recyclable materials that a center may accept; or

(c) The design or method of operation of the center, unless the center obtains the prior approval of the solid waste management authority for those modifications. An application to modify a recycling center 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 recycling center must:

1. Include a detailed description of the location of the center, a diagram indicating the manner in which the recyclable materials are processed and stored at the center, and the design capacity and environmental controls for the center;

2. Be prepared under the direction of and signed and stamped by a licensed professional engineer who is licensed in the State of Nevada;

3. Include a general location map that indicates land use as indicated on the currently adopted Master Plan/Land Use Guide and according to the existing zoning or resolution-of-intent(s) within 1 mile of the recycling center; and

4. Include engineered plans and specifications for the recycling center in sufficient detail to demonstrate compliance with the standards for the design of the center set forth in Section 6 of these regulations. 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 recycling center;
- (d) Include provisions for the control of surface water to minimize the contact of storm water with recyclable materials and residual solid waste, 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, handling and storing recyclable materials, areas for storing solid waste, maintenance areas and any other appurtenances;
- (f) Include the maximum processing rate of the center and the maximum storage capacity, in cubic yards, for processed and unprocessed recyclable materials;
- (g) Include provisions for controlling odors, dust, and litter to prevent a public nuisance;
- (h) Define the population and area that will be served by the recycling center.

Section 6. Standards for design.

1. A recycling center must be constructed with:
 - (a) Barriers and appurtenances necessary to control access to the center;
 - (b) A concrete or asphalt paved road that provides access to the center in all kinds of weather;
 - (c) Appurtenances to control pollution and litter;
 - (d) Appurtenances that screen the center from the view of members of the general public;
 - (e) Processing of bulk items such as white goods and scrap metal must be processed on a concrete or asphalt paved surface that controls run-on and run-off and the accumulation of standing water. Further processing by welding or cutting scrap metal can be conducted on a gravel surface;
 - (f) A structure approved by the applicable local municipality if said municipality=s zoning or other requirements mandates such structure; and
 - (g) Storage areas for processed materials which will not cause health or environmental hazards, or public nuisances.
2. A recycling center that is open to the public must provide signage indicating:
 - (a) The owner and operator of the site;
 - (b) The hours of operation;
 - (c) Materials accepted and excluded; and
 - (d) The flow of traffic within the recycling center.
3. The design and location of a recycling center must comply with applicable local ordinances.

Section 7. Plan for operating. The plan for operating the recycling center must include, without limitation:

1. The provisions for controlling access to the recycling center;
2. The number of persons who will be employed at the recycling center during operating hours;
3. A list of the equipment and machinery that will be required to operate the recycling center;
4. The procedures that will be used to control vehicular traffic within the recycling center;
5. A program for detecting, handling, and preventing the disposal of hazardous and prohibited wastes;
6. The location of storage areas for processed and unprocessed recyclable materials at the recycling center;

7. The proposed operating hours of the recycling center; and
8. A contingency plan that describes the procedures for responding to emergencies, i.e., fires, hazardous spills, etc.

Section 8. Operating standards.

1. Residual solid waste generated at the recycling center must be transferred to a disposal site that has been issued a permit by the solid waste management authority.

2. Unless the owner or operator is unable to do so because of an emergency, residual solid waste must be removed from a recycling center:

(a) Not more than 24 hours after acceptance by the center if the solid waste is putrescible; and

(b) Not more than one week after acceptance by the center if the solid waste is non-putrescible.

3. Each center will be required to maintain records that accurately track the start date of materials storage to comply with this section. A center is not required to track individual recyclables. It may use records of purchase and sales or use a balance sheet showing recyclable materials entering the facility and processed materials shipped from the facility to demonstrate compliance with these regulations.

4. Recyclable materials must be handled, processed, and stored in accordance with applicable local ordinances and fire codes.

5. A recycling center shall only receive material that has been separated at the source of generation for recycling prior to receipt and is commingled with no more than residual solid waste. Further separation of recyclable materials may occur for the purposes of segregating the recyclable material.

6. The owner or operator of a recycling center shall:

(a) Inspect daily the area of the center and adjacent properties to collect and properly dispose of all scattered paper and lightweight debris; and

(b) Meet standards for storage, collection, and transportation of recyclable materials and solid waste as set by local ordinances:

(1) The District BOH SWMR do not abridge the authority of a town, city or county to establish, by ordinance or otherwise, higher standards than those contained in these regulations. However, a local ordinance or code may not conflict with the District BOH SWMR.

(2) No system for the storage, collection or transportation of solid waste and recyclable materials may be allowed to cause health hazards, public nuisances or adversely impact the environment.

Section 9. Operating records.

1. The operator of a recycling center shall maintain accurate operating records at the center. 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 center. The records must include:

(a) A daily record of:

(1) The quantity of recyclable materials received at the center;

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

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

(b) The receipt or rejection of prohibited wastes; and

(c) Any emergencies or unusual events.

2. The owner or operator of a recycling center shall comply with the following requirements concerning the reporting of recycled materials:

(a) By February 15 of each year, a recycling survey must be submitted to the solid waste management authority. The survey form will be provided to the recycling centers by the solid waste management authority. The survey must be certified by the owner or operator of the recycling center.

(b) Upon the request of the solid waste management authority during the regular business hours at the center, the owner or operator must furnish information, including, but not limited to, bills of lading, manifests and certified receipts which may be necessary to verify the recycling survey.

Section 10. Closure of facility.

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

2. The owner or operator shall, within 30 days after receiving the final shipment of recyclable materials, remove all remaining solid waste, litter, recyclable materials and inoperable equipment in accordance with the plan for closure of the center required by Section 4 of this regulation.

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

1. The owner or operator of a recycling center shall obtain and post with the solid waste management authority, a surety bond, or any other mechanism of financial assurance as a condition of the issuance of a recycling center permit. The surety bond must be payable to the solid waste management authority and sufficient to cover the cost to the solid waste management authority or its designee of closing the center, including, but not limited to, the removal and proper disposal of the maximum inventory of residual solid waste and recyclable materials for which the center is designed. The amount of the surety bond, or other mechanism of financial assurance, shall be the subject of yearly review and update to ensure it covers the current cost of closure and removal and proper disposal of the maximum inventory of residual solid waste and recyclable materials.

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 the solid waste management authority upon failure to remove and properly dispose residual solid waste and recyclable materials within 60 days of closure, or upon failure to remove and properly dispose residual solid waste and recyclable materials within 60 days of being ordered to so remove and dispose.

3. The owner or operator of the recycling center or any other person who is authorized to conduct activities for the closure of the center may request reimbursement from the solid waste management authority for any cost incurred to close the center and remove and properly dispose of the remaining inventory of residual solid waste and recyclable materials. The solid waste management authority may provide reimbursement for that cost only if there is sufficient money received by the solid waste management authority from the surety bond or other financial assurance to pay the remaining costs to close the center, and remove and properly dispose of the remaining inventory of residual solid waste and recyclable materials.

Section 12. Inspections; enforcement; notice of violations.

1. Whenever the solid waste management authority conducts an inspection of a recycling center, 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 for the owner or operator to be in compliance with the noted violations.

2. If an owner and/or operator of a recycling center 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; and

(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 recycling center 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 recycling center; 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 recycling center 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 recycling center must comply with the plans for the design and operation of the center, and the conditions of the permit issued by the solid waste management authority. A recycling center 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 center 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 recycling center, 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 recycling center 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 recycling center 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 center is closed.

3. Permits are not transferable without review and determination by the solid waste management authority staff that all requirements imposed by law, including these regulations are satisfied. Transfer of more than 50 percent of the outstanding shares of stock of any corporation or limited liability company that has been issued a recycling center permit is considered a transfer requiring the review and determination specified by this sub section.

4. The transfer of the permit is considered a permit modification and is subject to the appropriate fees established by the Board of Health.

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

1. Delivering it to the owner or operator of the recycling center;
2. Delivering it to the person in charge of the recycling center; or
3. Sending it by registered or certified mail, return receipt requested, to the last known address of the owner or operator of the recycling center. 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.