

SOLID WASTE MANAGEMENT AUTHORITY

REGULATIONS GOVERNING TEMPORARY PERMITS TO OPERATE SOLID WASTE DISPOSAL SITES

Adopted by the Southern Nevada District Board of Health
on January 22, 2009



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**SOLID WASTE MANAGEMENT AUTHORITY
REGULATIONS GOVERNING
Temporary Permits to Operate Solid Waste Disposal Sites**

WHEREAS, the Southern Nevada Health District (SNHD) has been established by the County of Clark and the cities of Las Vegas, Henderson, North Las Vegas, Mesquite, and Boulder City as the Public Health Authority for those entities, pursuant to Nevada Revised Statutes (NRS) Chapter 439; and

WHEREAS, the Southern Nevada District Board of Health (Board) is the governing body of the SNHD, and is vested with jurisdiction over all public health matters within its district of Clark County, Nevada, and is authorized to adopt Regulations necessary to protect and promote public health and safety in the geographical area subject to its jurisdiction; and

WHEREAS, the Board is the Solid Waste Management Authority (SWMA) within its district of Clark County, Nevada, and is authorized pursuant to NRS 444.580 to adopt Regulations for the location, design, construction, operation and maintenance of solid waste disposal sites and solid waste management systems; and

WHEREAS, the Board finds that the efficient and sanitary storage, processing, and disposal of solid waste does affect public health, public safety and the environment, and that it is necessary to adopt Solid Waste Management Authority Regulations Governing Temporary Permits to Operate Solid Waste Disposal Sites to promote and regulate the safety and sanitary condition of those sites; and

WHEREAS, the Board believes that the following Regulations are designed to protect public health, public safety and the environment, within the context of solid waste management systems; and it does therefore publish, promulgate and order compliance with the substantive and procedural requirements hereinafter set forth within Clark County, Nevada.

INTENT AND SCOPE

Intent The purpose of these Regulations is to allow certain types of solid waste disposal sites to operate and generate revenue to keep a company viable for up to six (6) months while working through the SWMA permitting process. If operated correctly, the company would stay within environmental laws to protect public health, public safety and the environment. The purpose of these Regulations is to protect the public health, public safety and the environment through preventive measures and timely correction of public health, public safety and environmental risks and solid waste management issues.

Scope These Regulations establish definitions; set minimum standards for the issuance of temporary permits to operate solid waste disposal sites; outline financial assurance requirements pertaining to closure of these sites; record keeping and reporting requirements; provide for inspection and enforcement actions; and include provisions for the issuance, suspension, and revocation of such Permits.

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SECTION 1

GENERAL PROVISIONS

Summary of acronyms and abbreviations of terms used in these Regulations

Board	Southern Nevada District Board of Health
CFC	Chlorofluorocarbon
C&D	Construction and demolition
LLC	Limited Liability Company
NAC	Nevada Administrative Code
NRS	Nevada Revised Statutes
SNHD	Southern Nevada Health District
SWMA	Solid Waste Management Authority

Definitions. As used in these Regulations, unless the context otherwise requires, the following words and terms defined have the meanings ascribed to them in this document as they pertain to solid waste disposal sites:

1. **“Agency of jurisdiction” defined.** The **agency of jurisdiction** is the political entity; local planning, zoning, and/or building department; air quality authority; flood control and/or stormwater authority; safety authority; fire marshal; business licensing; police; federal regulatory agency; department of agriculture; or other federal, state, or local health agency other than the Health Authority, having jurisdiction concerning construction, operation, maintenance, and public safety of a solid waste disposal site.
2. **“Cease and Desist Order” defined.** A **Cease and Desist Order** is a written Order issued by the Health Authority which directs the responsible person to stop causing or allowing a violation of these or any other applicable Regulations at a solid waste disposal site. As specified in the Cease and Desist Order, a timeframe to achieve compliance with the Order may be included.
3. **“Class I site” defined.** A **Class I site** is a solid waste disposal site which:
 - (a) Is comprised of at least one municipal solid waste landfill unit including all contiguous land and structures, other appurtenances and improvements on the land used for the disposal of solid waste; and
 - (b) Is not a Class II or Class III site.

4. **“Class II site” defined.** A **Class II site** is a solid waste disposal site:
 - (a) Which is comprised of at least one municipal solid waste landfill unit;
 - (b) Which accepts less than 20 tons of solid waste per day on an annual average;
 - (c) For which there is no evidence of contamination of groundwater originating from the site;
 - (d) Which serves a community that has no other practicable alternatives for waste management; and
 - (e) Which is located in an area which annually receives no more than 25 inches of precipitation.The term includes all contiguous land and structures, other appurtenances and improvements on the land used for the disposal of solid waste.
5. **“Class III site” defined.** A **Class III site** is a solid waste disposal site which accepts only industrial solid waste.
6. **“Compost plant” defined.** A **Compost plant** is a solid waste disposal site which uses controlled biological degradation to convert solid waste into an inoffensive humus-like product.
7. **“Construction and demolition waste” defined.** **Construction and demolition (C&D) waste** is non-hazardous solid waste resulting from the construction, remodeling, repair, and demolition of utilities and structures; and uncontaminated solid waste resulting from land clearing. Such waste includes, but is not limited to, wood (including painted, treated, and coated wood and wood products), land clearing debris, wall coverings, plaster, drywall, plumbing fixtures, non-asbestos insulation, roofing shingles and other roofing coverings, glass, plastics that are not sealed in a manner that conceals other wastes, empty buckets ten (10) gallons or less in size and having no more than one (1) inch of residue remaining on the bottom, electrical wiring and components containing no hazardous liquids, pipe and metals, corrugated container board, carpeting, furniture, and tires, that are incidental to any of the above. Solid waste that is not C&D debris, (even if resulting from the construction, remodeling, repair, and demolition of utilities, structures, and roads and land clearing) includes, but is not limited to, asbestos waste, garbage, electrical fixtures containing hazardous liquids such as fluorescent light ballasts or transformers, fluorescent light bulbs or tubes, appliances, drums, containers greater than ten (10) gallons in size, any containers having more than one (1) inch of residue remaining on the bottom, or fuel tanks.
8. **“Construction and demolition waste short-term storage facility” defined.** A **Construction and demolition waste short-term storage facility** is a solid waste disposal site that provides for the storage of one or more trucks, trailers, and/or portable waste containers which are used for the collection of C&D solid waste for transport to a permanent disposal site.
9. **“Disposal site” defined.** A **disposal site** is any place at which solid waste is dumped, abandoned, or accepted or disposed of by incineration, land filling, composting or any other method. The term includes a municipal solid waste landfill.

10. **“Garbage” defined.** **Garbage** is putrescible animal and vegetable wastes resulting from the handling, storage, sale, preparation, cooking, and serving of food.
11. **“Hazardous waste” defined.** **Hazardous waste** is a waste with properties that makes it dangerous or potentially harmful to human health or the environment. In regulatory terms, a Resource Conservation and Recovery Act hazardous waste is a waste that appears on one of the four hazardous waste lists (F-list, K-list, P-list, or U-list), or exhibits at least one of four characteristics—ignitability, corrosivity, reactivity, or toxicity.
12. **“Health Authority” defined.** **Health Authority** means the officers and agents of the Board and the staff of the SNHD.
13. **“Household hazardous waste” defined.** **Household hazardous wastes** are hazardous products used and disposed of by residential as opposed to industrial consumers. This includes paints, stains, varnishes, solvents, pesticides, and other materials or products containing volatile chemicals that can catch fire, react or explode, or that are corrosive or toxic.
14. **“Materials recovery facility” defined.** A **Materials recovery facility** is a solid waste disposal site 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 site 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 site that receives, processes or stores only concrete, masonry waste, asphalt pavement, brick, uncontaminated soil or stone for the recovery of recyclable materials.
15. **“Notice of Violation” defined.** A **Notice of Violation (NOV)** is a written notice that may be issued by the Health Authority if the owner, operator, and/or responsible person operating a solid waste disposal site is alleged to be in violation of a condition(s) set forth in the Permit to operate, solid waste management regulation(s) or statute(s); or presents a threat to human health, public safety, or the environment, including a public nuisance. Issuance of an NOV will require a hearing of the charges before a SWMA Hearing Officer.
16. **“Nuisance” defined.** A **nuisance** is anything which is injurious to health, offensive to the senses, or an obstruction to the free use of property, and thus interferes with the comfortable enjoyment of life or property.

17. **“Operator” defined.** An **Operator** is the person responsible for the operation of a solid waste disposal site or any part of it. An operator may also be an owner.
18. **“Owner” defined.** The **Owner** is the person who owns a solid waste disposal site or any part of it. An owner may also be an operator.
19. **“Permit To Operate a Solid Waste Management Facility” defined.** A **Permit To Operate a Solid Waste Management Facility** is the initial written approval by the SWMA to design, construct, and operate a solid waste disposal site under the provisions of these Regulations, and is separate from any other licensing and/or permitting requirements of other agencies of jurisdiction that may exist within political subdivisions where the solid waste disposal site is located.
20. **“Permit revocation” defined.** **Permit revocation** occurs when the SWMA revokes all permission to operate a solid waste disposal site due to the presence of significant health, safety, and environmental hazards; and/or repeated failure to comply with applicable laws and regulations. Upon receipt of the revocation Order, the solid waste disposal site must cease immediately all operations at all work sites operated under the Permit. Revocations are intended to result in permanent closure of the solid waste disposal site. The solid waste disposal site may seek relief through the appeal process outlined in these Regulations.
21. **“Permit suspension” defined.** **Permit suspension** occurs when the SWMA suspends all permission to operate a solid waste disposal site due to the presence of significant health, safety, environmental hazards, and/or failure to comply with applicable laws and regulations that are facility wide or are of such severity as to cause an imminent hazard to the health and safety of the public and employees. Suspensions may lead to eventual Permit revocation. The solid waste disposal site may seek relief through the appeal process outlined in these Regulations.
22. **“Person” defined.** **Person** includes any state or federal agency; any state, including the State of Nevada; a political subdivision of any state; any interstate agency or organization; any firm, partnership, corporation, or Limited Liability Company (LLC) meeting all legal requirements of the State of Nevada; or a natural person.
23. **“Public waste storage bin facility” defined.** A **public waste storage bin facility** is a solid waste disposal site that provides one or more portable waste containers which are used for the collection of solid waste for transport to a permitted solid waste disposal site. The term does not include residential or commercial waste containers that are located on or near a site of waste generation.
24. **“Putrescible” defined.** **Putrescible** means capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors or gases.

- 25. “Recyclable material” defined.** **Recyclable material** is solid waste that is processed and returned to the economic mainstream in the form of raw materials or products, as determined by the State of Nevada Environmental Commission. The State of Nevada Environmental Commission interprets recyclable material to include, without limitation:
- (a) Newspaper;
 - (b) Corrugated cardboard;
 - (c) Aluminum;
 - (d) Yard debris (material generated from plants, including trees, bushes, sod, and grass clippings on residential or business property);
 - (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
- 26. “Recycling center” defined.** A **Recycling center** is a solid waste disposal site designed and operated to receive, store and 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(n):
- (a) Materials recovery facility (Dist. BOH MRF Reg. – Section 2, #1);
 - (b) Transfer station (Dist. BOH TS Reg. – Section 1, #26);
 - (c) Compost plant (Dist. BOH SWMR 444.670);
 - (d) Hazardous waste recycling facility permitted by the NDEP or the U.S. EPA;
 - (e) Public waste storage bin facility (Dist. BOH PWSBF Reg. – Section 1, #18);
 - (f) Drop-off bins; and
 - (g) Agricultural facility.
- 27. “Responsible person” defined.** A **responsible person** is the person or persons who own(s), manage(s), lease(s), acts as the primary point of contact or otherwise controls the construction, remodeling, operation or maintenance of a solid waste disposal site. The responsible person may be the owner or operator.

28. **“Solid waste” defined.** **Solid waste** is any garbage, refuse, rubbish, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923), or hazardous waste as defined in the Resource Conservation and Recovery Act, Subpart C.
29. **“Solid Waste Management Authority” defined.** The **Solid Waste Management Authority (SWMA)** means:
- (a) The district board of health in any area in which a health district has been created pursuant to NRS 439.362 or 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.
 - (b) In all other areas of the State, the Division of Environmental Protection of the State Department of Conservation and Natural Resources.
 - (c) In states other than Nevada, any solid waste management authority having jurisdiction over the location of the permanent disposal site.
30. **“Solid waste management system” defined.** A **solid waste management system** is the entire process of storage, collection, transportation, processing, recycling and disposal of solid waste. The term includes plans and programs for the reduction of waste and public education.
31. **“Source separated recyclable materials” defined.** **Source separated recyclable materials** are solid wastes that include single recyclable or commingled recyclable materials that have been separated from the waste stream, with ten (10) percent or less by weight or volume of non-recyclable solid waste, at the site of generation.
32. **"Temporary Permit" defined.** A **temporary permit** is the written temporary approval by the SWMA to operate a solid waste disposal site under the provisions of these Regulations, and all other applicable Federal, State and local agencies of jurisdiction’s Laws, Regulations, and Ordinances.
33. **“Transfer station" defined.** A **transfer station** is a solid waste processing site where solid waste is transferred from one vehicle to another vehicle or storage device for temporary storage until transferred to a permanent disposal site approved by the SWMA or permitted by any other solid waste management authority having jurisdiction over the location of the permanent disposal site. Some processing may be included therein. The term does not include public waste storage bin facilities or C&D waste short-term storage facilities.

34. **“Vector” defined.** A **vector** is a living insect or other arthropod or animal (not human) capable of carrying infectious disease from one person or animal to another.

35. **“Waste Management Permit” defined.** A **Waste Management Permit** is an annual Permit issued by the SWMA for a solid waste disposal site to operate and conduct day-to-day business. Annual fees are assessed in accordance with the SNHD Environmental Health Fee Schedule.

SECTION 2

RISKS TO PUBLIC HEALTH, SAFETY, AND THE ENVIRONMENT

A solid waste disposal site must not create risks to public health, public safety, or the environment. In general, risks are identified as those activities or conditions that cause:

- 1.** The pollution of the air, land, or waters of the State.
- 2.** A health or safety hazard to the general public or employees of the solid waste disposal site.
- 3.** A public nuisance.

SECTION 3

APPROVALS FOR OPERATION

1. The location, design, and operation of a solid waste disposal site must comply with all relevant laws, regulations, codes, and ordinances from all applicable federal, state, and local agencies of jurisdiction.
2. A solid waste disposal site shall not begin operation until the site location has been approved by the agency of jurisdiction, a business license has been applied for at the agency of jurisdiction, and a Temporary Permit has been approved and issued by the SWMA to the operator/owner for the solid waste disposal site.
3. A Temporary Permit issued pursuant to these Regulations is issued for a specific location and to a specific owner/operator and is not transferable. A fee as specified in the SNHD Environmental Health Division Permit and Plan Review Fee Schedule shall be paid at the time of Temporary Permit application submission.
4. Transfer of more than 50 percent of the outstanding shares of stock of any corporation or LLC that has been issued a Temporary Permit is considered a transfer of ownership. The existing Temporary Permit would be considered null and void and a new Permit would be required to be applied for along with payment of all fees associated with the new application. The new Permit shall be applied for within one week of the change of ownership.
5. These regulations shall only apply to recycling centers, materials recovery facilities which accept only construction and demolition waste, construction and demolition waste short-term storage facilities, and such other solid waste disposal sites as determined by the SNHD Environmental Health Director to have a low potential to create risks to public health, public safety, and/or the environment or to cause a public nuisance. These regulations shall not apply to solid waste disposal sites that have been approved by the SWMA but have not been issued a Permit. Applications for a Temporary Permit to operate a Class I, Class II or Class III landfill, transfer station, materials recovery facility (except as noted above), compost plant, incinerator, or any other solid waste disposal site that has the potential to create risks to public health, public safety, and/or the environment or to cause a public nuisance shall not be considered.
6. A Temporary Permit shall be valid for six (6) months from the initial date of issue. Extensions shall not be considered or approved except in extraordinary circumstances beyond the control of the applicant, as determined by the SNHD Environmental Health Director. Appropriate documentation must be submitted with a written request for an extension at least twenty-one (21) days prior to the expiration of the existing Temporary Permit. A maximum of one (1) extension may be granted to any solid waste disposal site issued a Temporary Permit. Extensions shall be granted for a period of six (6) months.

SECTION 4

APPLICATION FOR TEMPORARY PERMIT TO OPERATE

1. Application for a Temporary Permit

(a) An application for a Temporary Permit to operate a solid waste disposal site will not be accepted by the Health Authority without the inclusion of:

(1) Documentation of Land Use approval to operate the specified type of solid waste disposal site by the agency of jurisdiction;

and

(2) Documentation that an application for a business license or temporary business license to operate the specified type of solid waste disposal site has been submitted to the agency of jurisdiction.

(b) Prior to commencing the operation of any solid waste disposal site under the authority of these Regulations, the owner or operator, responsible person or persons, business entity, or agent must make written application for a Temporary Permit on forms provided by the Health Authority, pay all applicable fees, and receive written approval from the SWMA to operate. Fees are not refundable or prorated. An application for a Temporary Permit shall be considered null and void if an applicant fails to respond to the SWMA within twenty-one (21) days after a specified due date.

(c) When making application for a Temporary Permit to operate a solid waste disposal site, two (2) copies of the application, including all associated enclosures, must be submitted in the format specified by the SWMA. Any subsequent changes to the application must also be submitted in duplicate and in the format specified by the SWMA. The application must include:

(1) The name, location, phone number, and mailing address of:

i. The physical location and operator of the solid waste disposal site,

ii. The business owner of the solid waste disposal site,

iii. The property owner of the solid waste disposal site,

iv. The authorized agent of the owner, if applicable.

- (2)** A statement indicating whether the applicant is a natural person, firm or corporation, and:
 - i.** If the applicant is a natural person, the name and mailing address of the natural person shall be provided.
 - ii.** If the applicant is a firm or partnership, the name(s) and mailing address(es) of the managing partner(s) shall be provided.
 - iii.** If the applicant is a corporation, the names and mailing addresses of the corporate officers shall be provided.
 - iv.** If the applicant is a LLC, the name(s) and mailing address(es) of the manager(s) shall be provided.
- (3)** The signature of a responsible person;
- (4)** Evidence of ownership or a lease agreement for the land on which the solid waste disposal site will be located;
- (5)** Documentation showing the Land Use Permit(s) issued by the agency of jurisdiction for the solid waste disposal site;
- (6)** Documentation showing a business license(s) or temporary business license(s) have been applied for or issued for the solid waste disposal site from the agency of jurisdiction;
- (7)** Documentation showing any other permits or licenses for the solid waste disposal site required to be issued by agencies of jurisdiction, as applicable; i.e., air quality, fire, flood control (Storm Water Pollution Prevention Plan), building department, etc.;
- (8)** The documents specific to financial assurance as specified in Section 6;
- (9)** Any other information or documents required by the SWMA; and
- (10)** An outline of the Plan of Operation specifying:
 - i.** Types of solid waste to be handled,
 - ii.** Volumes to be handled daily, weekly, and monthly,
 - iii.** Sources of waste stream,
 - iv.** Sources for disposal,
 - v.** Number and position titles of staff,

vi. Number and types of equipment used to store, process, and/or dispose of solid waste at the site, and

vii. Available markets.

(d) Notice concerning completeness of application and compliance

The Health Authority shall, within twenty-one (21) days after receiving an application for a Temporary Permit to operate a solid waste disposal site (or within fourteen (14) days after receiving the most recent submission/addition to such an application), evaluate the merits of the application to determine if the application is in compliance with all applicable statutes and regulations. If the Health Authority determines that the application does not comply with all applicable statutes and regulations, and/or if the Health Authority will require additional documents or information, it shall provide a written notice to the applicant within the time frames specified above. The notice must specify:

- (1) Each statute or regulation with which the applicant has failed to comply;
- (2) Any documents or other information which the applicant is required to submit to the Health Authority; and
- (3) The period within which the applicant is required to submit to the Health Authority the documents or other information requested pursuant to **Section 4, paragraph 1, subparagraph (d), part (2)** above.

(e) Public notice and fact sheet and public hearing

- (1) Upon determining that the application is complete, the Health Authority shall prepare and issue a public notice and fact sheet. The public notice and fact sheet shall:
 - i. Be sent to the applicant and the local governing body in the area in which the solid waste disposal site is to be located, and published in a newspaper of general circulation for the area in which the solid waste disposal site is located;
 - ii. Summarize the action to be taken by the Health Authority;
 - iii. State that the Health Authority will accept comments from the general public for thirty (30) days after the date that the notice is issued;
 - iv. Describe the procedure for obtaining copies of the documents and comments submitted with the application, and
 - v. Describe the proposed solid waste disposal site, the proposed action, the availability of the documents submitted with the application, and the procedure for public review and comment.

(2) The Health Authority shall present and offer for Board of Health review the application for a Temporary Permit to operate a solid waste disposal site during the public hearing. The Temporary Permit to operate a solid waste disposal site must be approved or denied by the Board of Health, acting as the SWMA, at the public hearing held during a regularly-scheduled Board of Health meeting.

(f) Health Authority response to written comments concerning proposed Permit

Comments regarding the proposed issuance or denial of the Temporary Permit are documented in the record of the public hearings, and written comments submitted to the Health Authority are retained as part of the public record. Comments and their resolutions shall be available for public inspection upon request.

(g) Temporary Permit issuance, revocation, or suspension

A Temporary Permit to operate a solid waste disposal site issued by the SWMA:

- (1) Shall be issued for up to six (6) months;
- (2) May be modified by the SWMA if the statutes or regulations upon which the issuance of the Temporary Permit is based changes or if a modification is otherwise necessary to protect public health, public safety, the environment or prevent a public nuisance;
- (3) Must specify the amount and type of solid waste which the solid waste disposal site may receive, process, and/or store that is consistent with the design of the solid waste disposal site;
- (4) Must be issued to a specific operator and/or owner;
- (5) Is not transferrable under any conditions;
- (6) Shall not be modified.

2. Temporary Permit fee schedule

Pursuant to NRS 439.360(5), and under the authority of NRS 439.410(3) and NRS 444.580, the SWMA authorizes the issuance of Temporary Permits and collection of fees as specified in the current SNHD Environmental Health Permit Fee Schedule. Temporary Permit fees are non refundable and shall not be prorated. The types of Permits and/or fees specified include:

- (a) Temporary Permit Application Fee. This fee is assessed at the time of the formal submission of the application. The Temporary Permit application fee shall be equal to 50% of the applicable waste management plan review fee.

- (b)** Waste Management Temporary Permit Fee. This fee is assessed at the time the Temporary Permit is issued. The Waste Management Temporary Permit fee shall be equal to 50% of the applicable annual waste management permit fee.
- (c)** Extension of Temporary Permit Fee. This fee is assessed at the time the extension is granted by the SNHD Environmental Health Director. The Temporary Permit Extension Fee shall be 50% of the fees specified in paragraphs (a) and (b) above.

SECTION 5

DESIGN AND OPERATING STANDARDS

1. A solid waste disposal site operating with a Temporary Permit must comply with all design and operating standards specific to their site type as determined and specified by the SWMA. A solid waste disposal site operating with a Temporary Permit shall not exceed the volume limits specified in the applicable SWMA Regulations.
2. A solid waste disposal site operating with a Temporary Permit must comply with all limitations and conditions specified in the Temporary Permit.
3. A solid waste disposal site operating with a Temporary Permit must comply with all relevant laws, regulations, codes, and ordinances from all applicable federal, state, and local agencies of jurisdiction.
4. Operating records
 - (a) The operator of a solid waste disposal site shall maintain accurate operating records at the solid waste disposal site or business office. Copies of the operating records must be furnished upon request to the Health Authority or made available for inspection by the Health Authority, at the Health Authority's discretion, during the regular business hours of the solid waste disposal site or business office. The records must include:
 - (1) A daily record of:
 - i. The quantity of solid waste and/or recyclables, as applicable, received and transported.
 - ii. The name and location of each permitted solid waste disposal site, or other facility, receiving the solid waste and/or recyclables.
 - (2) Any receipt or rejection of prohibited solid wastes. The Health Authority shall be notified by the next working day, in writing and in a format specified by the Health Authority, of all rejected loads.
 - (3) Any emergencies or unusual events. The Health Authority shall be notified by the next working day of any emergencies or unusual events occurring at the solid waste disposal site.
 - (b) The Health Authority shall be provided with a report specifying the amount of solid waste and recyclables received and shipped in the previous calendar quarter, in writing and in a format specified by the Health Authority, on the fifth (5th) working day of January, April, July, and October of each year, as appropriate.

(c) The owner or operator of a solid waste disposal site shall comply with the following requirements concerning the reporting of recyclables received at and transported from the solid waste disposal site:

(1) By February 15 of each year, and no later than two (2) weeks after the expiration of the Temporary Permit, a recycling survey must be submitted to the Health Authority in the format specified by the Health Authority.

(2) The survey form will be provided to the solid waste disposal site by the Health Authority.

(3) The survey must be signed by the responsible person operating the solid waste disposal site.

(4) Upon request by the Health Authority, the responsible person must furnish documentation to verify the accuracy of the recycling survey.

SECTION 6

FINANCIAL ASSURANCE

1. Financial assurance compliance

- (a)** The owner and/or operator of a solid waste disposal site shall provide financial assurance to cover the cost to remove and dispose of the maximum amount of solid waste, including recyclables, that will be present at the solid waste disposal site and/or any structures and/or equipment brought onsite during the duration of the Temporary Permit (hereafter, closure). The financial assurance instrument must be in place prior to issuance of the Temporary Permit and through the duration of the Temporary Permit.
- (b)** Owners and/or operators who are entities of the State of Nevada or the Federal Government and whose debts and liabilities are the debts and liabilities of the State of Nevada or the Federal Government are exempt from the provisions of this Section.
- (c)** The Health Authority may approve an alternate plan for financial assurance provided the alternate plan meets the criteria set forth in this Section.

2. Financial assurance estimate cost of closure

- (a)** The owner or operator shall obtain detailed written estimates from at least two (2) non-affiliated companies, in current dollars, for the cost of closing the solid waste disposal site.
- (b)** The owner or operator shall increase the estimate and amount of financial assurance if changes to the conditions at the solid waste disposal site increase the maximum cost to remove and dispose of all solid wastes, including recyclables, present at the solid waste disposal site and/or any structures and/or equipment.
- (c)** Documentation of any changes to the original estimate of financial assurance must be submitted to the Health Authority when they occur.
- (d)** The owner or operator may reduce the amount of financial assurance upon written approval of the Health Authority, if the estimate exceeds the maximum cost of closure at any time during the remaining life of the Temporary Permit. The owner or operator shall provide the Health Authority with documentation of the justification for the reduction of financial assurance as specified in paragraph 2(a) of this Section. The reduction in financial assurance shall not be acted upon until approved by the Health Authority.

3. Financial assurance mechanisms

(a) The mechanisms used to demonstrate financial assurance pursuant to this section must ensure that the money necessary to meet the cost of closure will be available to the Health Authority whenever it is needed. The financial assurance may be in the form of:

(1) A surety bond guaranteeing payment or performance

- i. A surety bond must meet the standards listed in NAC 444.68535 as determined by the Health Authority to be applicable.

(2) A letter of credit

- i. A letter of credit must meet the standards listed in NAC 444.6854 as determined by the Health Authority to be applicable.

(3) A policy of insurance

- i. A policy of insurance must meet the standards listed in NAC 444.6855 as determined by the Health Authority to be applicable.

(4) Alternate mechanisms approved by the Health Authority

- i. An owner or operator may satisfy the requirements of this Regulation by obtaining any other mechanism which:
 - A. Meets the criteria specified in paragraph 3, subparagraph (b) of this Section, and
 - B. Is approved by the Health Authority.
- ii. A mechanism obtained pursuant to this section must be obtained by the owner or operator before the Temporary Permit is issued and maintained until the owner or operator is no longer required to demonstrate financial responsibility pursuant to this section.

(5) An assumption of responsibility by the State

If this State assumes legal responsibility for an owner's or operator's compliance with the requirements for closure or assures that money will be available from the State to cover the related expenses, the owner or operator shall be deemed to be in compliance with the requirements of this section. Any assumption of responsibility by this State must meet the criteria specified in paragraph 3, subparagraph (b) of this section.

(6) Use of multiple financial assurance mechanisms

- i. Except as otherwise provided in this section, paragraph 3, subparagraph (a), part (6), subpart (ii), an owner or operator may satisfy the requirements of this section by establishing more than one mechanism for financial assurance per solid waste disposal site. The combination of mechanisms, rather than a single mechanism, must provide financial assurance for an amount at least equal to the current estimate of cost for closure.
- ii. Any financial assurance provided by:
 - A. A corporate parent, if the entity holding the financial mechanism is a subsidiary of the corporate parent or a subsidiary of a subsidiary of the corporate parent; or
 - B. Another subsidiary of the corporate parent, if the entity holding the financial mechanism is a subsidiary of the same corporate parent,may not be combined if the financial statements of the two entities are consolidated.

(b) General requirements for all financial assurance mechanisms

- (1) An entity providing the mechanism used to demonstrate financial assurance pursuant to this section shall reimburse or make payments to the Health Authority, or its designee(s), from that mechanism, for expenses in such amounts as the Health Authority shall direct in writing.
- (2) Any such mechanism must:
 - i. Be payable only to the Health Authority, or its designee(s), as approved and authorized in writing by the Health Authority;
 - ii. In all cases the financial assurance must be unilaterally available to only the SNHD Chief Health Officer, or designee, who will ensure appropriate dispersal of monies to contractors, operators, and/or the facility owner(s) at her/his sole discretion;
 - iii. Ensure that the amount of money assured is sufficient to cover the costs of closure;
 - iv. Ensure that money will be available in a timely fashion, when needed;
 - v. Be legally valid, binding and enforceable under applicable state and federal law; and
 - vi. May only be cancelled with the written approval of the SNHD Chief Health Officer, or designee.

SECTION 7

CLOSURE OF SOLID WASTE DISPOSAL SITE

1. Closure notification

The owner or operator of a solid waste disposal site shall notify the Health Authority in writing at least thirty (30) days before the date the solid waste disposal site is expected to close. The solid waste disposal site may not accept any solid waste after the designated closing date unless a Permit to Operate a Solid Waste Management Facility has been issued by the SWMA.

2. Solid waste disposal site final clean up

The owner or operator shall, within thirty (30) days after receiving the final shipment of solid waste, remove all remaining solid waste, all waste storage bins, litter, recovered materials and inoperable equipment unless the SWMA has issued a Permit to Operate a Solid Waste Management Site at the site. Notwithstanding any other times specified in this Section, all putrescible waste must be properly disposed of within twenty-four (24) hours after receipt.

SECTION 8

INSPECTIONS AND ENFORCEMENT

1. Inspections

- (a) An owner or operator of a solid waste disposal site shall allow Environmental Health Specialists (EHSs) of the Health Authority, i.e., Deputy Health Officers, entry to their site during operating hours in order to conduct inspections of all structures, equipment, operations, and records. The purpose of the inspection is to ensure compliance with all conditions of the Temporary Permit issued by the SWMA, SWMA Regulations, and applicable federal, state, and/or local laws, regulations, ordinances, and codes.
- (b) Inspections, surveys, and visits may be made as often as the Health Authority determines is necessary to ensure compliance with all conditions of the Temporary Permit issued by the SWMA, SWMA Regulations, and applicable federal, state, and/or local laws, regulations, ordinances, and codes. A minimum of one formal inspection will be conducted during the permit period. Copies of records, diagrams, and other documents shall be provided upon request by the Health Authority, and photographs shall be taken of the site, equipment, and operations, as deemed necessary, by the Health Authority during the inspection.
- (c) The agent or agents of the Health Authority, i.e., EHSs/Deputy Health Officers, shall properly identify themselves with a photo-identification card/badge upon entry on the site.
- (d) It is unlawful for any person to interfere with the EHSs/Deputy Health Officers and/or other employees of the Health Authority in the performance of their duties, pursuant to NRS 199.300.
- (e) A copy of the inspection report will be left with the responsible person on site at the time of the inspection or other field visit. A written report of inspection findings and required corrective actions, if indicated, will be sent to the owner or operator within twenty-one (21) days of the inspection date. All violations shall be corrected within the timeframe specified in the inspection report.
- (f) A Cease and Desist Order and/or Notice of Violation may be issued for violations of SWMA Regulation(s) and other SWMA matters for which a hearing is provided for by law.

2. Enforcement

- (a)** The SWMA may suspend or revoke its approval to operate a solid waste disposal site if the owner or operator of the solid waste disposal site fails to comply with all conditions of the Temporary Permit issued by the SWMA, SWMA Regulations, and applicable federal, state, and/or local laws, regulations, ordinances, and/or codes.
- (b)** Whenever the Health Authority finds a condition in the operation of a solid waste disposal site, which, in the judgment of the Health Authority, constitutes a substantial hazard to public health, public safety and/or the environment, or a public nuisance, or is in violation of federal, state, and/or local laws, regulations, ordinances and/or codes, the Health 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 Temporary 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 request to the SWMA received within five (5) business days following service of the Order, the person shall be afforded a hearing within sixty (60) days of the date said request is received by the SWMA to contest the terms of the Order or suspension of the Temporary Permit.
- (c)** For substantial hazards to public health, public safety or the environment, repeated violations of any of the requirements of SWMA Regulations, or for interference with the EHSs/Deputy Health Officers of the Health Authority in the performance of their duties, the Temporary Permit may be permanently revoked after an opportunity for a hearing has been provided by the SWMA. Before taking such an action, the SWMA shall notify the owner in writing, stating the reasons for which the Temporary Permit may be suspended for cause, pending its revocation or a hearing relative thereto.
- (d)** The SWMA may permanently revoke a Temporary Permit after five (5) days following service of the notice unless a written request for a hearing is filed with the SWMA by the owner or operator within five (5) business days.
- (e)** The hearings provided for in this Section shall be conducted by a SWMA Hearing Officer at a time and place designated in writing. Based upon the record of the hearing, the SWMA Hearing Officer 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 SWMA.
- (f)** Any person who violates SWMA Regulations may be subject to enforcement actions pursuant to NRS 444.592 through NRS 444.610 and NRS 444.630 through NRS 444.645; which include both criminal and civil penalties.

SECTION 9

MISCELLANEOUS

1. Severability clause

Should any section, paragraph, sentence, phrase, or provision of these Regulations be held invalid for any reason, the remainder of these Regulations shall not be affected.

2. Effective date

These Regulations are effective upon approval by the SWMA.