



# **NEVADA LEGISLATURE LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE DEPOSITS AND REFUNDS ON RECYCLED PRODUCTS**

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

## **SUMMARY MINUTES AND ACTION REPORT**

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The fourth meeting and work session of the Legislative Commission's Committee to Study the Deposits and Refunds on Recycled Products (Assembly Bill 427, Chapter 462, *Statutes of Nevada 2011*) was held on Tuesday, June 26, 2012, at 3 p.m. in Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. This meeting was videoconferenced to Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://leg.state.nv.us/interim/76th2011/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's (LCB's) Publications Office (e-mail: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

### **COMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Assemblyman James Ohrenschall, Chair  
Senator Mark A. Manendo, Vice Chair  
Senator Ruben J. Kihuen  
Assemblywoman April Mastroluca

### **COMMITTEE MEMBERS PRESENT IN CARSON CITY:**

Senator Don Gustavson  
Assemblyman Peter Livermore

### **LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Michael J. Stewart, Chief Principal Research Analyst, Research Division  
Matthew S. Nichols, Principal Deputy Legislative Counsel, Legal Division  
Natalie J. Pieretti, Senior Research Secretary, Research Division

## **OPENING REMARKS**

- Chair Ohrenschall expressed his appreciation for the testimony provided to the Committee and thanked staff for their assistance. He addressed the availability of public handouts through the Nevada Legislature's website.

## **PUBLIC COMMENT**

- Chair Ohrenschall called for public comment; however, none was presented.

## **APPROVAL OF MINUTES OF THE MAY 29, 2012, MEETING**

- The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR MANENDO MOVED TO APPROVE THE MINUTES OF THE MEETING HELD MAY 29, 2012, IN LAS VEGAS, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN LIVERMORE AND PASSED UNANIMOUSLY.

## **OVERVIEW OF RECYCLING EFFORTS AND WASTE MANAGEMENT PRACTICES IN DOUGLAS COUNTY, NEVADA, AND REVIEW OF THE ACTIVITIES AND PROGRAMS OF DOUGLAS DISPOSAL AND RECYCLING SERVICES AND SOUTH TAHOE REFUSE AND RECYCLING SERVICES**

- Carl Ruschmeyer, P.E., Public Works Director, Douglas County, provided a brief overview of solid waste practices in Douglas County and provided a Microsoft PowerPoint presentation on authority and codes in the Tahoe Basin and Carson Valley focusing on information pertaining to the cities located in Douglas County. (Please see [Exhibit B.](#))

In response to Chair Ohrenschall's inquiry regarding Douglas County's recycling rate, Mr. Ruschmeyer replied that in 2008, Douglas County recorded a recycling rate of 35.7 percent and 34.1 percent in 2009.

- Jeanne Lear, Resources Manager, South Tahoe Refuse and Recycling Services (STR) and Douglas Disposal and Recycling Services (DDI), provided a Microsoft PowerPoint presentation on the solid waste and recycle programs in the Carson Valley and the Lake Tahoe Basin. Ms. Lear reported on the Douglas County Transfer Station noting the facility has public drop-off recycling; green waste recycling; metal recycling; used oil recycling; and hazardous, universal, and e-waste recycling. (Please see [Exhibit C.](#))

Responding to Chair Ohrenschall, Ms. Lear replied the property for the transfer station is owned by DDI, but Douglas County owns the building and leases it back to DDI for operation. Ms. Lear added that DDI's profit is based on the transfer station revenues, as well as a profit on the collection services.

- Ms. Lear continued her testimony on programs within the Douglas County community, comprising of drop-off centers at schools and shelters, collaborating with Wal-Mart

for food waste and construction recycling, curbside Christmas tree recycling, and office paper recycling. She reported on special events involving DDI and STR, which include the Green Living Festival, Washoe Tribe and School Earth Days, FireFest, and the Parade of Lights.

Ms. Lear explained the operations at the Lake Tahoe facility, which include a 30,000 square foot facility with conveyor lines that primarily recycle home type recyclables such as glass, newspaper, and plastic. She remarked the facility also includes floor operations, which handle bigger materials including appliances, asphalt, concrete, and metals. Ms. Lear commented there are two buy-back centers, one that operates year round, and the other operating in the summer, as well as an organic materials facility. She reported a 66 percent recycling rate for 2011, with a 50 percent participation rate by Tahoe-Douglas Township customers. She noted that apartment complexes will be added in 2012. Ms. Lear addressed a pilot program in the Carson Valley, but it was not sustainable due to lack of subscribers.

Discussion was held between Chair Ohrenschall and Ms. Lear on the success of the recycling rate. Ms. Lear stated the process was tedious, and since 1995, materials that were deemed the most desirable for recycling and cost efficient were targeted for recycling.

- Ms. Lear commented on options for collecting and processing recyclables, and specifically the use of mixed waste processing and single-stream processing. She expounded on increasing recycling services in the Carson Valley, which would include countywide recycling, regional collaboration for facilities, scrap values, and customer input. Ms. Lear spoke in favor of container deposit legislation (CDL).

There was discussion between Chair Ohrenschall and Ms. Lear regarding how the 66 percent recycling rate compares on the California side of South Lake Tahoe and whether recycling rates would increase if Nevada had a CDL.

In response to Senator Manendo's question regarding clean-up of construction sites and whether there are mandates in place, Ms. Lear replied her company has been performing a number of "LEED" (Leadership in Energy and Environmental Design) projects; however, California implemented a building code called CALGreen that requires 50 percent recycling.

Senator Manendo commented that in southern Nevada, there are construction sites that are not recycling and refuse is disposed of in the desert areas until the appropriate owner cleans up the property.

## **OVERVIEW OF THE OPERATIONS AND PROGRAMS OF VERALLIA, SAINT-GOBAIN CONTAINERS AND CONSIDERATION OF POTENTIAL IMPACTS OF BEVERAGE CONTAINER DEPOSIT AND REFUND LEGISLATION**

- Steven B. Smith, Vice President of Environmental and Regulatory Affairs, Verallia, Saint-Gobain Containers, Muncie, Indiana, provided a Microsoft PowerPoint presentation detailing information on annual beverage container sales in the United States, environmental benefits of glass recycling, glass manufacturing, and facts regarding Verallia. (Please see [Exhibit D.](#))

Responding to questions from Chair Ohrenschall regarding the carbon footprint of recyclable materials, Mr. Smith stated life cycle analysis comparisons are available. He added that if glass is pure high quality material and consists of large volumes, it has a relatively low carbon footprint.

- Continuing his testimony, Mr. Smith spoke on the issue of environmental benefits of glass recycling, which can be recycled endlessly. He noted that over a ton of natural resources are saved for every ton of glass that is recycled, and energy usage drops 2 to 3 percent for every 10 percent of recycled glass in the manufacturing process, and reduces criteria pollutants. Mr. Smith stressed Verallia is very active in attaining more uncontaminated cullet.

Discussion was held between Chair Ohrenschall and Mr. Smith on the topics of glass being purchased out of Nevada, potential employment opportunities, and construction of a glass facility in the State.

- Mr. Smith resumed his presentation on the challenges of single-stream recycling. He pointed to glass contamination as the biggest problem Verallia has with single-stream.

In response to Assemblywoman Mastroluca, Mr. Smith stated a plant has not been built within the last six years. He remarked the business is mature and there are issues with conversion to plastic as a competition, along with competition from foreign sources, such as glass coming from China and Mexico.

Discussion was held between Assemblyman Livermore and Mr. Smith on the exemption of the wine industry in the state of California.

- Mr. Smith stated an active debate on improving recycling exists, while squandering of valuable feedstock commodities continue. He noted recovery rates are highest in CDL states, with 65 percent of glass cullet coming from ten states.

There was discussion between Chair Ohrenschall and Mr. Smith on the topic of single-stream recycling. Mr. Smith said contamination is a problem with aluminum, plastic, and paper, as well. Chair Ohrenschall noted Mr. Smith's concern with contamination and inquired whether it was more of an economic concern or an environmental concern. Mr. Smith replied the concern is that contaminated materials cannot be used. He remarked Verallia operates in states that have

both CDL and single-stream recycling, and glass from single-stream recycling is worth more because there is no contamination.

Discussion was held between Assemblyman Livermore and Mr. Smith relating to an increase in product cost to the consumer.

- Mr. Smith continued his testimony on the topic of cost and complexity of extended producer responsibility systems. He said Verallia supports any system that improves the quantity and quality of recycled glass containers.

Responding to Chair Ohrenschall's inquiry why Verallia or competitors are not putting a redemption value on glass bottles so they can be redeemed, Mr. Smith replied Verallia does not sell to retail stores, so they would not make that choice. The bottles would have to be made heavier because the nonreturnable bottles today are lighter and would not withstand the abuse of the machinery.

Continuing with Chair Ohrenschall's questioning, Mr. Smith responded Verallia is interested in CDLs because high quantities of high quality cullet is produced, which is necessary to help their furnaces operate from a criteria pollutant standpoint.

There was discussion between Assemblywoman Mastroluca and Mr. Smith on the issue of contamination. Mr. Smith explained when the product comes through single-stream processing, the glass is the last to be sorted out and it requires another specialized business to remove the larger pieces of glass. He noted the losses are when the glass is too small to be removed.

Assemblyman Livermore questioned Mr. Smith regarding the basis by which Nevada would consider a CDL and whether he believed such consideration would be based on reducing or encouraging recycling, or based on cullets that would benefit Verallia. Mr. Smith replied that Verallia is interested in the material because there is a large market for it and it would not go to waste.

Responding to Chair Ohrenschall, Mr. Smith stated there is no guarantee that Verallia would commit to opening plants in Nevada.

## WORK SESSION

### DISCUSSION AND POSSIBLE ACTION ON RECOMMENDATIONS RELATING TO:

- *Beverage Container Deposits and Refunds*
- *Single-Stream Recycling*
- *America's Schools Program*
- *Recycling at Construction Sites*
- *University of Nevada, Las Vegas, Rebel Recycling Program*
- *California Legislation Regarding Recycling Fraud*
- *Other General Recycling matters*
- *Unlawful Dumping*

(Please see [Exhibit E](#).)

### Recommendation Relating to Beverage Container Deposits and Refunds

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. 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. (*Recommended by numerous presenters at each of the Committee's meetings*)
- Michael J. Stewart, Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB) reviewed the recommendation.

- Chair Ohrenschall asked for any comment or discussion on the recommendation.
- Senator Gustavson expressed support for single-stream recycling and opposition to a CDL. In response to Chair Ohrenschall's offer, Senator Gustavson noted that no additional testimony was necessary.
- Assemblyman Livermore reviewed A.B. 427 and opined that implementing a mandatory CDL is not sensible as the single-stream process working in Carson City and Douglas County could be irreparably harmed with a CDL, and he is not willing to support a recycling bill. In response to Chair Ohrenschall's offer, Assemblyman Livermore asked the Retail Association of Nevada be allowed to testify.
- Lea Tauchen, Senior Director of Government Affairs for Grocery and General Merchandise, Retail Association of Nevada, responded to Assemblyman Livermore's inquiry regarding how a retailer is going to manage the collection, what costs retailers will incur, and what costs will be passed on to the consumer. Ms. Tauchen said costs would be dependent on how the bill was crafted, but would include administrative costs, retooling of cash registers and reprogramming of accounting systems, as well as possible equipment costs, and the collection and storing of containers. She said it would also include retraining the work force on the new legislation.
- Assemblywoman Mastroluca showed her appreciation to Chair Ohrenschall for taking the time and energy in bringing the recycling issue forward. She noted that in 1991, a 25 percent recycling goal was adopted by the Legislature, and by 2009, Carson City, Douglas County, and Washoe County had all exceeded that goal. Assemblywoman Mastroluca spoke in favor of raising the 25 percent goal. She voiced concerns, from a fiscal standpoint, for a CDL, and was not able to support the legislation at this time. Alternatively, Assemblywoman Mastroluca supported single-stream recycling and methods to increase recycling numbers.
- Chair Ohrenschall commented one of the hardships for residents of the State is the difficulty to recycle due to a lack of containers, but that recycling rates would increase if there were more available.
- Senator Manendo congratulated Chair Ohrenschall and the Committee for conducting the most discussion on recycling in all of his sessions in the Nevada Legislature. He spoke in support of the importance of recycling and the creation of jobs, but noted that Nevada is not ready for a CDL. Senator Manendo stated the 25 percent recycling goal is insufficient and residents need to be more responsible.
- Chair Ohrenschall said he did not sense the amount of support from the Committee to recommend a bill draft, but that did not mean any of the legislators serving cannot request and support that measure. He considers it to have merit that will work to promote single-stream recycling.

### **Recommendation 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.

**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)*
- Michael J. Stewart, Chief Principal Research Analyst, Research Division, LCB, reviewed the recommendation.
  - **CHAIR OHRENSCHALL MOVED TO: (1) APPROVE RECOMMENDATION NO. 3; (2) USE A BDR IN THE FORM OF A RESOLUTION EXPRESSING SUPPORT FOR THE IMPLEMENTATION OF SINGLE-STREAM RECYCLING; AND (3) USE AN ADDITIONAL BDR ESTABLISHING TIMELINES FOR THE COUNTIES TO REPORT TO THE 2015 OR 2017 LEGISLATURE ON THE PROCESS OF IMPLEMENTATION OF SINGLE-STREAM RECYCLING.**

- Senator Gustavson stated he is in agreement with Recommendation No. 3, using either a BDR or sending letters of encouragement to promote single-stream recycling to the county commissioners, but would not support a recycling mandate for the counties.
- Assemblyman Livermore concurred with the proposed motion by Chair Ohrenschall. He raised concerns over the proposed recycling goal increase and whether it would be burdensome on Clark County to meet a threshold, since Carson City and Douglas County have surpassed the required 25 percent recycling goal. Assemblyman Livermore supported the timeline for counties to report to the Legislature.
- In response to Assemblywoman Mastroluca's inquiry whether there are statistics on the current recycling rate in Clark County, John Pappageorge, Lobbyist, Republic Services, Inc. (RSI), said the 25 percent goal is not being achieved now, but whatever goal is set, RSI would support and attempt to achieve the goal.
- Chair Ohrenschall recalled during the prior testimony of Bob Coyle, Vice President of Public Affairs and Government Relations, RSI, that Mr. Coyle thought the recycling rates might double with implementation of single-stream recycling, which might achieve a 35 percent to 40 percent recycling goal. Mr. Pappageorge agreed.
- Assemblywoman Mastroluca recommended increasing the goal with a timeline so that by the year 2020, the goal would be closer to a 70 to 75 percent recycling rate, and proposed using a BDR to update NRS 444A.020.
- Chair Ohrenschall agreed with the recommendation for raising the goal and imposing a timeline, and stated this recommendation could be included in the BDR requesting reporting by the counties' progress on single-stream recycling. He suggested increasing the recycling goal contained in NRS 444A.020 from 25 percent to 40 percent.
- Assemblywoman Mastroluca requested staff research what the recycling rates are in states that do not have a CDL, but have single-stream recycling, making sure what is being proposed is realistic and attainable.
- Chair Ohrenschall suggested leaving the matter of deciding a number until staff can research the issue.
- Matthew S. Nichols, Principal Deputy Legislative Counsel, stated, while he would prefer a number now, he had no objection as long as a proposed mechanism is in place to decide the number prior to submitting a BDR before February 2013.
- In response to Chair Ohrenschall's inquiry for comments by the Committee, Assemblywoman Mastroluca said she is comfortable, if the committee agrees, on a 40 percent recycling goal with an understanding members would be able to provide an amendment of the bill, if desired, after the data is received. Chair Ohrenschall stated he is amenable to that recommendation, and asked for any objections from other members; however, no objections were made. Senator Gustavson remarked the idea of using the

40 percent number is good, as it will be a BDR and discussed by the committee, which by that time, a more realistic figure can be imposed after research is received.

- **SENATOR MANENDO MOVED TO APPROVE A BDR TO AMEND NRS 444A.020 TO INCREASE THE RECYCLING GOAL FROM 25 PERCENT TO 40 PERCENT, AND REQUIRE ALL COUNTIES TO REPORT TO THE 2015 NEVADA LEGISLATURE ON PROGRESS THAT HAS BEEN MADE FOR THE IMPLEMENTATION OF SINGLE-STREAM RECYCLING IN THEIR RESPECTIVE JURISDICTIONS. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN MASTROLUCA.**
- Prior to taking a vote, Michael J. Stewart, Chief Principal Research Analyst, Research Division, LCB, clarified the proposed recommendation stating NRS 444A.020 would be amended to increase the recycling goal from its current 25 percent to 40 percent with possible amendment during session should a different number be suggested, and the BDR would include a reporting requirement for all counties to report back during the 2015 Legislative Session toward efforts on single-stream recycling.
- Clarification was made between Chair Ohrenschall and Assemblyman Livermore regarding the two BDRs requested on Recommendation No. 3.
- The Committee **APPROVED THE FOLLOWING ACTION:**

**REQUEST FOR A BDR AMENDING NRS 444A.020 TO INCREASE THE RECYCLING GOAL FROM 25 PERCENT TO 40 PERCENT, AND REQUIRE ALL COUNTIES TO REPORT TO THE 2015 NEVADA LEGISLATURE ON PROGRESS THAT HAS BEEN MADE FOR THE IMPLEMENTATION OF SINGLE-STREAM RECYCLING IN THEIR JURISDICTIONS. THE MOTION PASSED UNANIMOUSLY.**

**SENATOR MANENDO MOVED TO DRAFT A LEGISLATIVE RESOLUTION TO BE CONSIDERED BY THE 2013 LEGISLATURE URGING ALL COUNTIES IN THE STATE OF NEVADA TO IMPLEMENT SINGLE-STREAM RECYCLING AS QUICKLY AS FEASIBLY POSSIBLE. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN MASTROLUCA AND PASSED UNANIMOUSLY.**

**ASSEMBLYWOMAN MASTROLUCA MOVED TO 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. THE MOTION WAS SECONDED BY SENATOR MANENDO AND PASSED UNANIMOUSLY.**

#### **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)*
- Michael J. Stewart, Chief Principal Research Analyst, Research Division, LCB read the recommendation.
- Chair Ohrenschall expressed his impression with the program and is supportive of a resolution.
- Assemblywoman Mastroluca, also in support of the program, suggested postponing the request due to the limited number of BDRs available to the Committee.
- Senator Gustavson agreed with Assemblywoman Mastroluca's recommendation for postponement, and commended the program.
- Chair Ohrenschall called for any objections to delaying this matter; however, none were presented.

### ***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 onsite 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)*
- Michael J. Stewart, Chief Principal Research Analyst, Research Division, LCB, reviewed the recommendations.

- There was discussion among Chair Ohrenschall, Senator Gustavson, Assemblyman Livermore, and Assemblywoman Mastroluca regarding sending a Committee letter to the various builders and contractors encouraging recycling on construction sites without a mandate on recycling, including the offer of a bidder's preference to companies that are willing to commit to C&D recycling in bids for public works projects. Senator Gustavson and Assemblyman Livermore stated they would support a Committee letter without incentives in the bidding process.

- The Committee **APPROVED THE FOLLOWING ACTION:**

**ASSEMBLYMAN LIVERMORE MOVED TO 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 MOTION WAS SECONDED BY SENATOR GUSTAVSON AND PASSED UNANIMOUSLY.**

- Chair Ohrenschall noted the committee letter and incentives during the bidding process are not mutually exclusive, and he would entertain a motion to provide incentives on public works project bids for construction companies that have a record of onsite recycling; however, none was forthcoming.
- Senator Manendo requested staff research the issue of recycling incentives during the public works bidding process.
- Assemblywoman Mastroluca explained her suggestion for creating incentives during the bidding process was to encourage recycling.
- Chair Ohrenschall asked staff to research what other states are doing in terms of recycling incentives for public works projects.

***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)*

- Michael J. Stewart, Chief Principal Research Analyst, Research Division, LCB, reviewed the recommendation.
- Chair Ohrenschall expressed his impression with UNLV's recycling program and the efforts of Tara Pike-Nordstrom, UNLV Solid Waste and Recycling Manager and UNLV Sustainability Coordinator. He voiced his support for the recommendation.

- The Committee **APPROVED THE FOLLOWING ACTION:**

**SENATOR MANENDO MOVED TO APPROVE RECOMMENDATION NO. 7. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN MASTROLUCA AND PASSED UNANIMOUSLY.**

***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 1,000 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. *(Discussed briefly at the May 29, 2012, meeting of the Committee by Assemblyman Pete Livermore)*
- Michael J. Stewart, Chief Principal Research Analyst, Research Division, LCB, reviewed the recommendation, and updated the Committee on the current status of A.B. 1933.
  - Assemblyman Livermore expressed support for the recommendation.
  - The Committee **APPROVED THE FOLLOWING ACTION:**

**ASSEMBLYMAN LIVERMORE MOVED TO APPROVE RECOMMENDATION NO.8. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN MASTROLUCA AND PASSED UNANIMOUSLY.**

***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.
- Michael J. Stewart, Chief Principal Research Analyst, Research Division, LCB, read the recommendation.
  - Chair Ohrenschall remarked that the PAYT model has merit that would encourage residents to recycle and dispose of less refuse, and suggested that this recommendation could be part of the BDR on single-stream recycling.

- Assemblywoman Mastroluca agreed the concept is intriguing and noted, while not in many states, comments from residents of Michigan were favorable of the PAYT model. She voiced her concern that residents could inadvertently pay more due to currently low recycling rates. Assemblywoman Mastroluca had reservations about making this recommendation to the counties without further research and discussion.
  - Chair Ohrenschall called for comments from other Committee members; however, none were forthcoming.
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.
- Michael J. Stewart, Chief Principal Research Analyst, Research Division, LCB, reviewed the recommendation.
  - Chair Ohrenschall expressed there were concerns regarding fraud by food stamp recipients should Nevada become a CDL state. He continued, however, that since the Committee elected not to recommend a CDL, there is no reason to combat fraud in the State.
  - There was discussion among Chair Ohrenschall, Assemblywoman Mastroluca, and Mr. Stewart regarding fraud in CDL states.
  - Chair Ohrenschall called for other considerations at this time.
  - Senator Manendo stressed the Committee should discuss a mandate for apartment and condominium complexes to provide at least one bin for recycling.
  - Chair Ohrenschall asked for testimony from RSI or Waste Management (WM).
  - Robert Ostrovsky, Lobbyist, WM, remarked WM would be happy to provide containers that would meet the specific needs of the apartment or condominium complex. He stated there would be no significant collection problems.
  - In response to Chair Ohrenschall’s question of whether it is a financial burden to WM to provide single-stream bins, Mr. Ostrovsky replied there is no particular financial issue as they provide containers at this time and receive the benefit of the presorted materials.
  - Assemblywoman Mastroluca expressed a concern for increased costs to the owners of the apartment and condominium complexes for additional recycling bins.

- Mr. Ostrovsky responded WM could not guarantee there would not be increased costs, and noted the concern of the complex owners was replacing a parking space, which is revenue to the owner, with a recycle bin.
- Assemblywoman Mastroluca reiterated her concerns over creating a financial hardship to the owners of the apartment and condominium owners, but was in agreement with Senator Manendo. She recommended a “phase-in” system where, based on the size of the complex, time is allowed for implementation.
- Responding to Assemblywoman Mastroluca, Senator Manendo surmised if apartment and condominium complexes have numerous trash containers, a recycle bin can be added in place of a trash container so as not to take up any additional parking spaces.
- Assemblywoman Mastroluca proposed a pilot program, if Senator Manendo is willing, in areas where single-stream recycling is already successful. She noted in her district, there is a complex where there are no trash bins, only trash compactors.
- Chair Ohrenschall concurred with Assemblywoman Mastroluca’s suggestion of a timeline for implementation of recycle bins.
- Jennifer Simich, Lobbyist, RSI, provided information on RSI’s recycling services. She stated some apartment and condominium complexes have trash chutes, others have trash bins, as well as offering recycling services, at a cost to the complex.
- Senator Manendo asked for the cost of a semi-large recycle bin. Ms. Simich did not have the information, but would provide it. She reported sales representatives do an analysis of the complex and costs are negotiated based on that need.
- Chair Ohrenschall wondered that if a mandate was imposed, would it increase the cost to the apartment and condominium complexes. Ms. Simich replied it would be an increase to the management companies of the complexes, and offered to provide information to the Committee. She further stated she did not know the number of participating complexes.
- Senator Manendo declared he can request a BDR after additional information is received, and no further action on this issue was taken.
- Discussion was held between Chair Ohrenschall and Assemblywoman Mastroluca regarding mandating the offer of canvas, paper, or plastic bags in grocery stores. Assemblywoman Mastroluca related her frustration on a recent out-of-state trip where she was not aware of the ban on plastic bags and the consumer was required to provide their own canvas bag or purchase a paper bag.
- Lea Tauchen, previously identified, testified many chain grocers have begun offering canvas, paper, or plastic bags, as well as recycling receptacles to collect plastic bags. She reported Nevada retailers have taken a stance in promoting the recycling of plastic bags



and reducing the usage of bags, including maximizing the amount of items placed in the bag.

- Chair Ohrenschall invited a motion from the Committee for a BDR mandating the offering of canvas, paper, or plastic bags in grocery stores; however, none was forthcoming.

### ***Recommendation Relating to Unlawful Dumping***

- 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. *(Recommended by Vice Chair Manendo)*
- Michael J. Stewart, Chief Principal Research Analyst, Research Division, LCB, reviewed the recommendation.
  - Senator Manendo was heard in support for Recommendation No. 11 and confirmed Assemblywoman Mastroluca's inquiry that only the term of years would be amended.
  - Inquiry was made by Chair Ohrenschall if civil penalties were considered and Senator Manendo remarked he was open to discussion with the Committee.
  - Chair Ohrenschall acknowledged he was open to increasing community service and civil fines. He voiced concern for someone charged with this offense using jail space for someone charged with a more serious offense.
  - Assemblyman Livermore questioned if this recommendation applies to both federal and private lands.
  - Matthew S. Nichols, previously identified, advised it would include federal lands.
  - Chair Ohrenschall asked if State penalties would be in addition to federal penalties, and Mr. Nichols replied the penalties would be independent of one other.
  - Chair Ohrenschall expressed his support of Recommendation No. 11 and is open to the pleasure of the Committee.
  - Chair Ohrenschall recited a compromise reached consisting of retention of the first and second offense within the two-year time frame and then a third, or subsequent offense, would fall within the four-year time frame.
  - The Committee **APPROVED THE FOLLOWING ACTION:**

**SENATOR MANENDO MOVED TO APPROVE AMENDING NRS 444.630 BY INCREASING, FROM TWO YEARS TO FOUR YEARS, THE TIME FRAME FOR THIRD OR SUBSEQUENT OFFENSES. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN MASTROLUCA AND PASSED UNANIMOUSLY.**

### *America's Schools Program*

- 12. 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)*

- The Committee **APPROVED THE FOLLOWING ACTION:**

**ASSEMBLYWOMAN MASTROLUCA MOVED TO APPROVE THE DRAFTING OF A LEGISLATIVE RESOLUTION IN SUPPORT OF THE PROGRAM. THE MOTION WAS SECONDED BY SENATOR MANENDO AND PASSED UNANIMOUSLY.**

### **PUBLIC COMMENT**

- Chair Ohrenschall called for public comment; however, none was presented.
- Chair Ohrenschall expressed his appreciation to the Committee members and staff for the hard work put forth and opined that positive steps were made in increasing awareness for the need to recycle in the State of Nevada.
- Senator Manendo included his appreciation to the staff and to Chair Ohrenschall.

## ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 6:43 p.m.

Respectfully submitted,

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Natalie J. Pieretti  
Senior Research Secretary

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Michael J. Stewart  
Chief Principal Research Analyst

APPROVED BY:

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James Ohrenschall, Chair

Date: \_\_\_\_\_

## LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Michael J. Stewart, Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB), Carson City.

[Exhibit B](#) is a Microsoft PowerPoint presentation titled “Solid Waste Management, Douglas County, June 26, 2012,” provided by Carl Ruschmeyer, P.E., Public Works Director, Douglas County.

[Exhibit C](#) is a Microsoft PowerPoint presentation titled “Solid Waste and Recycling Programs,” provided by Jeanne Lear, Resources Manager, South Tahoe Refuse and Recycling Services and Douglas Disposal and Recycling Services, Douglas County.

[Exhibit D](#) is a Microsoft PowerPoint presentation titled “Verallia,” provided by Steven B. Smith, Vice President of Environmental and Regulatory Affairs, Verallia, Saint-Gobain Containers.

[Exhibit E](#) is the Work Session Document provided by Michael J. Stewart, Chief Principal Research Analyst, Research Division, LCB.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at [www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm](http://www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) or telephone: 775/684-6827.