

**Legislative Commission's Committee to Study the  
Deposits and Refunds on Recycled Products**

(Assembly Bill 427, Chapter 462, *Statutes of Nevada 2011*)

**WORK SESSION  
DOCUMENT  
(Exhibits Included)**



**June 26, 2012**

Prepared by the Research Division  
Legislative Counsel Bureau

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## WORK SESSION DOCUMENT

Legislative Commission's Committee to Study the  
Deposits and Refunds on Recycled Products  
(Assembly Bill 427, Chapter 462, *Statutes of Nevada 2011*)

**June 26, 2012**

The following "Work Session Document" has been prepared by the Chair and staff of the Legislative Commission's Committee to Study the Deposits and Refunds on Recycled Products (Assembly Bill 427, Chapter 462, *Statutes of Nevada 2011*). It is designed to assist the Committee members in developing statements and determining recommendations to be forwarded to the 2013 Session of the Nevada Legislature. Each item in this document may be the subject of further discussion, refinement, or action.

The recommendations contained herein do not necessarily have the support or opposition of the Committee. Rather, these possible actions are compiled and organized so the members may review them to decide if they should be adopted, changed, rejected, or further considered. The members of the Committee may vote to send as many statements or letters as they choose; however, pursuant to *Nevada Revised Statutes* (NRS) 218D.160, the Committee is limited to five bill draft requests (BDRs), including requests for the drafting of legislative resolutions. For purposes of this "Work Session Document," the recommendations have been grouped by topic. They are not preferentially ordered. Additionally, although possible actions may be identified within each recommendation, the Committee may choose to recommend any of the following actions: (1) draft legislation; (2) draft a legislative resolution; (3) draft a Committee letter; or (4) include a statement in the final report.

The source of each recommendation is noted in parentheses. Please note that specific sponsors of the recommendations may not be provided if the proposals were raised and discussed by numerous individuals and entities during the course of the Committee's meetings. It should also be noted that some of the recommendations may contain an unknown fiscal impact. Committee members should be advised that

Legislative Counsel Bureau (LCB) staff will coordinate with the interested parties to obtain detailed fiscal estimates, where appropriate, for inclusion in the final report.

Finally, please note that specific details of approved requests for legislation or Committee statements may need to be clarified by Committee staff prior to drafting. Supporting documents for some recommendations may be obtained by contacting Michael J. Stewart, Chief Principal Research Analyst, Research Division, LCB, at (775) 684-6825. All place names referred to in this document are in Nevada unless otherwise noted.

<p style="text-align: center;"><b>RECOMMENDATION RELATING TO BEVERAGE CONTAINER DEPOSITS AND REFUNDS</b></p>
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1. **Request the drafting of a bill** to establish a beverage container deposit and refund program in the State of Nevada. The first reprint of Assembly Bill 427 of the 2011 Legislative Session could serve as a model for this recommendation (see Tab A). The following provisions are set forth in A.B. 427 (first reprint):
  - a. Provides that certain beverage containers sold in Nevada would have a refund value of 5 cents;
  - b. Makes eligible for refund “any sealable bottle, can, jar or carton that is primarily composed of glass, metal or plastic or any combination thereof and is produced for the purpose of containing a beverage for a single use”;
  - c. Defines the term “beverages” as “beer and other malt beverages, bottled water, mineral water, soda water, bottled or canned tea, bottled or canned energy drinks, flavored water and any other carbonated or noncarbonated drinks intended for human consumption. The term does not include milk or wine.”
  - d. Expressly exempts from the refund value those beverage containers sold to common carriers that conduct interstate passenger service, as well as containers sold to casinos, bars, restaurants, or resorts that meet certain conditions relating to on-premises consumption and recycling. Nevada’s Division of Environmental Protection (NDEP), State Department of Conservation and Natural Resources (SDCNR), is charged with adopting regulations setting forth the parameters of these exemptions;
  - e. Requires containers to be labeled with the refund value and the word “Nevada” or abbreviation “NV”;
  - f. Requires consumers to pay the container deposit to retailers at the time of purchase;
  - g. Requires that retailers pay beverage container deposits into a State fund (the Beverage Container Recycling Fund) administered by the SDCNR;

- h. Provides for container return at redemption centers that are certified by the NDEP. The Division would be required to adopt regulations concerning the certification and operation of redemption centers;
- i. Authorizes redemption centers to refuse to accept a beverage container which contains foreign materials and any containers the redemption center reasonably believes were not originally sold in the State of Nevada as filled beverage containers;
- j. Provides that a person may not offer to return at one time more than 250 empty beverage containers that the person knows or has reason to know were not originally sold in Nevada as filled beverage containers;
- k. Allows money from any unclaimed deposits to be used for the administration of the program as well as for recycling programs, programs promoting recycling, and education concerning recycling; and
- l. Requires retailers and redemption centers to report monthly to the SDCNR.

Issues for the Committee's consideration include:

- a. The types of beverage containers to be covered;
- b. The composition of the beverage container (glass, metal, plastic, et cetera);
- c. Amount of deposit per container;
- d. Exceptions to the refund;
- e. Maximum limits on the number of containers redeemed at one time;
- f. Container labeling requirements;
- g. Redemption procedures (redemption by retailer or redemption centers as certified by the State of Nevada);
- h. The possible establishment of a State account or fund to handle the bottle deposit and redemption flow;
- i. The imposition of a handling or processing fee (to offset program costs) and a possible program start-up fee;
- j. Guidelines on the use of unredeemed deposits; and
- k. Reporting requirements.

(Please see Tab B for a summary table of beverage container deposit laws in other states.)  
*(Recommended by numerous presenters at each of the Committee's meetings)*

## RECOMMENDATIONS RELATING TO SINGLE-STREAM RECYCLING

- 2. Request the drafting of a bill** amending Chapter 444A (“Programs for Recycling”) of NRS (particularly NRS 444A.040) requiring the board of county commissioners in a county whose population is 100,000 or more (Clark and Washoe Counties) to make available for use in that county a program for single-stream recycling beginning on or after January 1, 2017 (or beginning on a different date as determined by the Committee). The bill would also amend subsections 2 and 3 of NRS 444A.040 to provide that smaller counties *may* make available single-stream recycling.

*(Recommended by numerous presenters at each of the Committee’s meetings)*

### NOTES:

If the Committee wishes to expand this requirement to Carson City, the population threshold would be for a county whose population is 55,000 or more.

If the Committee adopts this recommendation, it may also wish to increase the 25 percent recycling goal set forth in NRS 444A.020.

If the Committee adopts this recommendation, it may also wish to require apartment complexes and condominium complexes to provide locations for single-stream recycling. Parameters for this requirement may also mirror those set forth in NRS 278.02315, which prohibits a county or city from approving any plan or revised plan for the construction or major renovation of certain apartment complexes or condominiums unless the plan includes provisions for the placement of recycling containers.

If the Committee approves this recommendation, provisions in NRS 444A.020 and 444A.030 would likely need to be amended to allow the State Environmental Commission to adopt by regulation minimum standards for single-stream recycling and to adopt a “model plan” for single-stream recycling.

(Please see Tab C for copies of Chapter 444A of the NRS and NRS 278.02315.)

### AND/OR

- 3. Send a Committee letter** to each board of county commissioners in Nevada encouraging those boards to make available in the county a program for single-stream recycling as soon as feasibly possible.

*(Recommended by numerous presenters at each of the Committee’s meetings)*

## RECOMMENDATIONS RELATING TO RECYCLING GENERALLY

### America's Schools Program

4. **Request the drafting of a legislative resolution** expressing support for the program, partnerships, and recycling efforts of the America's Schools Program.  
*(Discussed at the Committee's April 3, 2012, meeting)*

### Recycling of Construction and Demolition (C&D) Materials at Construction Sites

5. **Request the drafting of a bill** mandating that recycling be offered for C&D materials at construction sites in counties whose populations are 100,000 or more (Clark and Washoe Counties). Such recycling could be achieved through single-stream containers at construction sites or by source separation activities.  
*(Discussed by Chair Ohrenschall and Vice Chair Manendo and Norberto Madrigal, Treasurer, Lunas Construction Clean-Up)*

## AND/OR

6. **Send a Committee letter** to the various builders and contractors associations and construction trade organizations encouraging their members to engage in and increase the level of construction site recycling. The letter could also encourage these associations and organizations to study the impacts of C&D recycling and evaluate the ideal parameters for construction site recycling and request they report their findings to the Nevada Legislature. Considerations for study could include: (a) project applicability (based on the size and type of construction activity); (b) identifying target materials; (c) the development of incentives; (d) consideration of physical space limitations; (e) amending construction permitting requirements; (f) considerations regarding on-site practices (single-stream versus source separation); (g) monitoring and reporting requirements; and (h) enforcement mechanisms.  
*(Discussed by Chair Ohrenschall and Vice Chair Manendo and Norberto Madrigal, Treasurer, Lunas Construction Clean-Up)*

### University of Nevada, Las Vegas (UNLV), Rebel Recycling Program

7. **Send a Committee letter** to the President of UNLV and the Board of Regents of the University of Nevada praising the efforts of the UNLV Rebel Recycling Program and urging the establishment of similar programs at other Nevada System of Higher Education campuses.  
*(Discussed at the Committee's April 3, 2012, meeting)*

**California State Assembly Bill 1933 (2011-2012 Regular Session) Relating to Recycled Beverage Container Fraud**

8. **Send a Committee letter** to the Chairwoman of the Senate Standing Committee on Appropriations in California, Senator Christine Kehoe (D-Senate District 39), expressing support for A.B. 1933, sponsored by Assembly Member Richard S. Gordon (D-Assembly District 21). The measure proposes to reduce the threshold for reporting imported beverage container material from 100 pounds to 25 pounds for aluminum, bimetal, or plastic and from 1000 pounds to 250 pounds for glass beverage container material. The measure also requires that any person required to report about the importation of beverage container material to the California Department of Resources, Recycling, and Recovery to also provide documentation of the source and destination of the material. To date, the measure has received unanimous support throughout the committee process. (Please see Tab D for a copy and summary of A.B. 1933.)

*(Discussed briefly at the May 29, 2012, meeting of the Committee by Assemblyman Pete Livermore)*

**Other General Recommendations the Committee May Wish to Consider**

9. The Committee may wish to consider **requesting the drafting of legislation** requiring that local jurisdictions impose pay as you throw (PAYT) pricing for residential solid waste collection. The PAYT model is a variable rate structure for waste collection that sets different rates based on the amount of waste generated. (Please see Tab E for a description of the PAYT model.)
10. The Committee may wish to address the use of food stamps to purchase recyclable beverage containers. If the Committee adopts Recommendation No. 1 of this work session, it may wish to suggest limitations on the use of “Supplemental Nutrition Assistance Program” funds (formerly food stamps) relating to beverage containers. The Committee may wish to **send Committee letters** to the Division of Welfare and Supportive Services of Nevada’s Department of Health and Human Services and the United States Department of Agriculture addressing this issue.

<b>RECOMMENDATION RELATING TO UNLAWFUL DUMPING</b>
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11. **Request the drafting of a bill** relating to unlawful dumping by amending NRS 444.630 to increase, from two years to four years, the time frame between a first offense and subsequent offenses during which a greater penalty could be imposed. Under this amendment, an offense repeated within four years, rather than two years, of the previous offense could be treated as a second, third, or subsequent offense (as the case may be) and the defendant would be subject to those higher penalties. (Please see Tab F.)

*(Recommended by Vice Chair Manendo)*

**NOTE:**

- The Legislative Commission's Committee to Study the Deposits and Refunds on Recycled Products may make additional recommendations based on discussions held and presentations made at its meeting in Las Vegas on June 26, 2012. Please see the meeting agenda for discussion topics.
- The Chair of the Committee may choose to raise other relevant issues for discussion or Committee action during the work session.
- Committee staff may need to seek additional details or clarification on approved recommendations from Committee members and others prior to drafting BDRs, Committee letters, or statements.

# **Tab A**

**Assembly Bill 427 of the 2011 Legislative Session  
(First Reprint)**

ASSEMBLY BILL NO. 427—ASSEMBLYMAN OHRENSCHALL

MARCH 21, 2011

Referred to Committee on Natural Resources,  
Agriculture, and Mining

SUMMARY—Enacts provisions requiring the payment of deposits and refunds on certain beverage containers sold in this State. (BDR 40-1079)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to programs for recycling; enacting provisions requiring the payment of deposits and refunds on certain beverage containers sold in this State; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 This bill establishes a program for requiring deposits to be paid and then  
2 refunded on certain recyclable beverage containers sold in this State. Under **section**  
3 **10** of this bill, every beverage container, with certain exceptions, has a refund value  
4 of 5 cents. **Section 11** of this bill requires every beverage container sold in this  
5 State to be clearly labeled with that refund value and with the word “Nevada” or the  
6 abbreviation “NV.” **Section 12** of this bill requires a consumer to deposit the refund  
7 value of each beverage container when purchasing a filled container and requires a  
8 dealer who receives that deposit to submit the amount of the deposit to the Director  
9 of the State Department of Conservation and Natural Resources for deposit in the  
10 Beverage Container Recycling Fund. **Section 12** also authorizes a consumer to  
11 return the beverage container to a redemption center and requires the Division of  
12 Environmental Protection of the Department to adopt regulations for the  
13 certification of those redemption centers. **Section 13** of this bill provides for the  
14 refunding of the value of the empty beverage container to the consumer by a  
15 redemption center. **Section 14** of this bill prohibits a person from attempting to  
16 return for a refund more than a certain number of empty beverage containers that  
17 the person knows or has reason to know were not originally sold in this State.  
18 **Section 15** of this bill creates the Beverage Container Recycling Fund and requires  
19 the money in the Fund to be used for recycling and recycling promotion and  
20 education programs. **Section 16** of this bill requires certain reports to be made to  
21 the Director of the Department, and **section 17** of this bill requires the Division to  
22 adopt regulations necessary to carry out the provisions of this bill.



\* A B 4 2 7 R 1 \*

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     **Section 1.** Chapter 444A of NRS is hereby amended by  
2 adding thereto the provisions set forth as sections 2 to 16, inclusive,  
3 of this act.

4     **Sec. 2.** *As used in sections 2 to 16, inclusive, of this act, the*  
5 *words and terms described in sections 3 to 9.5, inclusive, of this*  
6 *act have the meanings ascribed to them in those sections.*

7     **Sec. 3.** *“Beverage” means beer and other malt beverages,*  
8 *bottled water, mineral water, soda water, bottled or canned tea,*  
9 *bottled or canned energy drinks, flavored water and any other*  
10 *carbonated or noncarbonated drinks intended for human*  
11 *consumption. The term does not include milk or wine.*

12     **Sec. 4.** *“Beverage container” means any sealable bottle, can,*  
13 *jar or carton that is primarily composed of glass, metal or plastic*  
14 *or any combination thereof and is produced for the purpose of*  
15 *containing a beverage for a single use.*

16     **Sec. 5.** (Deleted by amendment.)

17     **Sec. 6.** *“Consumer” means a person who purchases a*  
18 *beverage in a beverage container for use or consumption with no*  
19 *intent to resell the beverage.*

20     **Sec. 7.** *“Dealer” means a person who engages in the sale of*  
21 *beverages in beverage containers. The term includes the operator*  
22 *of a vending machine that sells beverages.*

23     **Sec. 7.5.** *“Director” means the Director of the State*  
24 *Department of Conservation and Natural Resources.*

25     **Sec. 8.** *“Distributor” means a person who engages in the*  
26 *sale of beverages in beverage containers to a dealer.*

27     **Sec. 9.** *“Division” means the Division of Environmental*  
28 *Protection of the State Department of Conservation and Natural*  
29 *Resources.*

30     **Sec. 9.5.** *“Redemption center” means a facility that is*  
31 *certified by the Division pursuant to section 12 of this act to accept*  
32 *beverage containers from consumers.*

33     **Sec. 10. 1.** *Except as otherwise provided in subsection 2,*  
34 *every beverage container sold or offered for sale in this State has a*  
35 *refund value of 5 cents.*

36     **2.** *The following beverage containers do not have a refund*  
37 *value:*

38     **(a)** *A beverage container sold by a distributor for use by a*  
39 *common carrier in the conduct of interstate passenger service;*  
40 *and*



\* A B 4 2 7 R 1 \*

1       ***(b) A beverage container sold by a distributor for use by a***  
2 ***gaming establishment, saloon, restaurant or resort that***  
3 ***demonstrates to the satisfaction of the State Environmental***  
4 ***Commission that:***

5           ***(1) Of the beverage containers sold or given away by the***  
6 ***gaming establishment, saloon, restaurant or resort, a percentage***  
7 ***not less than that determined by the Division pursuant to***  
8 ***subsections 3 and 4 contain beverages that will be consumed on***  
9 ***the premises; and***

10          ***(2) The gaming establishment, saloon, restaurant or resort***  
11 ***has on the premises a program for recycling beverage containers.***

12       ***3. The Division shall adopt regulations prescribing the***  
13 ***method for determining the percentage of beverage containers***  
14 ***sold or given away by a gaming establishment, saloon, restaurant***  
15 ***or resort required for the exemption pursuant to paragraph (b) of***  
16 ***subsection 2.***

17       ***4. The regulations adopted pursuant to subsection 3 must***  
18 ***provide for consideration by the Division of the size and nature of***  
19 ***the gaming establishment, saloon, restaurant or resort and the***  
20 ***purposes of sections 2 to 16, inclusive, of this act.***

21       ***Sec. 11. A beverage container may not be sold in this State***  
22 ***unless the beverage container is clearly labeled:***

23           ***1. With the refund value of the beverage container; and***

24           ***2. With the word "Nevada" or the abbreviation "NV."***

25       ***Sec. 12. 1. For every filled beverage container that a***  
26 ***consumer purchases from a dealer, the consumer shall deposit the***  
27 ***refund value of the beverage container with the dealer.***

28           ***2. Within 10 days after the end of each month, a dealer who***  
29 ***receives a deposit from a consumer pursuant to subsection 1 shall***  
30 ***submit the amount of the deposit to the Director for deposit***  
31 ***pursuant to the provisions of section 15 of this act.***

32           ***3. A consumer who deposits the refund value of a beverage***  
33 ***container pursuant to subsection 1 may return the beverage***  
34 ***container to a redemption center pursuant to section 13 of this act.***

35           ***4. The Division shall adopt regulations concerning the***  
36 ***issuance and renewal of certificates for redemption centers and***  
37 ***the administration and enforcement of the provisions of sections 2***  
38 ***to 16, inclusive, of this act. The regulations must include, without***  
39 ***limitation, provisions setting forth:***

40           ***(a) The requirements for the issuance and renewal of those***  
41 ***certificates;***

42           ***(b) The fees, if any, for the issuance and renewal of those***  
43 ***certificates;***

44           ***(c) The manner in which deposits, refunds of deposits and***  
45 ***reimbursements for deposits paid by redemption centers must be***



\* A B 4 2 7 R 1 \*

1 *made from the Beverage Container Recycling Fund created by*  
2 *section 15 of this act; and*

3 *(d) Any other requirements specified by the Division to carry*  
4 *out the provisions of sections 2 to 16, inclusive, of this act.*

5 **Sec. 13. 1.** *Except as otherwise provided in subsections 2*  
6 *and 3, a redemption center shall:*

7 *(a) Accept from any person during normal business hours any*  
8 *empty beverage container of the type, size and brand sold by a*  
9 *dealer in this State; and*

10 *(b) Pay the person the refund value of each empty beverage*  
11 *container so returned.*

12 **2.** *A redemption center may refuse to accept a beverage*  
13 *container which contains material foreign to the normal contents*  
14 *of the beverage container other than water, soap or any similar*  
15 *cleaning material or solution.*

16 **3.** *A redemption center may refuse to accept empty beverage*  
17 *containers that the redemption center reasonably believes were not*  
18 *originally sold in this State as filled beverage containers.*

19 **Sec. 14.** *A person may not offer to return at one time to a*  
20 *redemption center more than 250 empty beverage containers that*  
21 *the person knows or has reason to know were not originally sold*  
22 *in this State as filled beverage containers.*

23 **Sec. 15. 1.** *The Beverage Container Recycling Fund is*  
24 *hereby created in the State Treasury as a special revenue fund.*

25 **2.** *All money received by a dealer pursuant to section 12 of*  
26 *this act must be deposited in the State Treasury for credit to the*  
27 *Fund. The Director may apply for and accept any gift, donation,*  
28 *bequest, grant or other source of money for use by the Fund. Any*  
29 *money so received must be deposited in the State Treasury for*  
30 *credit to the Fund.*

31 **3.** *The Fund is a continuing fund without reversion. The*  
32 *money in the Fund must be invested as the money in other state*  
33 *funds is invested. The interest and income earned on the money in*  
34 *the Fund, after deducting any applicable charges, must be credited*  
35 *to the Fund. Claims against the Fund must be paid as other claims*  
36 *against the State are paid.*

37 **4.** *The Director shall administer the Fund. The money in the*  
38 *Fund, after deducting any costs incurred by the Division in*  
39 *administering the provisions of sections 2 to 16, inclusive, of this*  
40 *act, must be used by the Division solely for recycling programs*  
41 *and programs promoting recycling and education concerning*  
42 *recycling.*

43 **Sec. 16.** *Not later than the 10th day of each month, each*  
44 *dealer and redemption center shall, as applicable, report to the*  
45 *Director, in the manner prescribed by the Director:*



\* A B 4 2 7 R 1 \*

1       1. *The amount deposited with the dealer pursuant to section*  
2 *12 of this act during the immediately preceding month;*

3       2. *The amount refunded to a consumer pursuant to section*  
4 *13 of this act during the immediately preceding month; and*

5       3. *Any other information required by the Director.*

6       **Sec. 17.** The Division of Environmental Protection of the State  
7 Department of Conservation and Natural Resources shall, on or  
8 before December 31, 2012, adopt any regulations required or  
9 necessary to carry out the provisions of this act.

10       **Sec. 18.** This act becomes effective:

11       1. Upon passage and approval for the purpose of adopting any  
12 regulations and performing any other preparatory administrative  
13 tasks that are necessary to carry out the provisions of this act; and

14       2. On January 1, 2013, for all other purposes.



# **Tab B**

## **Summary table of beverage container deposit and refund laws in other states**

(Source: [www.bottlebill.org](http://www.bottlebill.org))

**SUMMARY TABLE OF BEVERAGE CONTAINER DEPOSIT AND REFUND LAWS IN OTHER STATES (10 States)**

State	Name	Dates	Beverages Covered	Containers Covered	Amount of Deposit	Handling Fee	Other Fees	Reclamation System	Unredeemed Deposits	Program Statistics	History
<a href="#"><u>California</u></a>	California Beverage Container Recycling and Litter Reduction Act (AB 2020)	Enacted 9/29/1986 Implemented 9/1/1987	beer, malt, wine & distilled spirits coolers, all non-alcoholic beverages except milk	Aluminum, glass, plastic and bi-metal. Exempts refillables	(10¢: 24oz and greater) and (5¢: under 24oz.)	(Paid by state to super-market sites, nonprofit convenience zone recyclers, and rural region recyclers.) .859¢	Beverage manufacturers pay Processing Fees to offset recyclers costs when the cost of recycling exceeds the value of material. Processing Payments paid by state to redemption centers. Processing fees and payments vary by container type.	State certified redemption centers, registered curbside operations, dropoffs	Property of state: used for program administration and grants to non-profits	2011 redemption rates (January–June): Overall 88%  Aluminum: 100%, Glass: 102%  #1 PET: 70% #2 HDPE: 276% #3 PVC: 6% #4 LDPE: 1% #5 PP: 3% #6 PS: 9% #7 other: 8%  Bimetal: 16%	<a href="#"><u>Amended in 1990, 2000, 2004, and 2007</u></a>
Notes: Containers are returned to licensed redemption centers, not to retailers; Refund value determined by weight for more than 50 containers											

State	Name	Dates	Beverages Covered	Containers Covered	Amount of Deposit	Handling Fee	Other Fees	Reclamation System	Unredeemed Deposits	Program Statistics	History
<a href="#"><u>Connecticut</u></a>	Beverage Container Deposit and Redemption Law	Enacted 4/12/78; Implemented 1/1/80	Beer, malt, carbonated soft drinks, and bottled water	Any individual, separate, sealed glass, metal or plastic bottle, can, jar or carton containing a beverage. Excluded are containers over 3L containing noncarbonated beverages, and HDPE containers.	5¢	Beer 1.5¢, other beverages 2¢		Retail stores and redemption centers	Returned to the State	No statistics available	<a href="#"><u>Amended in 1983, 1986, and 2009</u></a>
Notes: "Dislocation fund" for workers who lost their jobs due to bottle bill											
<a href="#"><u>Hawaii</u></a>	Solid Waste Management Deposit Beverage Container Law (Act 176)	Enacted 6/25/02, Implemented 1/1/05	all nonalcoholic drinks, except for milk or dairy products, and limited alcoholic drinks (beer, malt beverages, mixed spirits, mixed wine).	Aluminum, bi-metal, glass, plastic (PET and HDPE only) up to 68 oz.	5¢	Variable fee of 2-4¢ paid to redemption centers from the Deposit Beverage Container Fund.	1¢ non-refundable "container fee" (added to price of beverage) paid to fund redemption centers.	Certified Redemption Centers (CRCs) operated by privately owned by State permitted Solid Waste facilities.	Property of state: used for program administration	Redemption rate of 72% in fiscal year 2008; 79% as of November 2009	<a href="#"><u>Expanded in 2007</u></a>
Notes: Redemption centers must submit reports regularly, Refund may be calculated by weight											

State	Name	Dates	Beverages Covered	Containers Covered	Amount of Deposit	Handling Fee	Other Fees	Reclamation System	Unredeemed Deposits	Program Statistics	History
<a href="#">Iowa</a>	Beverage Container Deposit Law	Enacted 4/1/78, Implemented 6/2/79	Beer, carbonated soft drinks & mineral water, wine coolers, wine & liquor	any sealed glass, plastic, or metal bottle, can, jar or carton containing a beverage	5¢	1¢, paid by distributor to retailer or redemption center		Retail stores and redemption centers	Retained by distributor/bottlers	Overall: 86%	
	Notes: Wine/liquor containers included; deposit containers were banned from landfills in 1990; if agreement exists w/licensed center, retailer can refuse containers										
<a href="#">Massachusetts</a>	Beverage Container Recovery Law	Enacted 6/4/81, Implemented 1/1/83	Beer, malt, carbonated soft drinks, & mineral water	any sealable bottle, can, jar, or carton of glass, metal, plastic, or combo. Excludes biodegradables	5¢	2.25¢		Retail stores and redemption centers	Property of state general fund	70.8% in Fiscal Year 2010 (July 2009 through June 2010)	<a href="#">Amended in 1990 and 2003</a>
	Notes: Wholesalers must file monthly reports w/Dept. of Revenue re: deposit & refund, Withstood repeal by referendum effort in 1982 by a 60 percent to 40 percent vote.										
<a href="#">Maine</a>	Maine Returnable Beverage Container Law	Enacted 1/1/76, Implemented 6/1/78	All beverages except dairy products and unprocessed cider	all sealed containers made of glass, metal or plastic, containing 4 liters or less, excluding aseptics	Wine/liquor : 15¢ All others: 5¢	4¢ (.5¢ less if part of qualified commingling agreement)		Retail stores and redemption centers; Dealers may refuse containers if they have an agreement with a nearby redemption center	Property of state	No statistics available	<a href="#">Amended in 1980, 1990, 1991, 1993, 2003, 2009</a>
	Notes: Distributors who initiate deposits have the obligation to pick up containers from the dealers they deliver to or from the licensed redemption center that serves those dealers. There is a per container fine of \$100 for tendering containers purchased out of state for redemption.										

State	Name	Dates	Beverages Covered	Containers Covered	Amount of Deposit	Handling Fee	Other Fees	Reclamation System	Unredeemed Deposits	Program Statistics	History
<a href="#"><u>Michigan</u></a>	Michigan Beverage Container Law	Enacted 11/2/76, Implemented 12/3/78	Beer, soft drinks, carbonated & mineral water, wine coolers, canned cocktails	Any airtight metal, glass, paper, or plastic container, or a combination, under 1 gallon	10¢	None		Retail stores	75% to state for environmental programs, 25% to retailers	Overall: 96.9%	<a href="#"><u>Amended in 1989 and 2008</u></a>
	Notes: Only state with a 10 cent deposit										
<a href="#"><u>New York</u></a>	New York State Returnable Container Law	Enacted 6/15/82, Implemented 7/1/83	Beer, malt, carbonated soft drinks, water, wine coolers	airtight metal, glass, paper, plastic, or combination of the above, under 1 gallon	5¢	3.5¢		Retail stores and redemption centers	80% to the state General Fund; 20% retained by distributor	Overall: 66.8% Beer: 75.2% Soda: 56.8% Wine: 64.7%	<a href="#"><u>Amended in 1983, 1998, and 2009</u></a>
	Notes: Requires reporting of containers sold and redeemed by bottlers and distributors										
<a href="#"><u>Oregon</u></a>	The Beverage Container Act	Enacted 7/2/71, Implemented 1/01/72	Beer, malt, carbonated soft drinks, & bottled water (will cover all beverages except wine, liquor, milk, and milk substitutes by 2018)	Any individual, separate, sealed glass, metal or plastic bottle, can, jar containing a beverage	Standard refillable: 2¢; all others 5¢ (with potential to increase to 10¢)	none		Retail stores or approved redemption centers	Retained by distributor/bottlers	Overall: 84%	<a href="#"><u>Expanded 1/1/08, 6/2011</u></a>
	Notes: Only deposit law without a handling fee.										

State	Name	Dates	Beverages Covered	Containers Covered	Amount of Deposit	Handling Fee	Other Fees	Reclamation System	Unredeemed Deposits	Program Statistics	History
<a href="#">Vermont</a>	Beverage Container Law (1972), Solid Waste Act (1987)	Enacted 4/7/72, Implemented 7/1/73	Beer, malt, carbonated soft drinks, mixed wine drinks; liquor	Any bottle, can, jar or carton composed of glass, metal, paper, plastic or any combination (Biodegradables excluded)	liquor: 15¢ All others: 5¢	4¢ for brand-sorted containers and 3.5¢ for com-mingled brands		Retail stores and redemption centers, If retailer is located conveniently near a licensed center and thereby gains state approval, retailer may refuse containers	Retained by distributor/bottlers	Overall: 85%	<a href="#">Expanded in 1991</a>

SOURCE: [www.bottlebill.org](http://www.bottlebill.org)

# **Tab C**

**Chapter 444A of the *Nevada Revised Statutes* (NRS)  
and NRS 278.02315**

[Rev. 11/4/2011 12:43:09 PM]

## CHAPTER 444A - PROGRAMS FOR RECYCLING

## RECYCLING OR DISPOSAL OF SOLID WASTE AND OTHER WASTE

<u>NRS 444A.010</u>	Definitions.
<u>NRS 444A.0103</u>	“Apartment complex” defined.
<u>NRS 444A.0107</u>	“Condominium” defined.
<u>NRS 444A.011</u>	“Department” defined.
<u>NRS 444A.012</u>	“Municipality” defined.
<u>NRS 444A.013</u>	“Recyclable material” defined.
<u>NRS 444A.014</u>	“Recycling center” defined.
<u>NRS 444A.015</u>	“Solid waste” defined.
<u>NRS 444A.016</u>	“Tire for a vehicle” defined.
<u>NRS 444A.017</u>	“Vehicle” defined.
<u>NRS 444A.020</u>	Adoption of regulations establishing standards for recycling or disposal of solid waste; goal of standards; methods for disposal of used or waste tires.
<u>NRS 444A.030</u>	Adoption of model plan for recycling or disposal of solid waste or other waste; compliance with standards adopted by State Environmental Commission.
<u>NRS 444A.040</u>	Availability of programs for recycling or disposal of solid waste in certain counties and municipalities; approval of programs required; availability to residents of Indian reservation or colony.
<u>NRS 444A.050</u>	Report of effectiveness of program; notice of recycling opportunities; enforcement, review and proposed revisions of program by municipality.
<u>NRS 444A.060</u>	Unlawful to refuse to accept used or waste tires in exchange on purchase of new tire; notice of requirement; penalty.
<u>NRS 444A.070</u>	Report to Legislature on status of programs for recycling and reuse of materials.
<u>NRS 444A.080</u>	Adoption of regulations.

## FEE FOR PURCHASE OF NEW TIRE

<u>NRS 444A.090</u>	Imposition and rate of fee; accounting for and disposition of money collected; powers and duties of Department of Taxation.
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## PROGRAM OF PUBLIC EDUCATION

<u>NRS 444A.110</u>	Program of public education concerning disposal of solid waste, recycling, reuse and waste reduction; reduction of waste and litter; technical assistance; grants for projects concerning solid waste management systems and efficient use of resources; regulations governing administration of grants.
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## PROGRAM FOR COLLECTION AND SEPARATION OF RECYCLABLE MATERIAL WHICH MAY BE USED AS SOURCE OF RENEWABLE ENERGY

<u>NRS 444A.120</u>	Establishment in larger counties; activities to be included in program; program must not conflict with certain standards adopted by State Environmental Commission.
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## RECYCLING OR DISPOSAL OF SOLID WASTE AND OTHER WASTE

**NRS 444A.010 Definitions.** As used in NRS 444A.010 to 444A.080, inclusive, unless the context otherwise requires, the words and terms defined in NRS 444A.0103 to 444A.017, inclusive, have the meanings ascribed to them in those sections. (Added to NRS by 1991, 1668; A 1993, 17, 1441; 2009, 832)

**NRS 444A.0103 “Apartment complex” defined.** “Apartment complex” means a building or group of buildings, each building of which consists of at least five units of connecting rooms, with each unit designed for independent housekeeping. (Added to NRS by 2009, 831)

**NRS 444A.0107 “Condominium” defined.** “Condominium” has the meaning ascribed to it in NRS 117.010. (Added to NRS by 2009, 832)

**NRS 444A.011 “Department” defined.** “Department” means the State Department of Conservation and Natural Resources.

(Added to NRS by 1993, 1441)

**NRS 444A.012 “Municipality” defined.** “Municipality” means a county, city, town, general improvement district or health district created pursuant to NRS 439.362 or 439.370 or other political subdivision of this State which has jurisdiction over the management of solid waste.

(Added to NRS by 1993, 1441; A 2005, 2470)

**NRS 444A.013 “Recyclable material” defined.** “Recyclable material” means solid waste that can be processed and returned to the economic mainstream in the form of raw materials or products, as determined by the State Environmental Commission.

(Added to NRS by 1993, 1441)

**NRS 444A.014 “Recycling center” defined.** “Recycling center” means a facility designed and operated to receive, store, process or transfer recyclable material which has been separated at the source from other solid waste.

(Added to NRS by 1993, 1441)

**NRS 444A.015 “Solid waste” defined.** “Solid waste” has the meaning ascribed to it in NRS 444.490.

(Added to NRS by 1993, 1441)

**NRS 444A.016 “Tire for a vehicle” defined.** “Tire for a vehicle” includes a tire for a motorized vehicle that is 12 inches or larger in diameter, but does not include a recapped tire or used tire which is sold again.

(Added to NRS by 1993, 1441)

**NRS 444A.017 “Vehicle” defined.** “Vehicle” means any device in, upon or by which any person or property is or may be transported or drawn upon land. The term does not include:

1. Devices moved by human or electrical power;
2. Commercial coaches as defined in NRS 489.062;
3. Electric personal assistive mobility devices as defined in NRS 482.029; and
4. Mobile homes as defined in NRS 489.120.

(Added to NRS by 1993, 1441; A 2003, 1207)

**NRS 444A.020 Adoption of regulations establishing standards for recycling or disposal of solid waste; goal of standards; methods for disposal of used or waste tires.**

1. The State Environmental Commission shall adopt regulations establishing minimum standards for:

(a) Separating at the source recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided, including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.

(b) Establishing recycling centers for the collection and disposal of recyclable material.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested.

2. The regulations adopted pursuant to subsection 1 must be adopted with the goal of recycling at least 25 percent of the total solid waste generated within a municipality after the second full year following the adoption of such standards.

3. The State Environmental Commission shall, by regulation, establish acceptable methods for disposing of used or waste tires consistent with the provisions of NRS 444.505, 444.507 and 444.509.

(Added to NRS by 1991, 1668; A 1999, 3178; 2009, 1085; 2011, 1319)

**NRS 444A.030 Adoption of model plan for recycling or disposal of solid waste or other waste; compliance with standards adopted by State Environmental Commission.**

1. The Division of Environmental Protection of the Department shall, by regulation, adopt a model plan for:

(a) Separating at the source recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided, including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.

(b) Establishing recycling centers for the collection and disposal of recyclable material in areas where there are no centers.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested.

(d) The disposal of infectious waste, hazardous waste which is not regulated pursuant to NRS 459.485 and liquid waste which is not regulated pursuant to NRS 445A.300 to 445A.730, inclusive.

2. The model plans adopted pursuant to subsection 1 must not conflict with the standards adopted by the State Environmental Commission pursuant to NRS 444A.020.

(Added to NRS by 1991, 1669; A 1999, 3178; 2011, 1320)

**NRS 444A.040 Availability of programs for recycling or disposal of solid waste in certain counties and municipalities; approval of programs required; availability to residents of Indian reservation or colony.**

1. The board of county commissioners in a county whose population is 100,000 or more, or its designee, shall make available for use in that county a program for:

(a) The separation at the source of recyclable material from other solid waste originating from residential premises and

public buildings where services for the collection of solid waste are provided, including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.

(b) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any other program made available pursuant to this subsection.

(d) The encouragement of businesses to reduce solid waste and to separate at the source recyclable material from other solid waste. This program must, without limitation, make information regarding solid waste reduction and recycling opportunities available to a business at the time the business applies for or renews a business license.

2. The board of county commissioners of a county whose population is 45,000 or more but less than 100,000, or its designee:

(a) May make available for use in that county a program for the separation at the source of recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided, including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.

(b) Shall make available for use in that county a program for:

(1) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program established pursuant to paragraph (a).

(2) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any other program made available pursuant to this subsection.

3. The board of county commissioners of a county whose population is less than 45,000, or its designee, may make available for use in that county a program for:

(a) The separation at the source of recyclable material from other solid waste originating from residential premises and public buildings where services for the collection of solid waste are provided, including, without limitation, the placement of recycling containers on the premises of apartment complexes and condominiums where those services are provided.

(b) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of any other program made available pursuant to this subsection.

4. Any program made available pursuant to this section:

(a) Must not:

(1) Conflict with the standards adopted by the State Environmental Commission pursuant to NRS 444A.020; and

(2) Become effective until approved by the Department.

(b) May be based on the model plans adopted pursuant to NRS 444A.030.

5. The governing body of a municipality may adopt and carry out within the municipality such programs made available pursuant to this section as are deemed necessary and appropriate for that municipality.

6. Any municipality may, with the approval of the governing body of an adjoining municipality, participate in any program adopted by the adjoining municipality pursuant to subsection 5.

7. Persons residing on an Indian reservation or Indian colony may participate in any program adopted pursuant to subsection 5 by a municipality in which the reservation or colony is located if the governing body of the reservation or colony adopts an ordinance requesting such participation. Upon receipt of such a request, the governing body of the municipality shall make available to the residents of the reservation or colony those programs requested.

(Added to NRS by 1991, 1669; A 1995, 506; 1999, 3179; 2001, 1990; 2005, 1501; 2009, 832; 2011, 1258)

**NRS 444A.050 Report of effectiveness of program; notice of recycling opportunities; enforcement, review and proposed revisions of program by municipality.**

1. A county or health district that adopts a program pursuant to NRS 444A.040 shall:

(a) On or before July 1 of each year, submit a report to the Department of the number of tons of material disposed of in the area covered by the program.

(b) Within 6 months after adopting the program, and at least once every 6 months thereafter, notify all persons occupying residential, commercial, governmental and institutional premises within the area covered by the program of the local recycling opportunities and the need to reduce the amount of waste generated.

2. The governing body of a municipality that adopts a program pursuant to NRS 444A.040 shall:

(a) Adopt such ordinances as are necessary for the enforcement of the program.

(b) At least once every 24 months, conduct a review of the program and propose such revisions to the program and any ordinances adopted pursuant thereto as the governing body determines are necessary and appropriate. The findings of the review and any proposed revisions must be submitted to the Department for approval on or before July 30 of each even-numbered year.

(Added to NRS by 1991, 1670; A 1999, 3180; 2005, 1502)

**NRS 444A.060 Unlawful to refuse to accept used or waste tires in exchange on purchase of new tire; notice of requirement; penalty.**

1. A person who offers a tire for a vehicle for sale at retail shall post at the point of purchase a written notice which is at least 8 1/2 inches by 11 inches in size and contains the following information:

## NOTICE

State law requires us to accept used tires for disposal or recycling when new tires are purchased from us.

2. It is unlawful for a person who offers a tire for a vehicle for retail sale to refuse to accept used or waste tires in exchange on the purchase of a new tire. This section does not require the purchaser of a tire to provide a used or waste tire as a condition of his or her purchase of a new tire. The seller shall comply with the regulations of the State Environmental Commission regarding the proper disposal of the used or waste tires so collected. In addition to any other applicable penalty, any person who violates the provisions of this subsection is guilty of a misdemeanor and shall be fined not less than \$100 for each day of violation.

(Added to NRS by 1991, 1668; A 2005, 1502)

**NRS 444A.070 Report to Legislature on status of programs for recycling and reuse of materials.** The Director of the Department shall deliver to the Director of the Legislative Counsel Bureau a biennial report on or before January 31 of each odd-numbered year for submission to the Legislature on the status of current and proposed programs for recycling and reuse of materials and on any other matter relating to recycling and reuse which he or she deems appropriate.

(Added to NRS by 1991, 1668)

**NRS 444A.080 Adoption of regulations.**

1. The State Environmental Commission shall adopt regulations necessary to enforce the provisions of NRS 444A.010 to 444A.070, inclusive.

2. The State Environmental Commission may adopt any other regulations necessary to carry out the provisions of NRS 444A.010 to 444A.070, inclusive.

(Added to NRS by 1991, 1670)

**FEE FOR PURCHASE OF NEW TIRE**

**NRS 444A.090 Imposition and rate of fee; accounting for and disposition of money collected; powers and duties of Department of Taxation.**

1. A person who sells a new tire for a vehicle to a customer for any purpose other than for resale by the customer in the ordinary course of business shall collect from the purchaser at the time the person collects the applicable sales taxes for the sale a fee of \$1 per tire. A person who did not pay the fee imposed by this section at the time of purchase because he or she purchased the new tire for resale and who then makes any use of that tire other than to resell it in the ordinary course of business, shall pay the fee imposed by this section to the Department of Taxation at the time of the first use of that tire for a purpose other than holding it for resale.

2. The seller shall account separately for all money received pursuant to subsection 1 as a deposit to be held in trust for the State. In accordance with the regulations adopted pursuant to subsection 3, the seller shall transmit 95 percent of the money held in trust pursuant to this section to the Department of Taxation for deposit with the State Treasurer for credit to the Solid Waste Management Account in the State General Fund. The remaining 5 percent and all interest and income which accrued on the money while in trust with the seller become the property of the seller on the day the balance for the month is transmitted to the Department of Taxation and may be retained by the seller to cover his or her related administrative costs.

3. The Director of the Department of Taxation shall adopt regulations establishing acceptable methods for accounting for and transmitting to the Department money collected or required to be paid by retailers pursuant to subsection 1. The regulations must include a designation of the persons responsible for payment. The regulations must, in appropriate situations, allow for the transmission of that money together with the payment of the applicable sales and use taxes.

4. In collecting the fee, the Department of Taxation may employ any administrative and legal powers conferred upon it for the collection of the sales and use taxes by chapters 360 and 372 of NRS.

5. The fee imposed pursuant to subsection 1 does not apply to any tire included in the sale of a new or used vehicle unless the tire is sold in a separate transaction.

(Added to NRS by 1991, 1667, 1677; A 1993, 18, 19, 1420)

**PROGRAM OF PUBLIC EDUCATION**

**NRS 444A.110 Program of public education concerning disposal of solid waste, recycling, reuse and waste reduction; reduction of waste and litter; technical assistance; grants for projects concerning solid waste management systems and efficient use of resources; regulations governing administration of grants.**

1. The Division shall develop a program of public education to provide information, increase public awareness of the individual responsibility of properly disposing of solid waste and encouraging public participation in recycling, reuse and waste reduction. The program must be designed in accordance with the plans to provide for a solid waste management system approved pursuant to NRS 444.510 to communicate the importance of conserving natural resources, in addition to the importance of protecting public health and the environment. The program must include promotion of the private and public efforts to accomplish conservation, recovery and reuse.

2. The Division shall encourage the reduction of waste and litter by:

- (a) Providing, upon request, advice to persons regarding techniques to reduce waste and general information on recycling.
- (b) Establishing a computer database to process related information.
- (c) Establishing a toll-free telephone line to assist in the dissemination of information.
- (d) Sponsoring or cosponsoring technical workshops and seminars on waste reduction.
- (e) Assisting local programs for the research and development of plans to reduce waste.

- (f) Coordinating the dissemination of publications on waste reduction, regardless of the source of those publications.
- (g) Assisting in the development and promotion of programs of continuing education for educators and administrators to enable them to teach and encourage methods of waste reduction.
- (h) Developing an emblem to signify and advertise the efforts in Nevada to encourage recycling.
- (i) Recommending to educational institutions courses and curricula relating to recycling and the reduction of waste.
- (j) Assisting state agencies, upon request, to develop and carry out programs for recycling within state buildings.
- (k) Encouraging the Nevada System of Higher Education to research and develop methods for the reduction, reclamation and conversion of solid waste, including, without limitation, encouraging the Nevada System of Higher Education to seek money from public and private sources for that purpose.

3. The Division shall coordinate the technical assistance available from the various state agencies. The Administrator of the Division shall prepare and deliver biennial reports to the Governor regarding the progress of the program.

4. The Division may award grants to municipalities, educational institutions and nonprofit organizations for projects that enhance solid waste management systems and promote the efficient use of resources. The Division shall consult a solid waste management authority before awarding a grant for a project within the jurisdiction of that solid waste management authority.

5. The State Environmental Commission shall adopt regulations governing the administration of grants awarded pursuant to subsection 4.

6. As used in this section, unless the context otherwise requires, "Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

(Added to NRS by 1991, 1676; A 1995, 646; 1999, 3180; 2005, 1503; 2007, 3014)

#### **PROGRAM FOR COLLECTION AND SEPARATION OF RECYCLABLE MATERIAL WHICH MAY BE USED AS SOURCE OF RENEWABLE ENERGY**

**NRS 444A.120 Establishment in larger counties; activities to be included in program; program must not conflict with certain standards adopted by State Environmental Commission.**

1. The board of county commissioners in a county whose population is 700,000 or more shall, in conjunction with each licensed hauler of garbage and refuse operating in the county, establish a pilot program for collecting and separating recyclable material that has the potential to be used as a source of renewable energy or converted into renewable fuel.

2. The pilot program must include, without limitation:

(a) An exploration of technologies and processes that are able to use recyclable material as a source of renewable energy or convert recyclable material into renewable fuel.

(b) The creation and maintenance of adequate records to allow an assessment of the feasibility of establishing a statewide recycling standard.

3. The pilot program must not conflict with the standards relating to recyclable material adopted by the State Environmental Commission pursuant to NRS 444A.020.

4. As used in this section:

(a) "Licensed hauler of garbage and refuse" means a person who holds the licenses and permits required to operate a business of collecting and disposing of garbage and refuse. The term includes a person who is licensed to operate a business of collecting recyclable material.

(b) "Recyclable material" has the meaning ascribed to it in NRS 444A.013.

(Added to NRS by 2007, 3007; A 2011, 1259)

**NRS 278.02315 Inclusion of provisions for placement of recycling containers in plans for construction or major renovation of apartment complex or condominium.**

1. On and after October 1, 2009, a governing body or its designee shall not approve any plan or revised plan for the construction or major renovation of an apartment complex or condominium unless the plan or revised plan includes provisions for the placement of recycling containers on the premises of the apartment complex or condominium.

2. As used in this section:

(a) "Apartment complex" has the meaning ascribed to it in [NRS 444A.0103](#).

(b) "Condominium" has the meaning ascribed to it in [NRS 117.010](#).

(c) "Major renovation" means the destruction or reconstruction of an apartment complex or condominium to an extent which exceeds 50 percent of the replacement value of the apartment complex or condominium.

(Added to NRS by [2009, 834](#))

# **Tab D**

## **California State Assembly Bill 1933 and a Summary of A.B. 1933**

(Relating to the Enforcement of Beverage Container Recycling Provisions)



*California*  
LEGISLATIVE INFORMATION

**AB-1933 Beverage containers: enforcement.** (2011-2012)

CALIFORNIA LEGISLATURE— 2011–2012 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1933**

**Introduced by Assembly Member Gordon**

**February 22, 2012**

**An act to amend Section 14596 of the Public Resources Code, relating to beverage containers.**

LEGISLATIVE COUNSEL'S DIGEST

AB 1933, as introduced, Gordon. Beverage containers: enforcement.

(1) The existing California Beverage Container Recycling and Litter Reduction Act requires a distributor of specified beverage containers to pay a redemption payment to the Department of Resource Recycling and Recovery, for each beverage container, as defined, sold or transferred, for deposit in the California Beverage Container Recycling Fund. Existing law requires any person importing more than a 100 pounds of aluminum, bimetel, or plastic beverage container material, or more than 1,000 pounds of glass beverage container material, into the state to report the material and provide an opportunity for inspection and prohibits any person from falsifying documents required pursuant to the act or the regulations adopted by the department. A violation of the act is a crime.

This bill would decrease the amount of materials for which a person is required to report to the department to 25 pounds of aluminum, bimetel, or plastic beverage container material, or more than 250 pounds of glass beverage container material, and would additionally require the person to provide the department with certain documentation regarding those materials. Since a violation of this requirement would be crime, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 14596 of the Public Resources Code is amended to read:

**14596.** (a) Any person importing more than ~~100~~ **25** pounds of aluminum, bimetal, or plastic beverage container material, or more than ~~1,000~~ **250** pounds of glass beverage container material, into the state, shall report the material to the department and provide the department with ~~an~~ *all of the following*:

*(1) Documentation on the source of the material.*

*(2) Documentation on the destination of the material.*

*(3) An* opportunity for inspection, in accordance with the regulations adopted by the department.

(b) The department may impose civil penalties pursuant to Section 14591.1 or take disciplinary action pursuant to Section 14591.2 for a violation of this section.

**SEC. 2.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

**SENATE COMMITTEE ON ENVIRONMENTAL QUALITY**  
**Senator S. Joseph Simitian, Chairman**  
**2011-2012 Regular Session**

**BILL NO:** AB 1933  
**AUTHOR:** Gordon  
**AMENDED:** As Introduced  
**FISCAL:** Yes  
**URGENCY:** No  
**HEARING DATE:** May 14, 2012  
**CONSULTANT:** Peter Cowan

**SUBJECT: BEVERAGE CONTAINERS: ENFORCEMENT**

**SUMMARY:**

Existing law, under the California Beverage Container Recycling and Litter Reduction Act (the Act):

- 1) Establishes refund value and redemption payments for beverage containers and requires a distributor to pay a redemption payment for every beverage container sold or offered for sale in the state to the Department of Resources Recycling and Recovery (DRRR), which is required to deposit those payments into the California Beverage Container Recycling Fund (Fund). The money in the Fund is continuously appropriated for the payment of refund values and processing fees. (Public Resources Code §14500 et seq.).
- 2) Authorizes funding for specified purposes to increase beverage container recycling, including payments to cities and counties. (§14581).
- 3) Requires any person importing more than 100 pounds of aluminum, bimetals, or plastic beverage container material, or 1000 pounds of glass beverage container material, into California to report the material to DRRR and to provide an opportunity for inspection. (§14596).

This bill:

- 1) Reduces the threshold for reporting the imported beverage container material from 100 pounds to 25 pounds for aluminum, bimetals or plastic beverage container material, and from 1000 pounds to 250 pounds for glass beverage container material.

- 2) Requires that any person required to report the importation of beverage container material to DRRR additionally provide documentation of the source and destination of the material.

### COMMENTS:

- 1) Purpose. According to the author “California’s bottle and can recycling law has been found to be the most cost effective program of its kind in the country, and no recycling policy or program in the state is achieving better results. However, the very incentives that have spurred high rates of recycling have also inspired entrepreneurial criminals...[AB 1933] will help create deterrents on importers trying to illegally redeem out of state beverage containers in California by creating a paper trail and requiring documentation of the source and destination of the material.”
- 2) Background on the Act. The Act is designed to provide consumers with a financial incentive for recycling and to make recycling convenient to consumers. The centerpiece of the Act is the California Redemption Value (CRV). Consumers pay a deposit, the CRV, on each beverage container they purchase. Retailers collect the CRV from consumers when they buy beverages. The dealer retains a small percentage of the deposit for administration and remits the remainder to the distributor, who also retains a small portion for administration before remitting the balance to DRRR. When consumers return their empty beverage containers to a recycler (or donate them to a curbside or other program), the deposit is paid back as a refund.
- 3) Container fraud. The extent of illegal redemption of out-of-state containers is unknown. However, in 2010, 31 people were arrested in an enforcement action involving the Department of Justice and DRRR. Three separate fraud rings coordinated the importation of millions of cans and bottles from Arizona and Nevada for redemption of the CRV. According to the Attorney General, the rings stole more than \$3.5 million. Neither Arizona nor Nevada has beverage container redemption programs.

In the summer of 2011, DRRR, in coordination with the California Department of Food and Agriculture (CDFA), initiated a “no-cost” pilot program to survey and document vehicles importing out-of-state beverage container material into California through all 16 CDFA Border Protection Stations. During the first 60 calendar days of the pilot program, the

information gathered indicated that over 2,500 vehicles (including 378 rental trucks filled to capacity) imported out-of-state beverage container material through these stations. Based on the survey data referenced above, DRRR states that a conservative estimate of fraud exposure to the Fund is \$7 million annually.

AB 1933 would reduce the redemption value of beverage container material that could be imported into California without notifying DRRR from a maximum of approximately \$150 to a maximum of less than \$50.

- 4) Support concerns. According to the California Grocers Association, AB 1933 will reduce fraud which will increase stability in the Fund, helping recyclers stay in business.

**SOURCE:** Californians Against Waste

**SUPPORT:** California Grocers Association

**OPPOSITION:** None on file.

# Tab E

**“Pay As You Throw” model description**  
(from [http://en.wikipedia.org/wiki/Pay as you throw](http://en.wikipedia.org/wiki/Pay_as_you_throw))

## Pay As You Throw

From Wikipedia: [http://en.wikipedia.org/wiki/Pay\\_as\\_you\\_throw](http://en.wikipedia.org/wiki/Pay_as_you_throw)

**Pay as you throw** (PAYT) (also called trash metering, unit pricing, variable rate pricing, or user-pay) is a usage-pricing model for disposing of municipal solid waste. Users are charged a rate based on how much waste they present for collection to the municipality or local authority. A variety of models exist depending on the region and municipality. Waste is measured by weight or size while units are identified using different types of bags, tags or containers. Services for waste diversion, like recycling and composting, are often provided free of charge where PAYT systems are implemented.<sup>[1]</sup>

There are three main types of PAYT programs:

1. Full-unit pricing: Users pay for all the garbage they want collected in advance by purchasing a tag, custom bag, or selected size container.
2. Partial-unit pricing: The local authority or municipality decides on a maximum number of bags or containers of garbage, with collection paid for taxes. Additional bags or containers are available for purchase should the user exceed the permitted amount; and
3. Variable-rate pricing: Users can choose to rent a container of varying sizes (some programs offer up to five), with the price corresponding to the amount of waste generated.<sup>[2]</sup>

### **Rationale**

The two most traditional approaches to disposing of municipal solid waste are a flat-rate system or municipal taxes. All users pay the same municipal taxes regardless of how much waste they present for pickup.<sup>[3]</sup> Under the flat-rate system there is no link between “the actual costs for waste disposal and individual waste production,” so users do not consider the quantity of waste they produce.<sup>[4]</sup>

PAYT is based on two guiding principles of environmental policy: the polluter pays principle and the shared responsibility concept.<sup>[1]</sup> The rationale for PAYT can be divided into three broad categories:

### **Economic**

Under a PAYT scheme, some or all of the costs of waste management can be removed from property tax bills, providing more independence in the management and financial of residential waste system.<sup>[2]</sup> Waste management services are then treated just like other utilities such as electricity or water that are charged by unit of consumption.<sup>[3]</sup>

## **Environmental**

PAYT programs are an effective tool in increasing waste separation and recycling, and also encourage waste minimization. The result is significant energy savings from transportation, increases in material recovery from recycling, and reduction in pollution from landfills and incinerators.<sup>[3]</sup> PAYT programs also encourage producers to develop more efficient designs and environmentally friendly product life cycles.<sup>[2]</sup>

## **Social**

Waste collections costs are distributed more fairly among the population, and in proportion to the amount of waste each user generates.<sup>[2]</sup> Free riders are no longer able to have their behavior subsidized, and PAYT is said to promote community sustainability. Household waste is “generally positively related to household income so poorer families are likely to face lower waste collection charges under PAYT systems.”<sup>[1]</sup>

## **Risks**

When there is a change to any established municipal service, public resistance is common.<sup>[2]</sup> Charging for waste can also sometimes result in illegal dumping ([fly-tipping](#)) or the waste being passed to unlicensed or illegal disposal methods.<sup>[1]</sup> However, most PAYT communities have found this not to be the case.<sup>[5]</sup>

## **Implementation**

Urban communities usually offer curbside collection while rural communities provide drop-off collection service.<sup>[2]</sup> Both the European Union and the US Environmental Protection Agency have published handbooks for introducing PAYT.<sup>[6]</sup>

## **North America**

PAYT programs operated in California, Michigan, New York and Washington as early as the 1970s, although The City of San Francisco “had practiced a kind of PAYT scheme since 1932.”<sup>[4]</sup> By 2000, 6 000 communities in the U.S. (20%) and 200 in Canada had implemented user fees for waste management.<sup>[2]</sup> In 2002 North Americans disposed of 24 million tonnes of waste, with residential sources accounting for 9.5 million tonnes.<sup>[2]</sup> PAYT programs resulted in residential waste declining from 9 - 38 % and increased recycling from 6 - 40%.<sup>[2]</sup>

## **Europe**

Austria was the first country to implement individual waste charging in 1945, but PAYT did not catch on until the 1980s when efficient and secure electronic identification systems became available.<sup>[4]</sup> The first city in Europe to implement an electronic identification and billing system for waste charges was Dresden, Germany.<sup>[3]</sup> Since 1991 the European Waste Policy has required that “part of the costs not covered by revenues from material reuse must be recovered on the polluter-pays principle.” Versions of PAYT are present in municipalities all over Europe.<sup>[4]</sup>

## Asia

After being introduced in the 1970s, 954 municipalities (30%) in Japan have implemented PAYT programs.<sup>[6]</sup> The city of [Taipei](#) currently runs a scheme where households and companies purchase specially printed blue bin bags, and place waste in it. The municipal waste management department collects only rubbish placed within these special bags. Called the "Per Bag Trash Collection Fee", this scheme encourages usage of recyclable packaging, as those do not need a special bag and are disposed free of charge. As a result Taipei's waste volume is down 35.08%, and recycling has increased 2.6-fold from 1999.<sup>[7]</sup> PAYT is also implemented in Korea, Thailand, Vietnam, China, and Taiwan.<sup>[8]</sup>

## References

1. ^ [a](#) [b](#) [c](#) [d](#) Batllewell, Marta and Kenneth Hanf. "The fairness of PAYT systems: Some guidelines for decision-makers." *Waste Management* 28 (2008): 2793-2800.
2. ^ [a](#) [b](#) [c](#) [d](#) [e](#) [f](#) [g](#) [h](#) [i](#) Kelleher, Maria, et al. "Taking out the Trash: How to Allocate the Costs Fairly." C.D. Howe Institute Commentary 213 (2005): 1-22.
3. ^ [a](#) [b](#) [c](#) [d](#) Bilitewski, Bernd. "Pay-as-you-throw – A tool for urban waste management." Editorial. *Waste Management* 28 (2008): 2759.
4. ^ [a](#) [b](#) [c](#) [d](#) Reichenbach, Jan. "Status and prospects of pay-as-you-throw in Europe – A review of pilot research and implementation studies." *Waste Management* 28 (2008): 2809-2814.
5. ^ [Illegal Diversion - U.S. EPA](#)
6. ^ [a](#) [b](#) Sakai, S., et al. "Unit-charging programs for municipal solid waste in Japan." *Waste Management* 28 (2008): 2815-2825.
7. ^ [What I Picked Up About Trash in Taipei - washingtonpost.com](#)
8. ^ Hong, Seonghoon. "The Effects of unit pricing system upon household solid waste management: The Korean Experience." *The Journal of Environmental Management* 57 (1999): 1-10.

Retrieved from "[http://en.wikipedia.org/w/index.php?title=Pay as you throw&oldid=486040319](http://en.wikipedia.org/w/index.php?title=Pay%20as%20you%20throw&oldid=486040319)"

### Categories:

- [Waste management concepts](#)
- [Waste reduction](#)

# **Tab F**

**Initial Proposed Amendment to NRS 444.630 and  
Entire Section of Chapter 444 of the NRS Regarding the  
Unlawful Disposal of Solid Waste**

## INITIAL PROPOSED AMENDMENT TO NRS 444.630

**NRS 444.630 Prohibited acts; criminal penalty; clean up of dump site; community service; timing of commencement of clean up; proof of lawful disposal; revocation of business license; identification of violator; persons required to enforce provisions; issuance of citation; request for and provision of information.**

1. A person who places, deposits or dumps, or who causes to be placed, deposited or dumped, or who causes or allows to overflow, any sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or any solid waste, in or upon any street, alley, public highway or road in common use, or upon any public park or other public property other than property designated or set aside for such a purpose by the governing body having charge thereof, or upon any private property, is guilty of:

(a) For a first offense within the immediately preceding ~~2~~ **4** years, a misdemeanor.

(b) For a second offense within the immediately preceding ~~2~~ **4** years, a gross misdemeanor and shall be punished by imprisonment in the county jail for not less than 14 days but not more than 1 year.

(c) For a third or subsequent offense within the immediately preceding ~~2~~ **4** years, a gross misdemeanor and shall be punished by imprisonment in the county jail for 1 year.

2. In addition to any criminal penalty imposed pursuant to subsection 1, any civil penalty imposed pursuant to [NRS 444.635](#) and any administrative penalty imposed pursuant to [NRS 444.629](#), a court shall sentence a person convicted of violating subsection 1:

(a) If the person is a natural person, to clean up the dump site and perform 10 hours of community service under the conditions prescribed in [NRS 176.087](#).

(b) If the person is a business entity:

(1) For a first or second offense within the immediately preceding ~~2~~ **4** years, to:

(I) Clean up the dump site; and

(II) Perform 40 hours of community service cleaning up other dump sites identified by the solid waste management authority.

(2) For a third or subsequent offense within the immediately preceding ~~2~~ **4** years, to:

(I) Clean up the dump site; and

(II) Perform 200 hours of community service cleaning up other dump sites identified by the solid waste management authority.

3. If a person is sentenced to clean up a dump site pursuant to subsection 2, the person shall:

(a) Within 3 calendar days after sentencing, commence cleaning up the dump site; and

(b) Within 5 business days after cleaning up the dump site, provide to the solid waste management authority proof of the lawful disposal of the sewage, solid waste or other matter that the person was convicted of disposing of unlawfully.

↪ The solid waste management authority shall prescribe the forms of proof which may be provided to satisfy the provisions of paragraph (b).

4. In addition to any other penalty prescribed by law, if a business entity is convicted of violating subsection 1:

(a) Such violation constitutes reasonable grounds for the revocation of any license to engage in business that has been issued to the business entity by any governmental entity of this State; and

(b) The solid waste management authority may seek the revocation of such a license by way of any applicable procedures established by the governmental entity that issued the license.

5. Except as otherwise provided in [NRS 444.585](#), ownership of solid waste does not transfer from the person who originally possessed it until it is received for transport by a person authorized to dispose of solid waste pursuant to this chapter or until it is disposed of at a municipal disposal site. Identification of the owner of any solid waste which is disposed of in violation of subsection 1 creates a reasonable inference that the owner is the person who disposed of the solid waste. The fact that the disposal of the solid waste was not witnessed does not, in and of itself, preclude the identification of its owner.

6. All:

(a) Health officers and their deputies;

(b) Game wardens;

(c) Police officers of cities and towns;

(d) Sheriffs and their deputies;

(e) Other peace officers of the State of Nevada; and

(f) Other persons who are specifically designated by the local government to do so,

↪ shall, within their respective jurisdictions, enforce the provisions of this section.

7. A district health officer or a deputy of the district health officer or other person specifically designated by the local government to do so may issue a citation for any violation of this section which occurs within the jurisdiction of the district health officer.

8. To effectuate the purposes of this section, the persons charged with enforcing this section may request information from any:

(a) Agency of the State or its political subdivisions.

(b) Employer, public or private.

(c) Employee organization or trust of any kind.

(d) Financial institution or other entity which is in the business of providing credit reports.

(e) Public utility.

↪ Each of these persons and entities, their officers and employees, shall cooperate by providing any information in their possession which may aid in the location and identification of a person believed to be in violation of subsection 1. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages for the disclosure.

[1:83:1953] + [2:83:1953]—(NRS A 1957, 262; 1967, 580; 1969, 126; 1981, 858; 1983, 856; 1989, 484; 1991, 1672; 1993, 814; [2001, 1235](#), [1920](#); [2001 Special Session, 141](#); [2003, 111, 113](#))

## ENTIRE SECTION OF CHAPTER 444 OF THE NRS REGARDING THE UNLAWFUL DISPOSAL OF SOLID WASTE

### UNLAWFUL DISPOSAL OF SOLID WASTE OR SEWAGE

**NRS 444.621 Definitions.** As used in [NRS 444.621](#) to [444.645](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 444.623](#), [444.625](#) and [444.627](#) have the meanings ascribed to them in those sections.

(Added to NRS by [2001, 1233](#))

**NRS 444.623 “Dump site” defined.** “Dump site” means a location at which solid waste is disposed of unlawfully.

(Added to NRS by [2001, 1233](#))

**NRS 444.625 “Solid waste” defined.** “Solid waste” has the meaning ascribed to it in [NRS 444.490](#).

(Added to NRS by [2001, 1233](#))

**NRS 444.627 “Solid waste management authority” defined.** “Solid waste management authority” has the meaning ascribed to it in [NRS 444.495](#).

(Added to NRS by [2001, 1233](#))

**NRS 444.629 Program for control of unlawful dumping; Establishment; administration; required elements; delegation of certain powers from solid waste management authority to hearing officer or board.**

1. The solid waste management authority in each county may establish a program for the control of unlawful dumping and administer the program within its jurisdiction unless superseded.

2. The program established pursuant to subsection 1 must:

(a) Include standards and procedures for the control of unlawful dumping which are equivalent to or stricter than those established by statute or state regulation; and

(b) Provide for adequate administration and enforcement.

3. The solid waste management authority may delegate to an independent hearing officer or hearing board the authority to determine violations and levy administrative penalties for violations of the provisions of [NRS 444.440](#) to [444.645](#), inclusive, or any regulation adopted pursuant to those sections.

(Added to NRS by [2001, 1233](#); A [2009, 408, 1084](#))

**NRS 444.630 Prohibited acts; criminal penalty; clean up of dump site; community service; timing of commencement of clean up; proof of lawful disposal; revocation of business license; identification of violator; persons required to enforce provisions; issuance of citation; request for and provision of information.**

1. A person who places, deposits or dumps, or who causes to be placed, deposited or dumped, or who causes or allows to overflow, any sewage, sludge, cesspool or septic tank effluent, or accumulation of human excreta, or any solid waste, in or upon any street, alley, public highway or road in common use, or upon any public park or other public property other

than property designated or set aside for such a purpose by the governing body having charge thereof, or upon any private property, is guilty of:

(a) For a first offense within the immediately preceding 2 years, a misdemeanor.

(b) For a second offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for not less than 14 days but not more than 1 year.

(c) For a third or subsequent offense within the immediately preceding 2 years, a gross misdemeanor and shall be punished by imprisonment in the county jail for 1 year.

2. In addition to any criminal penalty imposed pursuant to subsection 1, any civil penalty imposed pursuant to [NRS 444.635](#) and any administrative penalty imposed pursuant to [NRS 444.629](#), a court shall sentence a person convicted of violating subsection 1:

(a) If the person is a natural person, to clean up the dump site and perform 10 hours of community service under the conditions prescribed in [NRS 176.087](#).

(b) If the person is a business entity:

(1) For a first or second offense within the immediately preceding 2 years, to:

(I) Clean up the dump site; and

(II) Perform 40 hours of community service cleaning up other dump sites identified by the solid waste management authority.

(2) For a third or subsequent offense within the immediately preceding 2 years,

to:

(I) Clean up the dump site; and

(II) Perform 200 hours of community service cleaning up other dump sites identified by the solid waste management authority.

3. If a person is sentenced to clean up a dump site pursuant to subsection 2, the person shall:

(a) Within 3 calendar days after sentencing, commence cleaning up the dump site; and

(b) Within 5 business days after cleaning up the dump site, provide to the solid waste management authority proof of the lawful disposal of the sewage, solid waste or other matter that the person was convicted of disposing of unlawfully.

↪ The solid waste management authority shall prescribe the forms of proof which may be provided to satisfy the provisions of paragraph (b).

4. In addition to any other penalty prescribed by law, if a business entity is convicted of violating subsection 1:

(a) Such violation constitutes reasonable grounds for the revocation of any license to engage in business that has been issued to the business entity by any governmental entity of this State; and

(b) The solid waste management authority may seek the revocation of such a license by way of any applicable procedures established by the governmental entity that issued the license.

5. Except as otherwise provided in [NRS 444.585](#), ownership of solid waste does not transfer from the person who originally possessed it until it is received for transport by a person authorized to dispose of solid waste pursuant to this chapter or until it is disposed of at a municipal disposal site. Identification of the owner of any solid waste which is disposed of in violation of subsection 1 creates a reasonable inference that the owner is the person who

disposed of the solid waste. The fact that the disposal of the solid waste was not witnessed does not, in and of itself, preclude the identification of its owner.

6. All:

(a) Health officers and their deputies;

(b) Game wardens;

(c) Police officers of cities and towns;

(d) Sheriffs and their deputies;

(e) Other peace officers of the State of Nevada; and

(f) Other persons who are specifically designated by the local government to do so,

↪ shall, within their respective jurisdictions, enforce the provisions of this section.

7. A district health officer or a deputy of the district health officer or other person specifically designated by the local government to do so may issue a citation for any violation of this section which occurs within the jurisdiction of the district health officer.

8. To effectuate the purposes of this section, the persons charged with enforcing this section may request information from any:

(a) Agency of the State or its political subdivisions.

(b) Employer, public or private.

(c) Employee organization or trust of any kind.

(d) Financial institution or other entity which is in the business of providing credit reports.

(e) Public utility.

↪ Each of these persons and entities, their officers and employees, shall cooperate by providing any information in their possession which may aid in the location and identification of a person believed to be in violation of subsection 1. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages for the disclosure.

[1:83:1953] + [2:83:1953]—(NRS A 1957, 262; 1967, 580; 1969, 126; 1981, 858; 1983, 856; 1989, 484; 1991, 1672; 1993, 814; [2001, 1235, 1920](#); [2001 Special Session, 141](#); [2003, 111, 113](#))

**NRS 444.635 Civil penalties: Liability upon each conviction; increase of penalty for subsequent conviction; payment in installments; collection; disposition and use of money collected.**

1. Except as otherwise provided in [NRS 445C.010](#) to [445C.120](#), inclusive, a person convicted of violating [NRS 444.555](#) and, in addition to the penalty imposed pursuant to [NRS 444.509](#), [444.583](#) or [444.630](#), any person convicted of violating [NRS 444.509](#), [444.583](#) or [444.630](#) is liable for a civil penalty upon each such conviction.

2. Except as otherwise provided in [NRS 445C.010](#) to [445C.120](#), inclusive, a court before whom a defendant is convicted of a violation of the provisions of [NRS 444.509](#), [444.555](#), [444.583](#) or [444.630](#), shall order the defendant:

(a) For a first offense, to pay a civil penalty which is at least \$500 but not more than \$5,000.

(b) For a second offense, to pay a civil penalty which is at least \$1,000 but not more than \$5,500.

(c) For a third offense, to pay a civil penalty which is at least \$1,500 but not more than \$6,000.

(d) For any subsequent offense, to pay a civil penalty which is at least \$500 more than the most recent previous civil penalty that the defendant was ordered to pay pursuant to this subsection.

3. If so provided by the court, a penalty imposed pursuant to this section may be paid in installments.

4. The solid waste management authority may attempt to collect all such penalties and installments which are in default in any manner provided by law for the enforcement of a judgment.

5. Except as otherwise provided in this subsection, each court which receives money pursuant to the provisions of this section shall forthwith remit the money to the Division of Environmental Protection of the State Department of Conservation and Natural Resources, which shall deposit the money with the State Treasurer for credit in a separate account in the State General Fund. If the health authority initiated the action or, if any other person authorized to enforce [NRS 444.630](#) initiated the action and the money collected was for a violation of [NRS 444.630](#), the court shall remit the money to the district health department which shall deposit the money with the county treasurer for deposit in an account for the district health department. Money deposited pursuant to this subsection must be:

(a) Used only to pay:

- (1) Rewards pursuant to [NRS 444.640](#);
- (2) For education regarding the unlawful disposal of solid waste;
- (3) For the cleaning up of dump sites; and
- (4) For the management of solid waste; and

(b) Paid as other claims against the state or local governments are paid.

(Added to NRS by 1987, 1490; A 1991, 1673; [1997, 1079](#); [2001, 1237](#); [2001 Special Session, 162](#); [2009, 408, 1084](#))

**NRS 444.637 Performance of certain functions by nonprofit organization.** A solid waste management authority may authorize a nonprofit organization to:

1. Organize the cleaning up of dump sites;
2. Provide educational materials and programs regarding unlawful dumping; and
3. Operate and pay the costs of programs of community service relating to the cleaning up of dump sites.

(Added to NRS by [2001, 1234](#))

**NRS 444.639 Issuance and enforcement of subpoenas.**

1. In carrying out the provisions of [NRS 444.621](#) to [444.645](#), inclusive, a district health officer may by subpoena require the attendance and testimony of witnesses and the production of reports, papers, documents and other evidence which they deem necessary.

2. If any person to whom a subpoena has been directed pursuant to subsection 1 refuses to attend, testify or produce any evidence specified in the subpoena, the person who issued the subpoena may present a petition, to a court of competent jurisdiction where the person to whom the subpoena was directed is subject to service of process, setting forth that:

- (a) Notice has been given of the time and place at which the person was required to attend, testify or produce evidence;
- (b) A subpoena has been mailed to or personally served on the witness or custodian of the evidence in sufficient time to enable him or her to comply with its provisions; and

(c) The person has failed or refused to attend, answer questions or produce evidence specified in the subpoena,

↳ and asking that the court issue an order compelling the person to attend and to testify or produce the evidence specified in the subpoena.

3. When a court receives a petition pursuant to subsection 2, it shall order the person to whom the subpoena was directed to appear at a time and place fixed by the court in its order, which must be not more than 10 days after the date of the order, and show cause why the person should not be held in contempt. A certified copy of the order must be mailed to or personally served on the person to whom the subpoena was directed.

4. If it appears to the court that the subpoena was properly issued and that the person's failure or refusal to appear, answer questions or produce evidence was without sufficient reason, the court shall order the person to appear at a time and place fixed by the court and to testify or produce the specified evidence. If the person fails to comply with the order of the court, the person may be punished as for a contempt of court.

(Added to NRS by [2001, 1234](#))

**NRS 444.640 Reward for information leading to arrest and conviction of violator; regulations.**

1. The solid waste management authority shall offer a reward of \$100 for information leading to the arrest and conviction of any person violating [NRS 444.555](#) or [444.630](#). The reward must be paid upon the conviction of the person and the payment in full of the penalty. The reward must be distributed equally among the persons who supplied the information which led to the arrest and conviction.

2. The State Environmental Commission or district board of health may adopt regulations necessary to carry out the provisions of this section.

(Added to NRS by 1987, 1491; A [2001, 1237](#))

**NRS 444.645 Notice of provision of [NRS 444.555](#) or [444.630](#) to be posted; offer of reward.**

1. The Division of Environmental Protection of the State Department of Conservation and Natural Resources, and the district health officer in his or her district or the board of county commissioners in a county without a district health officer shall post notices of the provisions of [NRS 444.555](#) or [444.630](#), whichever is appropriate.

2. The notice must also contain an offer of a reward for information leading to the arrest and conviction of any person violating [NRS 444.555](#) or [444.630](#).

(Added to NRS by 1987, 1491)