

Appendix 6

Recycling Nevada Revised Statutes 444A.010 – 444A.120

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CHAPTER 444A - PROGRAMS FOR RECYCLING

RECYCLING OR DISPOSAL OF SOLID WASTE AND OTHER WASTE

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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](#))