

SOLID WASTE MANAGEMENT AUTHORITY

REGULATIONS GOVERNING THE MANAGEMENT OF WASTE TIRES

**Adopted by the Southern Nevada District Board of Health
on April 22, 2010**



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REGULATIONS GOVERNING
THE MANAGEMENT OF WASTE TIRES**

WHEREAS, the Southern Nevada Health District (SNHD) has been established by the County of Clark and the cities of Las Vegas, North Las Vegas, Henderson, 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 the 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 storage, collection, transportation, processing, recycling and disposal of solid waste; and

WHEREAS, the Board finds that the management of waste tires does affect the public health and the environment, and that it is necessary to adopt Solid Waste Management Authority Regulations Governing the Management of Waste Tires to promote and regulate the safe and sanitary management of waste tires; and

WHEREAS, the Board finds that the safe and sanitary reuse and recycling of waste tires is preferable to disposal by landfilling; and

WHEREAS, the Board believes that the following regulations are designed to protect the public health and safety, and the environment, within the context of solid waste management systems; 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 protect the public health, safety, and environment through preventive measures and timely correction of public health and environmental risks and solid waste management issues relating to the management of waste tires, and to promote the safe and sanitary reuse and recycling of waste tires.

Scope These regulations establish definitions; set minimum standards for the storage, collection, transportation, processing, recycling and disposal of waste tires; outline record keeping and reporting requirements; provide for enforcement; and include provisions for the issuance, suspension, and revocation of 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
Hauler	Hauler of Waste Tires
LLC	Limited Liability Company
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 persons that generate, receive, process, and/or transport waste tires:

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 storm water 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 person that receives, processes, and/or transports waste tires.
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 by a person that generates, receives, processes, and/or transports waste tires. As specified in the Cease and Desist Order, a timeframe to achieve compliance with the order may be included.
3. **“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.
4. **“Facility for the Management of Waste Tires” defined.** A **Facility for the management of waste tires** is a site at which waste tires are deposited for processing, recycling or use as a fuel. A facility that receives waste tires only inadvertently, unintentionally, or that are incidental to the load being received, is not a facility for the management of waste tires.
5. **“Garbage” defined.** **Garbage** is putrescible animal and vegetable wastes resulting from the handling, storage, sale, preparation, cooking, and serving of food.
6. **“Generator of waste tires” defined.** A **Generator of waste tires** is a person who possesses a tire at the time it becomes a waste tire, until it is lawfully

deposited at a solid waste management facility which is duly approved by the SWMA to accept the tire.

7. **“Hauler of waste tires” defined.** A **Hauler of waste tires** is a person who transports waste tires or materials derived from waste tires over the highways of this State. The term does not include a:
 - (a) Person who transports fewer than ten passenger tire equivalents at a time;
 - (b) Person who transports junk vehicles with no more than five waste tires associated with each junk vehicle;
 - (c) Person who generates and transports his own waste tires;
 - (d) Governmental agency;
 - (e) Person who transports only used tires to be resold or retreaded;
 - (f) Person who transports tires across state boundaries, but does not load or unload waste tires within this State;
 - (g) Person who is directed by the SWMA to transport waste tires for disposal; or
 - (h) Person who transports products made from recycled waste tires for sale or other distribution.

8. **“Hazardous waste” defined.** **Hazardous waste** is a waste with properties that make 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 wastes lists (F-list, K-list, P-list, or U-list), or exhibits at least one of four characteristics—ignitability, corrosivity, reactivity, or toxicity.

9. **“Health Authority” defined.** **Health Authority** means the officers and agents of the Board and the SNHD.

10. **“Municipal solid waste landfill” defined.** A **municipal solid waste landfill** is a discrete area of land in which household wastes are placed for permanent disposal. A municipal solid waste landfill may also receive other solid waste including, commercial solid waste, non-hazardous sludge, and industrial solid waste.

11. **“Notice of Violation” defined.** A **Notice of Violation (NOV)** is a written notice that may be issued by the Health Authority when the owner, operator, and/or responsible person 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 a NOV will require a hearing of the charges before a SWMA Hearing Officer.

12. **“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.

13. **“Operator” defined.** An **Operator** is a person responsible for the operation of any part of:
- (a) A solid waste disposal site,
 - (b) A facility for the management of waste tires, or
 - (c) The activities of a hauler of waste tires.
- An operator may also be an owner.
14. **“Owner” defined.** The **Owner** is the person who owns any part of:
- (a) A solid waste disposal site,
 - (b) A facility for the management of waste tires, or
 - (c) A hauler of waste tires.
- An owner may also be an operator.
15. **“Passenger car” defined.** A **passenger car** is a motor vehicle designed for carrying 10 persons or less, except a motorcycle, power cycle or motor-driven cycle.
16. **“Passenger tire equivalent” defined.** A **Passenger tire equivalent** means a measure of waste tires or material derived from waste tires that is expressed as an equivalent number of passenger tires, where one waste tire or 20 pounds of material derived from waste tires equals one passenger tire equivalent.
17. **“Permit” defined.** A **Permit** is the written approval by the SWMA, or Health Authority, to design, construct, and operate a facility for the management of waste tires or to operate as a hauler of waste tires, under the provisions of these regulations, and is separate from any other licensing and/or permitting requirements of other agencies of jurisdiction.
18. **“Permit revocation” defined.** **Permit revocation** occurs when the SWMA revokes all permission to operate pursuant to a permit due to the presence of significant health, safety, and/or environmental hazards, and/or repeated failure to comply with applicable laws and regulations. Upon receipt of a revocation order, a person must cease immediately all operations conducted pursuant to the permit. Revocations are intended to result in the permanent cessation of operations conducted pursuant to the permit. An aggrieved person may seek relief through the appeal process outlined in these regulations.
19. **“Permit suspension” defined.** **Permit suspension** occurs when the SWMA suspends all permission to operate pursuant to a permit due to the presence of significant health, safety, environmental hazards, and/or failure to comply with applicable laws and regulations that are operation-wide or are of such severity as to cause an imminent hazard to the health and safety of the public and/or employees. Permit Suspension may lead to Permit Revocation. An aggrieved person may seek relief through the appeal process outlined in these regulations.
20. **“Person” defined.** **Person** includes any state or federal agency; any state, including the State of Nevada; a political subdivision of any state; an 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.

21. **“Pneumatic tire” defined.** **Pneumatic tire** means a tire which is designed to be inflated with compressed gas for normal use.
22. **“Processing” defined.** **Processing** means preparing a tire for recycling, use as a fuel, or another method of disposal by chipping, splitting or otherwise altering the tire.
23. **“Putrescible” defined.** **Putrescible** means capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors or gases.
24. **“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

25. **“Responsible person” defined.** A **responsible person** is the person or persons, who own(s), manage(s), lease(s), act(s) as the primary point of contact, and/or otherwise controls the construction, remodeling, operation or maintenance of:

- (a) A solid waste disposal site,
- (b) A facility for the management of waste tires, or
- (c) A hauler of waste tires.

The responsible person may be the owner and/or operator.

26. **“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. For the purposes of these regulations a waste tire, and material derived from a waste tire, is solid waste until it is returned to the economic mainstream in the form of raw materials or products, as determined by the Solid Waste Management Authority.

27. **“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, permitted by any solid waste management authority having jurisdiction over the location of the permanent disposal site.
28. **“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.
29. **“Source-separated recyclable material” defined.** **Source-separated recyclable material** is recyclable material that has been separated from the waste stream, at the site of generation, with ten (10) percent or less, by weight or volume, of solid waste that will not be recycled.
30. **“Surety” defined.** **Surety** means a person who has contracted to be responsible for another, especially one who assumes responsibilities or debts in the event of default.
31. **“Unavailable” defined.** **Unavailable** is a designation of status of a facility for the management of waste tires which means that disposal at the facility for the management of waste tires is impracticable for persons generating waste tires at or from a specified site or geographic area.
32. **“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.
33. **“Waste Management Permit” defined.** A **Waste Management Permit** is an annual permit issued by the SWMA for a facility for the management of waste tires

to operate and conduct day-to-day business. Annual fees are assessed in accordance with SNHD Environmental Health Fee Schedule.

34. **“Waste Tire” defined.** A **Waste Tire** is a tire that is not suitable for its intended purpose because of wear, damage or defect.

Section 2. RISKS TO PUBLIC HEALTH, SAFETY, AND THE ENVIRONMENT

A person that stores, receives, processes, and/or transports waste tires must not create risks to public health, safety, and 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 person that stores, receives, processes, and/or transports waste tires.
3. A public nuisance.

Facilities for the Management of Waste Tires

Section 3. APPROVALS FOR OPERATION

1. A facility for the management of waste tires must comply with the plans for design and operation as submitted in the application required by these regulations in accordance with Sections 4 through 8, and as approved by the SWMA. Each facility location shall require a separate application in accordance with these regulations.
2. The location, operation, design, and construction of a facility for the management of waste tires must comply with all relevant laws, regulations, codes, and ordinances from all applicable federal, state, and local agencies of jurisdiction.
3. No person shall operate a facility for the management of waste tires in Clark County who has not received a permit from the Health Authority to do so. A facility for the management of waste tires shall not begin operation until the site location has been approved by the agencies of jurisdiction, an initial Permit has been approved and issued by the SWMA, and a Waste Management Permit has been issued to the facility.
4. An initial Permit and/or a Waste Management Permit issued pursuant to these regulations is/are not transferable from location to location. A new application must be submitted prior to a facility for the management of waste tires changing locations.
5. A permit is not transferable to another person for operations at the same site without review and determination by the Health Authority that all requirements imposed by law, including these regulations, are satisfied. When a transfer of the permit has been approved by the Health Authority, a Waste Management Permit will be issued to the operator of the facility for the management of waste tires. Transfer of more than 50 percent of the outstanding shares of stock of any corporation or LLC that has been issued a Waste Management Permit to operate a facility for the management of waste tires is considered a transfer of ownership requiring the review and determination specified by this paragraph.
6. The transfer of the initial and/or Waste Management Permit is considered a permit modification and is subject to the appropriate fees established by the Board.
7. An existing solid waste disposal site, including all facilities for the management of waste tires, must submit a permit application revision or modification, when applicable, for approval by the Health Authority for revisions, or the SWMA for modifications, not later than 120 days after the adoption of these regulations to bring the solid waste disposal site into compliance with these regulations. The permit application revision or modification documents shall address all applicable requirements including those found in Section 4, paragraph 2.

Section 4. APPLICATION FOR PERMIT TO OPERATE

1. Application for initial permit to operate a facility for the management of waste tires

(a) An application for an initial Permit to operate a facility for the management of waste tires will not be accepted by the Health Authority without:

(1) Documentation of Land Use approval by the agency of jurisdiction

And

(2) A copy of a submitted application for a business license to operate a facility for the management of waste tires from the agencies of jurisdiction.

These documents must be included with the application for an initial permit to operate a facility for the management of waste tires.

(b) Prior to commencing the operation of any facility for the management of waste tires, the owner or operator, responsible person or persons, business entity, or agent must make written application for an initial permit on forms provided by the Health Authority, pay all applicable fees, and receive written approval from the SWMA to operate. An application for the permit should be submitted at least 180 days before the anticipated start of construction to allow sufficient time for the review and issuance of the initial Permit. The application form submitted for approval to operate a facility for the management of waste tires shall be stamped and sealed by a professional engineer licensed in the state of Nevada.

(c) When making application for an initial Permit to operate a facility for the management of waste tires, the following information and items must be brought to, and in the manner prescribed by, the Health Authority for review and approval 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 facility for the management of waste tires,

ii. The business owner(s) of the facility for the management of waste tires,

iii. The property owner(s) of the facility for the management of waste tires, if different

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

- (2)** A statement indicating whether the applicant is a natural person, firm or corporation, and:
- i.** When the applicant is a natural person, the name and mailing address shall be provided.
 - ii.** When the applicant is a firm or partnership, the name(s) and mailing address(es) of the managing partner(s) shall be provided.
 - iii.** When the applicant is a corporation, the names and mailing addresses of the corporate officers shall be provided.
 - iv.** When the applicant is a LLC, the name(s) and mailing address(es) of the manager(s) shall be provided.
- (3)** The signature of the applicant;
- (4)** Evidence of ownership or a lease agreement for the land on which the facility for the management of waste tires will be located;
- (5)** Documentation showing the land use permit(s) issued by the agency of jurisdiction for the facility for the management of waste tires.
- (6)** Documentation showing business license(s) have been applied, or issued, for the operation of the facility for the management of waste tires from the agency of jurisdiction.
- (7)** Documentation showing any other permits necessitated by the Report of Design or the Operating Plan for the facility for the management of waste tires issued by agencies of jurisdiction, as applicable; i.e., air quality, fire, stormwater control (Stormwater Pollution Prevention Plan), building department, etc.
- (8)** A Report of Design, in accordance with Section 5.
- (9)** A Report of Operating Plan, in accordance with Section 6.
- (10)** A full and complete copy of each instrument obtained to provide financial assurance, including the written estimates of the cost of hiring a third-party to close the facility, as specified in Section 8.
- (11)** The plan for closure of the facility for the management of waste tires as specified in Section 7.
- (12)** Any other information required by the SWMA.

(d) Evaluation of application

The Health Authority shall, within 30 days after receiving an application for an initial Permit to operate a facility for the management of waste tires, notify the applicant as to whether the application is complete or deficient in content. A determination of completeness must be based on whether the application contains all specified documents and supporting information required by this regulation, as applicable. The Health Authority may require the submittal of any such additional documents or information as it deems necessary and may specify the period within which the documents or information must be submitted to the Health Authority.

(e) Notice concerning completeness of application and compliance

When the Health Authority determines that an application is complete, the Health Authority shall 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, it shall provide a written notice to the applicant. 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 of time 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 (e), part (2)** above.

(f) Public notice and fact sheet, public workshop, and public hearing

- (1) Upon completion of the evaluation, 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 facility for the management of waste tires is to be located, and published in a newspaper of general circulation for the area in which the facility will be 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 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 facility for the management of waste tires, 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 hold scheduled public workshops at which the public will have an opportunity to present comments and/or questions.
- (3) The Health Authority shall present and offer for Board review the application to operate the facility for the management of waste tires during a public hearing: The application for approval to operate the facility for the management of waste tires must be approved or denied by the Board, acting as the SWMA, at the public hearing held during a regularly-scheduled Board meeting.

(g) Health Authority response to written comments concerning proposed permit

Comments regarding the proposed issuance or denial of the permit are documented in the record of the public workshops and hearings, and written comments submitted to the Health Authority are retained as part of the public record. Comments and their resolutions are available for inspection, upon written request, by the affected parties and the general public at a location specified by the Health Authority.

(h) Duties of Health Authority to issue, deny, modify, or place conditions on permit to operate

- (1) Within 30 days after the end of the period for public review, the Health Authority shall:
- i. Present its recommendations for approval or denial of issuance of the Waste Management Permit to operate a facility for the management of waste tires to the Board during the Public Hearing/Action portion of a regularly-scheduled Board of Health Meeting.
 - ii. Issue a Waste Management Permit to operate a facility, if approved by the Board. When conditions are added by the Board in its capacity as the SWMA at the public hearing, the permit to operate a facility will be issued within 30 days of receipt, by the Health Authority, of proof of compliance with all specified conditions, or
 - iii. Deny the application based on its recommendations and/or by the decision of the Board and subsequently send written notice to the applicant which details the reasons why the application is being denied. The written notice must set forth the time and procedure by which the applicant may appeal the decision of the SWMA.

(2) The SWMA may modify or place conditions on a permit issued pursuant to this Section based on public comments, recommendations by the Health Authority, and/or Board directives received concerning the permit.

(i) Permit issuance, revocation, or suspension, or transfer to subsequent owner/operator

A permit to operate a facility for the management of waste tires issued by the SWMA:

- (1) Must be issued for the life of the design of the facility;
- (2) May be modified by the SWMA if the statutes or regulations upon which the issuance of the permit is based change, or if a modification is otherwise necessary to protect public health and safety or the environment;
- (3) Must specify the amount and types of waste tires which the facility may receive that is consistent with the design and operational plans of the facility;
- (4) May be revoked or suspended when written notice is given by the SWMA and the facility for the management of waste tires does not remain in compliance with the applicable statutes and regulations; and
- (5) Must be issued to a specific operator or owner(s). A permit may be transferred to a subsequent owner(s) or operator only when the Board, acting in its capacity as the SWMA, approves the transfer following a duly-noticed public hearing. The new owner(s) or operator(s) must meet all federal, state, and local laws and regulations applicable to the operation of a facility for the management of waste tires.

2. Request for modification of permit to operate a facility for the management of waste tires, change of conditions applicable to permit to operate

(a) A permit to operate a facility for the management of waste tires may be modified upon the request of the owner or operator of the facility for the management of waste tires and approval of the SWMA. A proposal to modify a permit may be subject to public notice and 30 days of public review, followed by review for approval or denial by the Board during a duly-noticed public hearing, when the proposed modification includes:

- (1) An increase in the amount of waste tires managed at the facility which is inconsistent with the permitted design, operational plans, or municipal plans concerning the management of waste tires;
- (2) A change in the manner of waste tire management which is inconsistent with the permitted design, operational plans, or municipal plans concerning the management of waste tires;

(3) A substantive change in the:

- i. Design of the facility;
- ii. Plan for closure;
- iii. The mechanism(s) for financial assurance;
- iv. Procedures for monitoring the site and taking any corrective actions; and

(4) Any other change which is deemed by the Health Authority to require public notice and a public hearing.

(b) An application to modify the permit of a facility for the management of waste tires must be submitted on a form prescribed by the Health Authority and, when required by the Health Authority, shall be stamped and sealed by a professional engineer licensed in the State of Nevada.

3. 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 permits and collection of fees as specified in the current SNHD Environmental Health Permit Fee Schedule as it applies to facilities for the management of waste tires. The amounts of the fees are established by the Board. The types of permits and/or fees specified include:

(a) Preliminary Plan Review Fee. This fee is assessed at the time of the submission of the facility application for review by the Health Authority prior to the application's formal submission to the Health Authority. Such a submission is not required by the Health Authority, but may be done so at the discretion of the applicant.

(b) Application Fee. This fee is assessed at the time of the formal submission of the application.

(c) Plan Review Resubmittal Fee. This fee is assessed for the re-review of an application for a permit.

(d) Waste Management Fee. This is the annual permit fee.

(e) Reinspection fee. This fee is assessed when an inspection is conducted as a result of a facility failing to correct violations cited by the SWMA within a timely manner.

(f) Designation request fee. This fee is assessed at the time of formal submission of a request to designate, or rescind the designation that, a facility for the management of waste tires is unavailable to a certain site or geographic area.

(g) Initial Permit. See definition of Permit in Section 1.19.

(h) Waste Management Permit. This is the permit issued annually to show compliance with all applicable rules and regulations.

Section 5. REPORT OF DESIGN

1. Report of Design document requirements

- (a)** When required by the Health Authority, the Report of Design shall be prepared under the direction of, and signed and stamped by, a professional engineer who is licensed in the state of Nevada.
- (b)** The Report of Design shall include all information requested in this Section including process diagrams, construction drawings of the site, utilities, and engineered drawings of buildings or structures to support the standards of design of the facility for the management of waste tires.

2. Standards for design

These standards for design are minimum standards. The applicant must meet all applicable requirements of the appropriate agency or agencies of jurisdiction.

- (a)** The facility must be esthetically compatible with its environs.
- (b)** The facility must have barriers and appurtenances necessary to control access to the facility.
- (c)** The facility must have all-weather asphalt or concrete paved access road(s). The access roads shall be constructed to the standard required by the agency of jurisdiction.
- (d)** Areas for processing, tipping, sorting, and storing waste tires or material derived from waste tires must:
 - (1)** Prevent runoff, runoff, and stormwater from contacting waste tires or material derived from waste tires,
 - (2)** Prevent the accumulation of standing water,
 - (3)** Comply with applicable fire codes, and
 - (4)** Not provide harborage to vermin.
- (e)** The site must have signage posted which clearly indicates:
 - (1)** The owner and operator of the site including the name of a responsible person(s) and their emergency contact phone number(s).
 - (2)** Speed limit and directional signs, when applicable.
 - (3)** The hours of operation.

(4) Materials accepted and excluded.

(5) Fees charged, when applicable.

3. Report of Design

The report of the design of a facility for the management of waste tires must:

(a) Be prepared under the direction of and signed and stamped by a professional engineer who is licensed in the state of Nevada, when required by the Health Authority.

(b) Include:

(1) A detailed description of each activity and its location at the facility.

(2) A diagram indicating:

- i. The location and manner in which the activities are conducted,
- ii. The location(s) and manner in which waste tires are processed and stored at the facility,
- iii. The location and manner in which tires for reuse, resale, recapping, or retreading are stored.

(3) The design capacities including:

- i. Storage Capacities for processed and unprocessed waste tires in cubic yards.
- ii. Processing capacity in tons.

(4) Environmental controls for each activity at the facility.

(5) Provide a separate diagram with narrative and plan layout of each activity involving waste tires. Information on the diagram(s) shall include the following:

- i. The maximum processing capacity of the facility for the management of waste tires in tons.
- ii. The maximum storage capacity of unprocessed and processed waste tires of the facility for the management of waste tires in cubic yards.
- iii. A list of the anticipated quantities and sources of waste tires to be received at the facility for the management of waste tires.

- iv. A list of the anticipated types, quantities and sources, and design criteria for the following:
 - A. The storage of waste tires to be received at the facility for the management of waste tires.
 - B. The storage of tires for reuse, resale, recapping, or retreading at the facility for the management of waste tires.
- (6) A narrative describing the storage process with a schematic layout of the facility for the management of waste tires.
- (7) Define the population and area to be served by the facility;
- (8) Include a general location map that shows land use and zoning within a one (1)-mile radius of the facility.
- (9) Include engineered plans and specifications of the facility for the management of waste tires in sufficient detail to demonstrate compliance with the design standards set forth in **Section 5, paragraph 2**. The engineered plans must:
 - i. Be prepared under the direction of and signed and stamped by a professional engineer who is licensed in the State of Nevada.
 - ii. Be drawn to scale of not more than 200 feet per inch and must include contour intervals of not more than five (5) feet;
 - iii. Show existing and proposed contours;
 - iv. Show access roads and traffic routing inside and around the facility;
 - v. Include provisions for the control of surface water run-on and run-off and show grades, berms, dikes, swales, and other devices used for drainage and control of surface water, when applicable;
 - vi. Show fencing, equipment, shelter, employee facilities, waste tire processing and storage areas, and any other appurtenance;
 - vii. Show the location of other activities such as equipment storage, vehicle maintenance, and wash-down areas.
 - viii. Include provisions for dust and odor control necessary to prevent a public nuisance, in accordance with applicable laws, regulations, and ordinances of the agencies of jurisdiction.

Section 6. REPORT OF OPERATING PLAN

1. The Operating Plan

The Operating Plan for the facility for the management of waste tires must include, without limitation:

- (a) Provisions for the control of access to the facility.
- (b) A list of the equipment and machinery that will be used at the facility. Provide a plan for obtaining substitute equipment in the event of equipment break down.
- (c) Procedures for controlling vehicular traffic.
- (d) List the anticipated quantities and sources of waste tires to be received at the facility;
- (e) The types of tires that the facility will not receive and a list of the facilities where such tires will be directed. Include a list of companies that may transport such tires.
- (f) A program for detecting and preventing the disposal of regulated hazardous waste and polychlorinated biphenyl wastes, asbestos wastes, and any other prohibited wastes, as required by the Health Authority.
- (g) Procedures for measuring and/or weighing incoming and outgoing loads of waste tires and materials derived from waste tires.
- (h) The proposed capacity and expected life of the facility.
- (i) The frequency and method of transfer of waste tires to a facility, authorized by agencies of local jurisdiction, which accepts waste tires or materials derived from waste tires.
- (j) The maximum time that waste tires and **processed** waste tires will be stored at the facility.
- (k) Provisions for planned servicing and inspections which include:
 - (1) The monitoring of the facility as often as necessary to ensure that there is adequate waste tire storage at all times.
 - (2) Inspection of the facility at least weekly.
 - (3) Collection of all scattered debris at least daily and before any leaves the site.
- (l) The location of waste tire storage areas at the facility for the management of waste tires.

- (m) The proposed hours and days of operation.
- (n) A contingency plan that describes procedures for emergencies and alternate solid waste handling procedures and which stipulates that the Health Authority must be notified at the time of implementation of such contingency plans.
- (o) A plan for fire prevention and control approved by the fire agency of jurisdiction.
- (p) A description of how the operator of the facility for the management of waste tires will comply with the operating standards set forth in **Section 6, paragraph 2**.

2. Operating standards

- (a) No waste tire may be rejected for disposal by a facility for the management of waste tires except as required by the terms and conditions of the permit issued by the SWMA, these regulations, or those of other agencies having jurisdiction, or for non-payment of fair market-priced fees. In every case when any item offered for disposal is rejected, the operator shall notify the Health Authority by the next working day, in writing and in a format specified by the Health Authority.
 - (1) The owner shall notify the Health Authority in writing and in a format specified by the Health Authority, whenever the owner or the operator anticipates refusing a tire, or material derived from a tire, offered for disposal by any specific person(s) for any reason, including non-payment of fair market-priced fees for disposal.
- (b) At no time may the amount of waste tires, or material derived from waste tires, processed or unprocessed, at the facility for the management of waste tires exceed the amount approved by the SWMA.
- (c) Waste tires and material derived from waste tires may not be stored at the facility for more than 1 year. Any waste tires, or material derived from waste tires, stored for more than 1 year must be considered waste and properly disposed of at a disposal site that has been approved by the SWMA.
- (d) Any waste tires accepted at a facility for the management of waste tires must be transferred to a facility that has been issued a permit to receive such waste tires by the SWMA or is permitted by any other solid waste management authority and/or other applicable agency of jurisdiction having jurisdiction over the location of the facility, or used in a manner that does not constitute disposal.
- (e) A facility for the management of waste tires must be kept in a neat and orderly condition.
- (f) Putrescible residual solid waste must be removed from the facility for the management of waste tires within 24 hours after acceptance.
- (g) All waste tire storage bins, equipment, or containers shall be repaired, as needed, and maintained in good working order.

(h) Any area that is used for tipping, handling or storing waste tires or material derived from waste tires, must be free of standing water.

(i) At the final closure of a facility, any remaining solid waste, including waste tires and material derived from waste tires, must be removed to a disposal site or other facility approved by the SWMA.

(j) Public areas

All public areas of a facility for the management of waste tires must be maintained in a safe, clean and sanitary state. An attendant must be at the public tip area during all hours of operation when open to the public.

(k) Control of Vermin

An owner or operator shall prevent or control populations of disease vectors at the facility for the management of waste tires for the protection of public health and safety and the environment. Appropriate techniques must be instituted by a State of Nevada Certified Applicator whenever required by the Health Authority to minimize the transmission of disease.

(l) Maintenance areas

Maintenance areas, vehicle wash areas, and machine shops shall be maintained and the storage and use of chemicals and other materials in these areas must be conducted in accordance with the requirements of applicable agencies of jurisdiction.

3. Operating records

(a) The operator of a facility for the management of waste tires shall maintain accurate operating records at the facility or business office. The records must be furnished upon request to the Health Authority or made available for inspection to the Health Authority during the regular business hours of the facility or business office. The owner or operator must maintain all required records for at least three years. The records must include:

(1) A daily record of:

- i. The amount of waste tires received and transported.
- ii. The origin of each shipment of waste tires to the facility and the name and location of each permitted disposal or processing site receiving the waste tires.

(2) Any inadvertent receipt or rejection of prohibited solid wastes.

- (3)** Any emergencies or unusual events. The Health Authority shall be notified in a timely manner of any emergencies or unusual events occurring at the facility for the management of waste tires.
 - (4)** Copies of all manifests required pursuant to Section 12, and
 - (5)** The name and permit number of the hauler of waste tires for each load of waste tires transported to or from the facility; if the hauler is not permitted, the address of the hauler.
- (b)** The Health Authority shall be provided with a report specifying the amount of waste tires and materials derived from waste tires, received and shipped in the previous calendar quarter, in writing and in a format specified by the Health Authority, on the fifth working day of January, April, July, and October of each year.
- (c)** The owner or operator of a facility for the management of waste tires shall comply with the following requirements concerning the reporting of recyclables received at and transported from the facility for the management of waste tires:
- (1)** By February 15 of each year, a recycling survey must be submitted to the Health Authority.
 - (2)** The survey form will be provided to the facility for the management of waste tires by the Health Authority.
 - (3)** The survey must be signed by the responsible person operating the facility for the management of waste tires.
 - (4)** Upon request by the Health Authority, the responsible person must furnish documentation as requested to verify the recycling survey.

Section 7. CLOSURE OF A FACILITY FOR THE MANAGEMENT OF WASTE TIRES

- 1.** A plan for the closure of a facility for the management of waste tires must specify the procedures which are required to remove and dispose of the maximum amount of solid waste the facility is approved to have on site, including waste tires and material derived from waste tires. The plan must also include a detailed written estimate, in current dollars, of the cost to the Health Authority to direct the closure of the facility including the hiring, by the Health Authority, of an unrelated person or party to remove and dispose of all solid waste, including waste tires and materials derived from waste tires, in a Class I, II, or III disposal site approved by the SWMA to accept such (hereafter, cost of closure). The detailed written estimate of the cost of closure may not consider the resale value of equipment, waste tires, or material derived from waste tires.
- 2.** Each year, the owner or operator shall prepare an updated plan for closure with all changes necessary to maintain compliance with these and all other applicable regulations. The update shall:
 - (a)** Include a detailed written estimate, in current dollars, of the cost of closure;
 - (b)** Include all supporting documentation required by the Health Authority;
 - (c)** Be submitted to, and for approval by, the Health Authority, no later than the first business day of January of each year; and
 - (d)** Upon approval by the Health Authority, be binding upon the owner and operator until otherwise notified in writing by the Health Authority.
- 3.** The owner or operator of a facility shall notify the Health Authority in writing at least 90 days before the date the facility is expected to close. The facility may not accept any waste tires or material derived from waste tires after the designated closing date.
- 4.** The owner or operator shall, within 30 days after receiving the final shipment of waste tires or materials derived from waste tires, remove all remaining waste tires, litter, material derived from waste tires, and inoperable equipment, etc. in accordance with the plan for closure of the facility. Notwithstanding any other times specified in this Section, all putrescible waste must be properly disposed of within 24 hours after receipt.
- 5.** The SWMA, or its designee, shall rescind the permit to operate a facility upon:
 - (a)** The facility being closed in accordance with the facility closure plan as approved and/or amended by the SWMA, or its designee, or
 - (b)** The first business day following the designated closing date of the facility, whichever is earlier.

The SWMA, or its designee, may change the designated closing date for a facility, when such a change is appropriate to ensure that closure of the facility is concluded as promptly as possible and in a manner that protects the environment, public health and safety.

Section 8. FINANCIAL ASSURANCE

1. Financial assurance compliance

- (a)** The owner and/or operator of the facility for the management of waste tires shall provide financial assurance to cover the cost of closure as specified in Section 7 of these regulations.
- (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 when the alternate plan meets the criteria set forth in these regulations.

2. Financial assurance requirements

- (a)** Each year, the owner or operator shall submit a complete copy of the financial assurance mechanism(s) being provided to satisfy the requirements of these regulations and any and all riders, attachments, amendments, etc., to the Health Authority no later than the first business day of January.
- (b)** The owner or operator shall increase the amount of financial assurance provided when any change, including any change to the facility permit or conditions at the facility, results in an increase of the cost of closure. Documentation of any changes to the original estimate of cost of closure must be submitted to the Health Authority when they occur.
- (c)** The amount of financial assurance may be reduced when the Health Authority determines that the amount exceeds the cost of closure. The owner or operator shall request approval from the Health Authority for a reduction of the amount of financial assurance in writing and with all information required by the Health Authority. A reduction in the amount of financial assurance shall not be implemented until approved in writing by the Health Authority.

3. Financial assurance mechanisms

- (a)** The mechanism(s) 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 Chief Health Officer 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 be maintained until the owner and operator are no longer required to demonstrate financial responsibility pursuant to these regulations.

- ii. The owner or operator shall notify the Health Authority that a copy of the bond has been placed in the operating records of the facility.
- iii. The surety company issuing the bond must be among those listed as an acceptable surety on federal bonds in Circular 570 of the U.S. Department of the Treasury which is published each July in the Federal Register.
- iv. The sum of the bond must be in an amount at least equal to the current estimate for closure.
- v. The surety must become liable on the bond if the owner or operator fails to make payments or perform as guaranteed by the bond.
- vi. The terms of the bond must authorize the surety to cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the Health Authority at least 120 days before cancellation. When the surety cancels the bond, the owner or operator shall obtain alternate financial assurance as specified in these regulations.
- vii. The owner or operator may cancel the bond only when alternate financial assurance is substituted as specified in these regulations, inclusive, or when the owner and operator are no longer required to demonstrate financial responsibility in accordance with the requirements of these regulations.

(2) A letter of credit

- i. An owner or operator may satisfy the requirements of these regulations by obtaining an irrevocable letter of credit which conforms to the requirements of these regulations.
- ii. A letter of credit must:
 - A. Be obtained by the owner or operator and become effective before the initial receipt of waste tires or material derived from waste tires.
 - B. Be maintained until the owner and operator are no longer required to demonstrate financial responsibility pursuant to these regulations.
- iii. The owner or operator shall notify the Health Authority that a copy of the letter of credit has been placed in the operating records of the facility.
- iv. The issuing institution must be an entity which has the authority to issue letters of credit and whose operations are regulated and examined by a federal or state agency.
- v. A letter from the owner or operator must be filed with the letter of credit in the operating records that includes:

- A.** A reference to the letter of credit by number;
 - B.** The issuing institution;
 - C.** The date of issuance;
 - D.** The name of the owner or operator;
 - E.** The address of the facility; and
 - F.** The amount of money assured.
- vi.** Except as otherwise provided in these regulations, the letter of credit must be irrevocable and issued for a period of at least one (1) year in an amount at least equal to the current cost for closure. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one (1) year unless the issuing institution has cancelled the letter of credit.
- vii.** The terms of the letter of credit must authorize the issuing institution to cancel the letter of credit by sending notice of cancellation by certified mail to the owner or operator and to the Health Authority at least 120 days before the cancellation. When the letter of credit is cancelled by the issuing institution, the owner or operator shall obtain alternate financial assurance.
- viii.** The owner or operator may cancel the letter of credit only when alternate financial assurance is substituted as specified in this Section or the owner and operator are no longer required to demonstrate financial responsibility in accordance with the requirements of these regulations.

(3) A policy of insurance

- i.** An owner or operator may demonstrate financial assurance for closure by obtaining insurance which conforms to the requirements of these regulations.
- ii.** The insurance must:
 - A.** Be obtained by the owner or operator and become effective before the initial receipt of waste tires; and
 - B.** Be maintained until the owner and operator are no longer required to demonstrate financial responsibility pursuant to these regulations.
- iii.** The insurer must be licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in this State.

- iv.** The owner or operator shall notify the Health Authority that a copy of the policy of insurance has been placed in the operating records of the facility and provide documentation to show proof of financial assurance to the Health Authority.
- v.** The policy of insurance must guarantee that money will be available to close the facility whenever final closure occurs. The policy must also guarantee that once closure begins, the insurer is responsible for paying money to the owner, operator or any other person or party authorized to conduct the closure, up to an amount equal to the face amount of the policy.
- vi.** Except as otherwise provided in this Section, the policy of insurance must be issued for a face amount at least equal to the current estimate for closure. Actual payments by the insurer must not change the face amount, although the insurer's future liability may be lowered by the amount of the payments.
- vii.** An owner, operator or any other person authorized to conduct the closure may receive reimbursements for related expenditures. Requests for reimbursement may be granted by the insurer only when the remaining value of the policy is sufficient to cover the remaining costs of the closure, and when justification and documentation of the cost is placed in the operating records of the facility. The owner or operator shall notify the Health Authority that documentation of the justification for reimbursement has been placed in the operating records and that reimbursement has been received.
- viii.** Each policy of insurance must contain a provision allowing the assignment of the policy to a successor owner or operator. The assignment may be conditional upon the consent of the insurer, if the consent is not unreasonably refused.
- ix.** The policy of insurance must provide that the insurer may not cancel, terminate or fail to renew the policy except for a failure to pay the premium. An automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. When there is a failure to pay the premium, the insurer may cancel the policy by sending notice of cancellation by certified mail to the owner, operator and Health Authority at least 120 days before the cancellation. When the insurer cancels the policy, the owner or operator shall obtain alternate financial assurance as specified in this Section.

- x. The owner or operator may cancel the policy of insurance only when he substitutes alternate financial assurance in accordance with these regulations or when the owner and operator are no longer required to demonstrate financial responsibility in accordance with the requirements of these regulations.
- xi. As used in this Section, “face amount” means the total amount the insurer is obligated to pay under the policy.

(4) Alternate mechanisms approved by the Health Authority

- i. An owner or operator may satisfy the requirements of these regulations 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 these regulations must be obtained by the owner or operator before the initial receipt of waste tires and maintained until the owner and operator are no longer required to demonstrate financial responsibility pursuant to these regulations.

(5) An assumption of responsibility by the State

When 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)** .An owner or operator may satisfy the requirements of these regulations by establishing more than one mechanism for financial assurance per facility. The combination of mechanisms must provide financial assurance for an amount at least equal to the current estimate of the cost for closure.

(b) General requirements for all financial assurance mechanisms

- (1)** An entity providing the mechanism used to demonstrate financial assurance pursuant to these regulations shall reimburse or make payments to the owner, operator or any other person or party designated by the Health Authority, from that mechanism, for expenses in such amounts as the Health Authority shall direct in writing.

(2) Any such mechanism must:

- i.** Ensure that the amount of money assured is sufficient to cover the cost of closure;
 - ii.** Ensure that money will be available in a timely fashion, when needed; and
 - iii.** Be legally valid, binding and enforceable under applicable state and federal law.
- (3)** No mechanism may be held or issued by a corporate parent or subsidiary of the owner or operator.

Section 9. INSPECTIONS AND ENFORCEMENT

1. Inspections

- (a)** An owner or operator of a facility for the management of waste tires must allow Environmental Health Specialists (EHSs) of the Health Authority, i.e., Deputy Health Officers, entry to their facility during operating hours in order to conduct an inspection of all solid waste, waste tires, materials derived from waste tires, structures, equipment, operations, and records. The purpose of the inspection is to ensure compliance with the provisions of the Waste Management Permit issued by the SWMA, these regulations, and all 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 applicable laws, regulations, ordinances, and codes. Copies of records, diagrams, and other documents shall be provided upon request 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)** No person shall interfere with the EHSs/Deputy Health Officers and/or other employees of the Health Authority in the performance of their duties.
- (e)** An inspection report will be provided to the owner or operator of the facility for the management of waste tires. 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 all SWMA regulations 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 facility for the management of waste tires when the owner or operator of the facility fails to comply with the provisions of the Waste Management Permit, the design or operating plans for the facility, these regulations, or applicable federal, state, and/or local laws, regulations, ordinances, and codes.
- (b)** Whenever the Health Authority finds a condition in the operation of a facility which, in the judgment of the Health Authority, constitutes a substantial hazard to public health and/or the environment, 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 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 30 days of the date said request is received by the SWMA to contest the terms of the order or suspension of the permit.

- (c)** For substantial hazards to public health or the environment, repeated violations of any of the requirements of these regulations, or for interference with the EHSs/Deputy Health Officers/Employees of the Health Authority in the performance of their duties, the 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 permit may be suspended for cause, pending its revocation or a hearing relative thereto.
- (d)** The SWMA may permanently revoke a facility permit following service of the notice unless a written request for a hearing is filed with the SWMA within five (5) business days of service.
- (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. Any party aggrieved by a decision of the Hearing Officer(s) may seek judicial review of the decision of the Hearing Officer(s), in accordance with the provisions of NRS 233B.130(2), and NRS 233B.131 through 233B.150, inclusive.
- (f)** Any person who violates these 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 administrative, civil, and criminal penalties.

Haulers of Waste Tires

Section 10. APPROVALS FOR OPERATION

- 1.** No person shall operate as a hauler of waste tires in Clark County who has not received a permit from the Health Authority to do so.
- 2.** Application for a permit shall be made in a format approved by the Health Authority and must include all pertinent information as required by the Health Authority. All applicable fees shall be paid at the time an application for a permit is submitted to the Health Authority.
- 3.** A hauler of waste tires must comply with the operating and reporting standards in accordance with Sections 10 through 14, and as required by the SWMA.
- 4.** A permit issued pursuant to these regulations is not transferable to another person without review and determination by the Health Authority that all requirements imposed by these regulations, are satisfied. Transfer of more than 50 percent of the outstanding shares of stock of any corporation or LLC that was issued a hauler of waste tires permit is considered a transfer of ownership.
- 5.** The transfer of a permit is considered a permit modification and is subject to the appropriate fees established by the board.
- 6.** An existing hauler of waste tires must submit a permit application and pay all required fees not later than 120 days after the adoption of these regulations to bring the hauler of waste tires into compliance with these regulations.

Section 11. APPLICATION FOR PERMIT

1. The Health Authority shall, within 15 days after receiving an application for a permit to operate as a hauler of waste tires, notify the applicant as to whether the application is complete or deficient in content. A determination of completeness must be based on whether the application contains all specified documents and supporting information required by these regulations, as applicable. The Health Authority may require the submittal of any such additional documents or information as it deems necessary and may specify the period within which the documents or information must be submitted to the Health Authority.

2. When the Health Authority determines that an application is complete, the Health Authority shall evaluate the merits of the application to determine if the application is in compliance with all applicable statutes and regulations. When the Health Authority determines that the application does not comply with all applicable statutes and regulations, it shall provide a written notice to the applicant. The notice must specify:
 - (a) Each statute or regulation with which the applicant has failed to comply;
 - (b) Any documents or other information which the applicant is required to submit to the Health Authority; and
 - (c) The period within which the applicant is required to submit to the Health Authority the documents or other information requested pursuant to **Section 11, paragraph 2, subparagraph (b)**, above.

3. Within 15 days after the applicant is notified that the application is complete, the Health Authority shall:
 - (a) Approve a permit to operate as a hauler of waste tires. When conditions are added by the Health Authority, the permit to operate as a hauler of waste tires will be granted within 15 days of receipt of proof of compliance with all specified conditions, or
 - (b) Deny the application and send written notice to the applicant which details the reasons why the application is being denied. The written notice must set forth the time and procedure by which the applicant may appeal the decision of the Health Authority.

4. The Health Authority may modify or place conditions on a permit granted pursuant to this Section based on public comments or Board directives received concerning the permit.

5. A permit to operate as a hauler of waste tires issued by the SWMA:
 - (a) Must be approved without expiration date for the hauler of waste tires;

Section 12. Operating Standards

- 1.** The permit number for the hauler of waste tires shall be legibly lettered on both sides of each vehicle listed for hauling waste tires. The lettering shall be at least two (2) inches in height and width and be placed on a contrasting background. The permit number shall be the USDOT Number for the hauler of waste tires or a number assigned to the hauler of waste tires by the Health Authority.
- 2.** The maintenance and operation of vehicles used by a hauler of waste tires for the transport of waste tires must comply with all relevant laws, regulations, codes, and ordinances from all applicable federal, state, and local agencies of jurisdiction.
- 3.** The hauler of waste tires shall maintain accurate operating records. The records must be furnished upon request to the Health Authority or made available for inspection by the Health Authority during regular business hours. The records must include:
 - (a)** A daily record of:
 - (1)** The quantity of waste tires received and transported.
 - (2)** The name and location of each facility for the management of waste tires or disposal site approved by the solid waste management authority to which waste tires are transported.
 - (b)** Any inadvertent receipt or rejection of prohibited solid wastes. A Hauler shall notify the Health Authority by the next working day, in writing and in a format specified by the Health Authority, when any item offered to the hauler for disposal is rejected.
 - (c)** Any emergencies or unusual events. A Hauler shall notify the Health Authority in a timely manner of any emergencies or unusual events occurring during the receipt, transport, or drop-off of waste tires.
- 4.** Haulers of waste tires and persons transporting more than ten waste tires for which they are the generator, shall use a manifest to record the transport of waste tires. The manifest must include the:
 - (a)** Name, site address, and site phone number of the generator of the waste tires;
 - (b)** Passenger tire equivalents or total tons of waste tires being transported;
 - (c)** Name and permit number of the hauler of waste tires, when applicable;
 - (d)** Name of the driver of the vehicle hauling waste tires;
 - (e)** Date of transport;

- (f)** Destination facility of the waste tires, including name, site address, and site phone number;
 - (g)** Number of tires transported for reuse, if any, and
 - (h)** Signatures of the generator of the waste tires, the hauler of the waste tires (when not the generator), and the operator of the destination facility or disposal site approved by the SWMA.
- 5.** A person who transports waste tires and is subject to the manifest requirement of paragraph 4 of this Section shall:
 - (a)** Provide the owner or operator of the destination facility or solid waste management facility where the waste tires are deposited by the transporter, with a final copy of the manifest required pursuant to paragraph 4 of this Section;
 - (b)** Provide a final copy of the manifest required pursuant to paragraph 4 of this Section to the generator of the waste tires not later than 30 days after the date the transporter of the waste tires deposits the waste tires at a destination facility;
 - (c)** Sign the manifest provided pursuant to paragraph 4 of this Section when the information included on the manifest regarding items (c), (d), (e), and (g) of paragraph 4 of this Section is true and accurate to the best of the transporter's knowledge and belief.
 - (d)** Note and explain on the manifest, or a document physically attached to and referenced in, the manifest, any discrepancy between the amount of waste tires being transported, as indicated on the manifest, and the amount of waste tires actually deposited at the destination facility.
- 6.** A generator of waste tires shall:
 - (a)** Provide any person transporting waste tires for the generator, true and accurate information for items (a) and (b) of paragraph 4 of this Section;
 - (b)** Sign the manifest provided by a transporter of waste tires pursuant to paragraph 4 of this Section when the information included on the manifest regarding items (a) and (b) of paragraph 4 of this Section is true and accurate to the generator's best knowledge and belief;
 - (c)** Retain copies of all manifests required pursuant to paragraph 4 of this Section for waste tires transported for the generator for at least three years from the date the tires were removed from the possession of the generator. Copies of these manifests must be provided to, and upon the request of, the Health Authority.
 - (d)** Not retain waste tire transportation services from any person unless that person is hauling waste tires in accordance with these regulations.

7. The operator of a facility receiving waste tires shall:
 - (a) Provide any person depositing waste tires at the facility, true and accurate information regarding item (f) required pursuant to paragraph 4 of this Section;
 - (b) Sign the manifest provided by a transporter of waste tires who is depositing waste tires at the facility pursuant to paragraph 4 of this Section when the information on the manifest regarding item (f) of paragraph 4 of this Section is true and accurate to the operator's best knowledge and belief.
 - (c) Retain copies of all manifests required pursuant to paragraph 4 of this Section for waste tires received at the site for three years from the date the waste tires were received. Copies of these manifests must be provided to, and upon the request of, the Health Authority.
8. Any person, including a hauler of waste tires or an owner or operator of a facility for the management of waste tires, who fails to comply with the provisions of this Section may be subject to enforcement action, including permit revocation.
9. Notwithstanding all other provisions of these regulations, any person that receives waste tires only inadvertently, unintentionally, or as an incidental portion of a load of solid waste, or in amounts consistent with that generated by normal household use, shall be considered the generator of the waste tires for the purposes of this Section only and thus shall not be required to note the initial source, for all tires so received.
10. A hauler of waste tires shall submit semiannual reports to the Health Authority. The first report must be submitted for the reporting period beginning on January 1, 2010, and ending on June 30, 2010. Subsequent reports must be submitted semiannually thereafter. The hauler shall submit each report within 30 days after the end of the reporting period on a form prescribed by the SWMA. The report must include:
 - (a) The permit number of the hauler of waste tires;
 - (b) The type and quantity of waste tires collected during the reporting period;
 - (c) The destination(s) of the waste tires transported;
 - (d) The quantity of waste tires sent to each destination;
 - (e) The names of the generators of the waste tires or premises from which the waste tires were collected and the quantity collected from each; and
 - (f) Any emergencies or unusual events.

Section 13. INSPECTIONS AND ENFORCEMENT

1. Inspections

- (a)** A hauler of waste tires shall allow Environmental Health Specialists (EHSs) of the Health Authority, i.e., Deputy Health Officers, entry to their site(s) and/or business office during operating hours in order to conduct an inspection of all vehicles, operations, and records. The purpose of the inspection is to ensure compliance with the provisions of the permit issued by the Health Authority, these regulations, and all 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 applicable laws, regulations, ordinances, and codes. Copies of records, diagrams, and other documents shall be provided upon request and photographs shall be taken of the site, equipment, and operations, as deemed necessary, by the Health Authority during the inspection.
- (c)** The agent(s) 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 or business office.
- (d)** No person shall interfere with the EHSs/Deputy Health Officers and/or other employees of the Health Authority in the performance of their duties.
- (e)** A Cease and Desist Order and/or Notice of Violation may be issued for violations of SWMA regulations and other SWMA matters for which a hearing is provided for by law.

2. Enforcement

- (a)** The Health Authority may suspend or revoke the permit of a hauler of waste tires when the hauler of waste tires fails to comply with the provisions of the permit, these regulations, or applicable federal, state, and/or local, laws, regulations, ordinances, and codes.
- (b)** Whenever the Health Authority finds a condition in the operation of a hauler of waste tires which, in the judgment of the Health Authority, constitutes a substantial hazard to public health and/or the environment, the Health Authority may, without warning, notice or hearing, issue a written order to the hauler of waste tires 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 hauling of waste tires 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 30 days of the date said request is received by the SWMA to contest the terms of the order or suspension of the permit.

- (c)** For substantial hazards to public health or the environment, repeated violations of any of the requirements of these regulations, or for interference with the EHSs/Deputy Health Officers/Employees of the Health Authority in the performance of their duties, the 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 permit may be suspended for cause, pending its revocation or a hearing relative thereto.
- (d)** The SWMA may permanently revoke the permit of a hauler of waste tires following service of the notice unless a written request for a hearing is filed with the SWMA within five (5) business days of service.
- (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 shall 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. Any party aggrieved by a decision of the Hearing Officer(s) may seek judicial review of the decision of the Hearing Officer(s), in accordance with the provisions of NRS 233B.130(2), and NRS 233B.131 through 233B.150, inclusive.
- (f)** Any person who violates these 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 administrative, civil, and criminal penalties.

Section 14.

Disposal By Landfilling

- 1.** No person shall dispose of, or offer for disposal, a pneumatic tire in a municipal solid waste landfill in Clark County which can be processed into a usable product in Clark County, unless that pneumatic tire is designed for use on a(n):
 - (a)** Device not considered a vehicle as defined in NRS 484.217;
 - (b)** Low speed vehicle as defined by NRS 484.527;
 - (c)** Off-highway vehicle as defined by NRS 490.060.

- 2.** No person shall dispose of, or offer for disposal, a pneumatic tire in a municipal solid waste landfill in Clark County which cannot be processed into a usable product in Clark County, unless that pneumatic tire:
 - (a)** Is designed for use on a(n):
 - (1)** Device not considered a vehicle as defined in NRS 484.217;
 - (2)** Low speed vehicle as defined by NRS 484.527;
 - (3)** Off-highway vehicle as defined by NRS 490.060; or
 - (b)** Is processed by:
 - (1)** Cutting into four or more parts across the bead;
 - (2)** Splitting the tire circumferentially through its tread surface to produce two halves, each of which contains a bead, sidewall, and part of the tread;
 - (3)** Mechanically compressing and securing tires into a bale;
 - (4)** Manually cutting out the sidewalls, including bead, to produce three or more parts; or
 - (5)** Any other method approved by the SWMA.

- 3.** When all facilities for the management of waste tires in Clark County cannot, in a timely manner, receive and process all pneumatic tires which are generated in Clark County and intended for disposal at the facilities due to equipment failure, loss of power, insufficient storage area, emergency, or any other reason(s), the Health Authority, or the SWMA, shall make a finding that disposal of a waste tire at any location other than a municipal solid waste landfill is impracticable. Such a finding shall be effective until rescinded by the Health Authority or the SWMA. In making such a finding, the Health Authority or SWMA may also temporarily suspend these regulations in whole, or in part. At the earliest regularly-scheduled meeting practicable, the SWMA shall affirm or rescind the finding. An affirmed finding shall be effective until rescinded by the SWMA, or its designee. Such a finding does not

prohibit a facility from operating in accordance with a permit issued by the SWMA and these regulations, as applicable.

4. A person may request an exemption or waiver from any of these regulations by application to the Health Authority. Such a request shall be made by submittal of an application to the Health Authority in a manner and with any fees prescribed by the Health Authority. An exemption or waiver may only be granted by the SWMA. No exemption or waiver may be granted if it is not at least as protective of the public health and safety, and the environment as compliance with the regulation would be. An application shall be processed in a timely manner consistent with Section 4 of these regulations. The SWMA or Health authority may place condition(s) upon any exemption or waiver. The SWMA is not obligated to grant an exemption or waiver.
5. Notwithstanding paragraphs (1) and (2) of this Section:
 - (a) The inadvertent or unintentional disposal, or offering for disposal, of a pneumatic tire in a municipal solid waste landfill in Clark County shall not be considered a violation of these regulations.
 - (b) No person, including the operator of a municipal solid waste landfill, shall be considered in violation of these regulations for disposing of tires that are disposed of with the authorization of the SNHD SWMA and/or in accordance with all applicable federal, state, and/or local laws, regulations, ordinances, and codes.
 - (c) No person shall be considered in violation of this Section for disposing of, or offering for disposal, a pneumatic tire from a junk vehicle in a municipal solid waste landfill, providing the tire has been processed in accordance with paragraph (2) of this Section.
6. Any person who generates greater than one hundred (100) waste tires per year shall allow Environmental Health Specialists (EHSs) of the Health Authority, i.e., Deputy Health Officers, entry to their site(s) and/or business office during operating hours in order to conduct an inspection of all operations and records. The purpose of the inspection is to ensure compliance with the provisions of a permit issued by the SWMA, when applicable, these regulations, and all applicable federal, state, and/or local laws, regulations, ordinances, and codes.
7. Records shall be kept, and copies made available to the Health Authority upon request pursuant to this Section, by every person who generates greater than one hundred (100) waste tires per year. Such records shall be maintained which indicate:
 - (a) The number of waste tires generated each month;
 - (b) For retail or wholesale sellers of new tires, the number of used pneumatic tires retained by customers following replacement;
 - (c) The date, location, and amount of waste tires disposed of, or offered for disposal, at a municipal solid waste landfill; and

(d) Records required by these regulations.

These records shall be kept on file for at least 36 calendar months.

Section 15. MISCELLANEOUS

1. The Health Authority may take any appropriate action designed to improve tire disposal efficiencies within the solid waste management system.
2. Any person who violates these regulations shall be subject to enforcement actions pursuant to NRS 444.592 through NRS 444.610 and NRS 444.630 through NRS 444.645; which include administrative, civil, and criminal penalties.
3. 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.
4. These regulations are effective 120 days following approval by the SWMA.