
**SOLID WASTE MANAGEMENT AUTHORITY
REGULATIONS GOVERNING
PUBLIC WASTE STORAGE BIN FACILITIES**

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 location, design, construction, operation and maintenance of solid waste disposal sites and solid waste management systems.

WHEREAS, the Board finds that the sanitation and safety of public waste storage bin facilities does affect the public health and the environment, and that it is necessary to adopt Solid Waste Management Authority Regulations Governing Public Waste Storage Bin Facilities to promote and regulate the safety and sanitary condition of those facilities; 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 public waste storage bin facilities.

Scope These Regulations establish definitions; set minimum standards for the location, design, construction, operation, and maintenance of public waste storage bin facilities; 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
CFC	Chlorofluorocarbon
C&D	Construction and demolition
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 public waste storage bin facilities, which may hereinafter be referred to as “facility” or “facilities”:

- 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 public waste storage bin facility.
- 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 public waste storage bin facility. As specified in the Cease and Desist Order, a timeframe to achieve compliance with the Order may be included.
- 3. “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.

4. **“Construction and demolition waste short-term storage facility” defined.** A **Construction and demolition waste short-term storage facility** is a facility 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.
5. **“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.
6. **“Garbage” defined.** **Garbage** is putrescible animal and vegetable wastes resulting from the handling, storage, sale, preparation, cooking, and serving of food.
7. **“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, corrosively, reactivity, or toxicity.
8. **“Health Authority” defined.** **Health Authority** means the officers and agents of the Board and the SNHD.
9. **“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.
10. **“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 public waste storage bin facility 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.
11. **“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.
12. **“Operator” defined.** An **Operator** is the person responsible for the operation of a public waste storage bin facility or any part of it. An operator may also be an owner.
13. **“Owner” defined.** The **Owner** is the person who owns a public waste storage bin facility or any part of it. An owner may also be an operator.

14. **“Permit” defined.** A **Permit** is the initial written approval by the SWMA to design, construct, and operate a public waste storage bin facility 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 facility is located.
15. **“Permit revocation” defined.** **Permit revocation** occurs when the SWMA revokes all permission to operate a public waste storage bin facility 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 facility must cease immediately all operations at all work sites operated under the Permit. Revocations are intended to result in permanent closure of the facility. The facility may seek relief through the appeal process outlined in these Regulations.
16. **“Permit suspension” defined.** **Permit suspension** occurs when the SWMA suspends all permission to operate a public waste storage bin facility 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 facility may seek relief through the appeal process outlined in these Regulations.
17. **“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.
18. **“Public waste storage bin facility” defined.** A **public waste storage bin facility** is a facility 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.
19. **“Putrescible” defined.** **Putrescible** means capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors or gases.
20. **“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;
 - (a)(b) Corrugated cardboard;
 - (a)(c) Aluminum;
 - (a)(d) Yard debris (material generated from plants, including trees, bushes, sod, and grass clippings on residential or business property);
 - (a)(e) Office paper;

- (a)(f) Glass;
- (a)(g) Tin and steel cans;
- (a)(h) Metal;
- (a)(i) Motor oil;
- (a)(j) Plastic;
- (a)(k) Antifreeze;
- (a)(l) Wood; and
- (m) Food waste

21. **“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 public waste storage bin facility. The responsible person may be the owner or operator.
22. **“Solid waste” defined.** **Solid waste** is all putrescible and nonputrescible refuse in solid, semisolid, or liquid form, including, but not limited to, garbage; rubbish; junk vehicles; ashes or incinerator residue, street refuse; dead animals; demolition waste; construction waste; and solid, semisolid, or liquid commercial and industrial waste. The term does not include **hazardous waste** as defined above.
23. **“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.
24. **“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.
25. **“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.
26. **“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 temporary C&D waste storage facilities.

27. **“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.

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

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

A public waste storage bin facility 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 facility.
3. A public nuisance.

Section 3. APPROVALS FOR OPERATION

- 1.** A public waste storage bin facility must comply with the plans for design and operation as submitted in the application required by this Regulation 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, design, and construction of a public waste storage bin facility must comply with all relevant laws, regulations, codes, and ordinances from all applicable federal, state, and local agencies of jurisdiction.
- 3.** A public waste storage bin facility 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 are not transferable from location to location. A new application must be submitted prior to a public waste storage bin facility 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 SWMA, a Waste Management Permit will be issued to the operator of the public waste storage bin facility. Transfer of more than 50 percent of the outstanding shares of stock of any corporation or LLC that has been issued a public waste storage bin facility Permit 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 public waste storage bin facility must submit a permit application revision or modification, if applicable, for approval by the Health Authority for revisions, or SWMA for modifications, not later than 120 days after the adoption of these Regulations to bring the facility into compliance with these Regulations. The permit application revision or modification documents shall address the requirements found in Section 4, paragraph 2.

Section 4. APPLICATION FOR PERMIT TO OPERATE

1. Application for Initial Permit to operate a public waste storage bin facility

(a) An application for an initial Permit to operate a public waste storage bin facility will not be accepted by the Health Authority until:

(1) There is documentation of Land Use approval by the agency of jurisdiction

And

(2) There is copy of an application for a business license to operate a public waste storage bin facility from the agencies of jurisdiction.

These documents must be included with the application for an initial Permit to operate a public waste storage bin facility.

(b) Prior to commencing the operation of any public waste storage bin facility, 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 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 public waste storage bin facility, the following information and items must be brought to the Health Authority for review and approval by the SWMA. Two (2) copies of the application, including all associated enclosures, attachments, plans, and drawings must be submitted. Any subsequent changes to the application must also be submitted in duplicate. The application must include:

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

- i. The physical location and operator of the public waste storage bin facility
- ii. The business owner of the public waste storage bin facility,
- iii. The property owner of the public waste storage bin facility, if different
- 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 shall be provided.

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- 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) A signature on the application;
 - (4) Evidence of ownership or a lease agreement for the land on which the public waste storage bin facility will be located;
 - (5) Documentation showing the Land Use Permit(s) issued by the agency of jurisdiction for the public waste storage bin facility.
 - (6) Documentation showing Business License(s) have been applied for or issued for the public waste storage bin facility from the agency of jurisdiction.
 - (7) Documentation showing any other permits necessitated by the Report of Design or the Operating Plan for the public waste storage bin facility issued by agencies of jurisdiction, as applicable; i.e., air quality, fire, flood control (Storm Water Pollution Prevention Plan), building department, etc.
 - (8) A Report of Design, including a complete set of construction plans, as specified in Section 5.
 - (9) A Report of Operating Plan, operating standards, and operating records, as specified in Section 6.
 - (10) The documents specific to financial assurance as specified in Section 7.
 - (11) The plan for closure of the public waste storage bin facility as specified in Section 8.
 - (12) Any other information required by the SWMA.

(d) Evaluation of application

The Health Authority shall, within 45 days after receiving an application for an initial Permit to operate a public waste storage bin facility, 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

If 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 within which the applicant is required to submit to the Health Authority the documents or other information requested pursuant to **Section 4, paragraph 12, subparagraph (eb), 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 public waste storage bin facility is to be located, and published in a newspaper of general circulation for the area in which the facility 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 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 public waste storage bin facility, 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 public workshops. The public will have an opportunity to present their comments at the scheduled public workshops.
- (3) The Health Authority shall present and offer for Board review the application to operate a public waste storage bin facility during a public hearing: The application for approval to operate a public waste storage bin facility 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 public waste storage bin facility to the Board during the Public Hearing/Action portion of the regularly-scheduled Board of Health Meetings held monthly at the SNHD.
- ii. Issue a Waste Management Permit to operate a facility, if approved by the Board. If 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 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 public waste storage bin facility issued by a 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 and the environment;
- (3)** Must specify the amount and type of solid waste which the facility may receive that is consistent with the design and operational plans of the facility;

(4) May be revoked or suspended if written notice is given by the SWMA and the facility does not remain in compliance with the applicable statutes and regulations; and

(5) Must be issued to a specific operator or owner. A Permit may be transferred to a subsequent owner or operator only if the Board, acting in its capacity as the SWMA, approves the transfer following a duly-noticed public hearing. The new owner or operator must meet all federal, state, and local laws and regulations applicable to the operation of a public waste storage bin facility.

2. Request for modification of a public waste storage bin facility, change of conditions applicable to Permit to operate

(a) A Permit to operate a public waste storage bin facility may be modified upon the request of the owner or operator of the facility 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, if the proposed modification includes:

(1) An increase in the amount or type of solid wastes managed at the facility which is inconsistent with the permitted design, operational plans or municipal plans concerning the management of solid waste;

(2) A change in the manner of waste management at the facility which is inconsistent with the Permitted design or operational plans of the site;

(3) A substantive change in the:

i. Permitted design of the facility;

ii. Plans for closure;

iii. The mechanisms for financial assurance;

iv. Procedures for monitoring the site and taking any corrective actions; and

(4) A change in the physical location of the facility.

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

(b) An application to modify a public waste storage bin facility must be submitted on a form prescribed by the Health Authority and 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 public waste storage bin facilities. The types of Permits and/or fees specified include:

- (a)** Preliminary Plan Review. This is a review of the facility application by the Health Authority prior to the application's formal submission to the Health Authority.
- (b)** Preliminary Site Inspection. This is a review of the facility site by the Health Authority prior to the application's formal submission to the Health Authority.
- (c)** Application Fee. This fee is assessed at the time of the formal submission of the application.
- (d)** Annual Operating Permit. This is the Waste Management Permit issued annually to show facility compliance with all applicable rules and regulations.

Section 5. REPORT OF DESIGN

1. Report of Design document requirements

- (a)** 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 public waste storage bin facility.

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 public waste storage bin facility must be designed and constructed with:

- (a)** A site that is esthetically compatible with its environs. Include copies of the site landscape drawing(s) required by the agency of jurisdiction to satisfy this requirement.
- (b)** Any barriers and appurtenances necessary to control access to the facility. Include copies of approved construction drawing(s) and specification(s) showing entrances/exit(s) or guard building(s), fencing, walls, or other types of barriers and appurtenances necessary to control access to the facility.
- (c)** All-weather asphalt or concrete paved access road(s). The access roads shall be constructed to the standard required by the agency of jurisdiction. Include copies of the approved site drawing(s) showing the all-weather asphalt or concrete paved access road(s).
- (d)** A means that allows the public to deposit waste materials conveniently and safety in the waste storage bins.
- (e)** Screened fencing, walls, and/or other appurtenances to prevent the scattering of papers and other lightweight debris. Such structures shall be constructed to the standard required by the agency of jurisdiction. Include copies of the approved site drawing(s) showing screened perimeter fences, walls, and/or other appurtenances provided to the agency of jurisdiction to satisfy this requirement. Surfaces within the fenced area must be constructed of an impervious material such as asphalt or concrete and meet any specifications required by the agency of jurisdiction.
- (f)** Waste storage bins or containers having a combined capacity to hold the types and quantities of solid waste and recyclable or recovered materials that the public waste storage bin facility was designed and permitted to accommodate as approved by the agency of jurisdiction and the SWMA.

- (1) Waste storage bins, trucks, and trailers holding solid waste or any other type of containers holding waste shall not have a combined capacity of more than 160 cubic yards.
 - (2) Waste storage bins or containers must be constructed of durable, watertight materials with a lid or screen on top that prevents access by disease vectors and the loss of materials during storage and transport.
 - (3) Storage of empty waste storage bins or other types of containers shall be clearly segregated from partially or completely filled waste storage bins, trucks, trailers, and/or containers. The capacity of empty waste storage bins or containers is not calculated in the capacity requirement of 160 cubic yards.
 - (4) Storage of solid waste outside of waste storage bins is prohibited other than those special wastes and household hazardous wastes collected and stored in areas specifically designated for their storage.
- (g) Equipment storage, maintenance, and wash-down areas to eliminate track-in and track-out of dirt and debris, as required by the agency of jurisdiction. Include copies of the approved drawing(s) provided to the agency of jurisdiction to satisfy this requirement.
- (h) Public waste storage bin facility signage.

Provide a drawing(s) showing all signage which is necessary to the operation of the facility. Minimally, signs must be posted at the public waste storage bin facility and in the surrounding community, as shown in part (6) below, to clearly indicate:

- (1) The owner and operator of the facility including current name of responsible person(s) and their emergency contact phone number(s).
- (2) Speed limit and directional signs, if applicable.
- (3) The hours of operation.
- (4) Materials accepted or excluded.
- (5) Fees charged, if applicable.
- (6) Directions to travel from the communities being served to the public waste storage bin facility. The signs should be designed and placed so that the facility can be easily located.

3. Report of Design

The report of the design of a public waste storage bin facility must:

- (a) Be prepared under the direction of and signed and stamped by a professional engineer who is licensed in the state of Nevada.

(b) Include a detailed description of each activity and its location at the facility, a diagram indicating the manner in which the activities are conducted and waste materials are stored at facility, and the design capacity and environmental controls for each activity conducted at the facility. Provide a separate diagram with narrative and plan layout of each activity. Activities may include the following: the storage of empty, partially and completely filled waste storage bins, and/or storage bins of recyclable or recovered materials received at the facility. Information on the diagram(s) shall include the following:

- (1)** The capacity of the public waste storage bin facility in cubic yards, not to exceed 160 cubic yards per facility.
- (2)** A list of the anticipated types, quantities, and sources of solid waste to be received at the facility.
- (3)** A list of the anticipated types, quantities, sources and design criteria for the following:
 - i.** Chlorofluorocarbon (CFC)-containing appliances and equipment.
 - ii.** Periodic collection of household hazardous waste. The amount or volume of household hazardous waste disposed of by each customer shall not exceed the volume generated by a typical household.
 - iii.** Used motor oil.
 - iv.** The storage of recyclable or recovered materials to be received at the facility.
- (4)** A narrative describing the storage process with a schematic layout of the facility.

(c) Define the population and area to be served by the facility;

(d) Include a general location map that shows land use and zoning within a one (1)-mile radius of the facility.

(e) Include engineered plans and specifications of the facility in sufficient detail to demonstrate compliance with the design standards. The engineered plans must:

- (1)** Be prepared under the direction of and signed and stamped by a professional engineer who is licensed in the state of Nevada.
- (2)** Be drawn to scale of not more than 200 feet per inch and must include contour intervals of not more than five (5) feet;
- (3)** Show existing and proposed contours;
- (4)** Show access roads and traffic routing inside and around the facility;

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- (5)** 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;
 - (6)** Show fencing, equipment, shelter, employee facilities, waste handling areas, and any other appurtenance;
 - (7)** Include provisions for weighing and/or measuring incoming solid waste;
 - (8)** Show location of storage of empty waste storage bins and containers and the segregated location for the storage of partially and completely filled waste storage bins, trucks, trailers, and/or containers.
 - (9)** Show location of other activities such as equipment storage, vehicle maintenance, and wash-down areas.
 - (10)** 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, including Clark County Air Quality Regulations.

Section 6. REPORT OF OPERATING PLAN

1. The Operating Plan

The Operating Plan for the public waste storage bin facility must include, without limitation:

- (a) Provisions for the control of access to the facility.
- (b) The position titles and the number of employees who will be on duty at the facility during operating hours.
- (c) A list of the equipment and machinery that will be used at the facility. The equipment and machinery must be identified by type, brand, model number, capacity (if applicable), and identifying serial number. Provide a plan for obtaining substitute equipment in the event of equipment break down. Trucks, trailers, drop boxes, and/or containers used for the storage of solid waste must be marked with individual identifying numbers (may be alphanumeric in any combination).
- (d) Procedures for controlling vehicular traffic.
- (e) A List of the anticipated types, quantities, and sources of solid waste to be received at the facility;
- (f) The types of waste that the facility will not receive and a list of the facilities where such waste will be directed. This includes a list of companies that will transport the prohibited wastes, when discovered.
- (g) A program for detecting and preventing the disposal of regulated hazardous waste and polychlorinated biphenyl wastes, asbestos wastes, and any other prohibited wastes specified in the submitted public waste storage bin facility application.
- (h) Procedures for measuring and/or weighing incoming and outgoing solid waste and recyclables.
- (i) The proposed capacity and expected life of the public waste storage bin facility.
- (j) The frequency and method of transfer of solid waste to a disposal site.
- (k) The maximum time that solid waste will be stored at the public waste storage bin facility.
 - (1) Except as otherwise provided for in this section, if garbage and similar putrescible waste is stored in combination with nonputrescible waste, the wastes must not be stored at the facility for more than one (1) week.
 - (2) The Health Authority may approve the storage of such waste for more than one (1) week before the collection in a remote community if the agency of jurisdiction in which the facility is located demonstrates that an alternative

minimum collection frequency will not result in increased litter or odors, the harboring of vectors, the storage of excess waste outside of containers, or any other health hazard, public nuisance, or impairment to the environment. The Health Authority, at its discretion, may revoke approval of an alternative minimum collection frequency.

- (l) Provisions for planned facility servicing and inspections.
 - (1) Service the facility as often as necessary to ensure that there is adequate solid waste storage capacity at all times.
 - (2) Provide for the inspection of the facility at least weekly.
 - (3) Collect all scattered papers and other lightweight debris.
- (m) The location of solid waste storage areas at the public waste storage bin facility. Show location of storage of empty waste storage bins and containers and the segregated location for the storage of partially and completely filled waste storage bins, trucks, trailers, and/or containers.
- (n) The proposed hours and days of operation.
- (o) A contingency plan that describes procedures for emergencies and alternate solid waste handling systems. The Health Authority must be notified at the time of implementation of such contingency plans.
- (p) A plan for fire prevention and control approved by the fire agency of jurisdiction.
- (q) A plan for the management of special wastes that are allowed for acceptance at the public waste storage bin facility. Asbestos materials shall not be accepted at public waste storage bin facilities.
- (r) The location of special storage areas at the public waste storage bin facility; i.e., recyclables, household hazardous wastes, CFC-containing equipment and appliances, and used motor oil.
- (s) A description of how the operators of the public waste storage bin facility will comply with the operating standards set forth in **Section 6, paragraph 2**.

2. Operating standards

- (a) Any solid waste accepted at a public waste storage bin facility must be transferred to a disposal site that has been issued a Permit by the SWMA or is permitted by any other solid waste management authority having jurisdiction over the location of the permanent disposal site.
- (b) A public waste storage bin facility must be kept in a neat and orderly condition. All solid wastes and/or recyclables must be promptly removed from the facility within the time frames specified in **Section 6, paragraph 1, subparagraph (k)**.

- (c) All waste storage bins, equipment, or containers shall be repaired, as needed, and maintained in good working order.
- (d) Storage of solid waste outside of approved waste storage bins, equipment, or containers is prohibited.
- (e) All public areas of the facility must be maintained in a safe, clean, and sanitary state.
- (f) At the final closure of a facility, any remaining wastes must be removed to a disposal site that has been issued a permit by a SWMA.

(g) Control of Vermin

An owner or operator shall prevent or control populations of disease vectors at the public waste storage bin facility 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.

3. Operating records

- (a) The operator of a public waste storage bin facility 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 by the Health Authority during the regular business hours of the facility or business office. The records must include:
 - (1) A daily record of:
 - i. The quantity of solid waste and recyclables received and transported.
 - ii. The name and location of each permitted disposal site receiving the solid waste and/or recyclables.
 - (2) Any inadvertent 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 in a timely manner of any emergencies or unusual events occurring at the public waste storage bin facility.
- (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 working day of January, April, July, and October of each year.
- (c) The owner or operator of a public waste storage bin facility shall comply with the following requirements concerning the reporting of recyclables received at and transported from the facility:

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- (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 by the Health Authority.
 - (3)** The survey must be signed by the responsible person operating the facility.
 - (4)** Upon request by the Health Authority, the responsible person must furnish documentation as requested to verify the recycling survey.

Section 7. FINANCIAL ASSURANCE

1. Financial assurance compliance

- (a)** The owner and/or operator of the public waste storage bin facility shall be required to provide financial assurance to cover the costs of closure as specified in Section 8 of this Regulation.
- (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 if the alternate plan meets the criteria set forth in this Section.

2. Financial assurance estimate cost of plan for closure

- (a)** The owner or operator shall obtain detailed written estimates from at least two separate companies, in current dollars, of the cost of hiring a third party to close the facility in accordance with the plan for closure.
- (b)** During the active life of the facility, the owner or operator shall annually adjust the estimate for inflation and changes to the cost estimate due to inflation must be submitted by January second of each year to the Health Authority.
- (c)** The owner or operator shall increase the estimate and amount of financial assurance if changes to the plan for closure or conditions at the facility increase the maximum cost of closure. 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 estimate and amount of financial assurance if the estimate exceeds the maximum cost of closure at any time during the remaining life of the facility. The owner or operator shall provide the Health Authority with documentation of the justification for the reduction of financial assurance. 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 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 or operator is no longer required to demonstrate financial responsibility pursuant to this Section.

- 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. If the surety cancels the bond, the owner or operator shall obtain alternate financial assurance as specified in this Section.
- vii. The owner or operator may cancel the bond only if alternate financial assurance is substituted as specified in this Section, inclusive, or the owner or operator is no longer required to demonstrate financial responsibility.

(2) A letter of credit

- i. An owner or operator may satisfy the requirements of this Regulation by obtaining an irrevocable letter of credit which conforms to the requirements of this Section.
- ii. A letter of credit must:
 - A. Be obtained by the owner or operator and become effective before the initial receipt of waste.
 - B. Be maintained until the owner or operator is no longer required to demonstrate financial responsibility pursuant to this Regulation.
- 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;

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- 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 this Section, 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 estimate 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. If 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 if alternate financial assurance is substituted as specified in this Regulation or the owner or operator is released from the requirements of this Section.

(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 this Section.
- ii.** The insurance must:
 - A.** Be obtained by the owner or operator and become effective before the initial receipt of waste; and
 - B.** Be maintained until the owner or operator is no longer required to demonstrate financial responsibility pursuant to this Section.
- 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 if the remaining value of the policy is sufficient to cover the remaining costs of the closure, and if 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. If 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. If the insurer cancels the policy, the owner or operator shall obtain alternate financial assurance as specified in this Regulation.
- x.** The owner or operator may cancel the policy of insurance only if he substitutes alternate financial assurance in accordance with this Regulation or he is no longer required to demonstrate financial responsibility in accordance with the requirements of this Section.
- 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 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 initial receipt of waste 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 facility. 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 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 costs 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.

Section 8. CLOSURE OF PUBLIC WASTE STORAGE BIN FACILITY

1. Plan for closure of the public waste storage bin facility

A plan for the closure of the public waste storage bin facility must be submitted to the Health Authority that specifies the procedures which are required to remove and dispose of any solid waste present at the facility and/or any structures and/or equipment as may be required by the property owner. The plan must include a detailed written estimate, in current dollars, of the cost to hire a person or party to close the facility in accordance with the plan for closure of the facility. The plan for closure must be updated if modifications are made to the Permit as approved by the SWMA and any changes shall require the prior approval of the SWMA, pursuant to Section 4 of these Regulations.

2. Closure notification

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 solid waste after the designated closing date.

3. Public waste storage bin facility final clean up

The owner or operator shall, within 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 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.

Section 9. INSPECTIONS AND ENFORCEMENT

1. Inspections

- (a)** An owner or operator of a public waste storage bin facility shall 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 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 facility.
- (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 60 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 all SWMA Regulation 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 public waste storage bin facility if 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 SWMA 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 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 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 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 both criminal and civil penalties.

Section 10. 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 replace Solid Waste Management Regulations: Transfer Stations and Public Storage Bin Facilities and are effective upon approval by the SWMA.