

Deposits and Refunds on Recycled Products



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DEPOSITS AND REFUNDS ON RECYCLED PRODUCTS

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SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE DEPOSITS AND REFUNDS ON RECYCLED PRODUCTS

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

This summary presents the recommendations approved by the Legislative Commission's Committee to Study the Deposits and Refunds on Recycled Products at its second meeting held on April 3, 2012, and at its final meeting and work session held on June 26, 2012, in Las Vegas, Nevada. The following bill draft requests (BDRs) will be submitted to the 77th Session of the Nevada Legislature in 2013.

RECOMMENDATIONS FOR LEGISLATIVE MEASURES

1. Adopt a concurrent resolution expressing the Nevada Legislature's support for single-stream recycling and urging Nevada's boards of county commissioners to implement programs for single-stream recycling. **(BDR R-119)**

NOTE: Single-stream recycling is a method of recycling in which all recyclable materials, including aluminum, glass, and plastic beverage containers, are placed unsorted into a single recycling bin or container, instead of being sorted and separated at the source. Under the single-stream model, the collection and processing systems are designed to handle a fully commingled mixture of recyclables, with materials being separated for reuse at a materials recovery facility.

2. Enact legislation raising the recycling goal set forth in *Nevada Revised Statutes* (NRS) 444A.020 from 25 percent to 40 percent and require all Nevada counties to study and report to the 2015 Nevada Legislature on their efforts toward implementing single-stream recycling within their counties. **(BDR 40-120)**
3. Enact legislation relating to unlawful dumping by amending NRS 444.630, subsection 1, subparagraph (c), to increase, from two years to four years, the time frame between a third offense and a subsequent offense during which the greater penalty could be imposed. Under this amendment, a repeat offender would not revert to a first offense until four years (rather than two years) has elapsed after his or her third offense. **(BDR 40-121)**
4. Adopt a concurrent resolution expressing the Nevada Legislature's support for the program, partnerships, and recycling efforts of the America's Schools Program (ASP). **(BDR R-122)**

NOTE: The ASP is a corporate partnership program for schools that provides a discretionary school funding source through the revenues generated from recycling activities. Participating schools receive a contribution based upon the value of the items that are recycled by ASP corporate partners. The ASP recently partnered with Julien Environmental Technology (“JET”) Recycling, which specializes in reprocessing all grades of plastic into a large number of consumer products. Schools partnering with ASP receive royalties on the sale of these products to assist with programs such as music, the arts, and related activities.

RECOMMENDATIONS FOR COMMITTEE LETTERS

5. Send a Committee letter to the Chair and members of the Legislative Commission expressing support for and urging the Commission’s approval of the “Adopted Regulation of the State Environmental Commission, LCB File No. R049-11,” which addresses the availability and placement of recycling containers at certain apartment complexes and condominiums.
6. 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. Include in the letter notification that the 2013 Nevada Legislature will be considering a concurrent resolution as set forth in Recommendation No. 1 (see above).
7. 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 should also encourage these associations and organizations to study the impacts of construction and demolition materials 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 (i.e., single-stream versus source separation); (g) monitoring and reporting requirements; and (h) enforcement mechanisms.
8. Send a Committee letter to the President of the University of Nevada, Las Vegas (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.

9. Send a Committee letter to the State of California's Senate Majority Leader, Senator Ellen M. Corbett (D-Senate District 10) and the Chairwoman of the Senate Standing Committee on Appropriations, 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, as approved by the California State Assembly and California's Senate Committees on Environmental Quality and Appropriations, 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 on the importation of beverage container material to the California Department of Resource, Recycling, and Recovery to also provide documentation of the source and destination of the material.

**REPORT TO THE 77TH SESSION OF THE NEVADA LEGISLATURE BY THE
LEGISLATIVE COMMISSION'S COMMITTEE TO STUDY THE
DEPOSITS AND REFUNDS ON RECYCLED PRODUCTS**

I. INTRODUCTION

The 2011 Nevada Legislature enacted Assembly Bill 427 (Chapter 462, *Statutes of Nevada*), which created the Legislative Commission's Committee to Study the Deposits and Refunds on Recycled Products. The Committee was charged with evaluating the possible creation of a program that requires the payment and refund of deposits on recyclable products in Nevada. As part of this study, the Committee was required to consider the type of products to be included in such a program (aluminum, glass, plastic, et cetera) and analyze the process for the payment and refund of deposits on recyclable products. The Committee also had the authority to consider other methods of encouraging recycling in Nevada and to discuss recycling matters in general.

The original version of A.B. 427 proposed to establish a beverage container redemption and refund program for the State of Nevada. The measure received several hearings in two Assembly committees during the 2011 Legislative Session. Lawmakers expressed a need to address potential beverage container deposit and refund legislation in greater depth. Therefore, A.B. 427 was amended to create an interim study and required the study committee to report its findings and recommendations to the Nevada Legislature. This final report and bulletin highlights the Committee's activities, reviews key issues discussed by the Committee, and summarizes the recommendations adopted by the Committee during the course of the study.

A. MEMBERS

On August 24, 2011, the Legislative Commission appointed the following six legislators to conduct the interim study as directed by A.B. 427 and report their findings to the 2013 Nevada Legislature:

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

Assembly Bill 427 required that one of the appointed Senators must have served as a member of the Senate Standing Committee on Natural Resources during the 2011 Legislative Session and one of the appointed members of the Assembly must have served as a member of the

Assembly Standing Committee on Natural Resources, Agriculture, and Mining during the 2011 Legislative Session. Senator Manendo and Assemblyman Livermore met this criteria.

B. STAFF

The following Legislative Counsel Bureau (LCB) staff members provided support for the Committee:

Michael J. Stewart, Chief Principal Research Analyst, Research Division
Matthew S. Nichols, Principal Deputy Legislative Counsel, Legal Division
Matt Mundy, Deputy Legislative Counsel, Legal Division
Wayne Thorley, Program Analyst, Fiscal Analysis Division
Natalie J. Pieretti, Senior Research Secretary, Research Division

II. BACKGROUND

This section provides background information on the development of A.B. 427, a summary of provisions in Nevada law relating to recycling, a discussion of beverage container deposit and refund programs in other states, and an overview of single-stream recycling in Nevada and other states.

A. ASSEMBLY BILL 427 OF THE 2011 LEGISLATIVE SESSION AND KEY ELEMENTS OF POTENTIAL BEVERAGE CONTAINER DEPOSIT AND REFUND LEGISLATION IN NEVADA

Assembly Bill 427, in its introduced form, proposed a beverage container deposit and refund program for the State of Nevada. This type of legislation is often referred to as container deposit legislation (CDL) or “bottle bills,” and A.B. 427 contained many similarities to CDL and bottle bill legislation approved in other states.

Assembly Bill 427—Introduced Version

Assembly Bill 427 originally provided that certain beverage containers sold in Nevada would have a refund value of 5 cents. Expressly exempted from this refund value were containers sold to common carriers that conduct interstate passenger service, as well as containers sold to bars, casinos, resorts, or restaurants that meet certain conditions relating to on-premises consumption and recycling. The measure further proposed a requirement that relevant beverage containers be labeled to identify the container as reusable, refundable at 5 cents, and originally sold in Nevada as a filled beverage container.

The introduced version of the bill also required consumers to pay the container deposit to retailers at the time of purchase. Retailers would accept certain empty beverage containers from consumers and refund deposits to those consumers. Distributors would have been

required to accept empty containers from retailers, and bottlers would have been required to accept empty containers from retailers and distributors. The bill also provided that retailers and distributors returning such containers would receive a 1 cent handling fee per container. The introduced version of A.B. 427 would have also required retailers to maintain separate Deposit Transaction Accounts for deposits received from consumers. Retailers would then report monthly to Nevada's Division of Environmental Protection (NDEP), State Department of Conservation and Natural Resources (SDCNR), regarding these accounts. Any abandoned deposits would have been returned to the State and used for recycling programs, programs to promote recycling, and education concerning recycling. Finally, the introduced version of A.B. 427 provided 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.

Assembly Bill 427—Amendments Enacted

On April 14, 2011, the Assembly Committee on Natural Resources, Agriculture, and Mining amended the introduced version of A.B. 427 in a number of ways. The amendment, which was adopted by the full Assembly by voice vote on April 20, 2011, proposed to:

- Broaden the definition of “beverage” to include bottled water, teas, energy drinks, flavored waters, and other carbonated and noncarbonated beverages, in addition to soft drinks, beer and other malt beverages, mineral water, and soda water. The definition excluded containers for milk and wine;
- Revise the definition of “beverage container” to target single-use containers;
- Revise the labeling provisions to delete the requirements that a container be labeled as being reusable and originally sold in Nevada as a filled beverage container and instead require containers to be labeled with the refund value and the word “Nevada” or the abbreviation “NV”;
- Remove the requirement that retailers accept empty containers and provide refunds to consumers, and instead provide for beverage container return at redemption centers certified by the NDEP;
- Remove the requirements that distributors and bottlers accept empty containers;
- Eliminate the requirement for retailers to maintain Deposit Transaction Accounts, and instead require that retailers pay container deposits into a State fund administered by the SDCNR;
- Allow 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;

- Require retailers and redemption centers to report monthly to the SDCNR;
- Direct the NDEP to adopt necessary regulations for administration and enforcement of the program by December 31, 2012; and
- Revise the effective date for implementation of the program (excluding the adoption of regulations and preliminary administrative tasks) to January 1, 2013.

As part of its action to “amend, without recommendation,” the Assembly Committee on Natural Resources, Agriculture, and Mining, at the same time, recommended that the bill be referred to the Assembly Committee on Ways and Means to address any potential fiscal impacts. That committee held a hearing on the bill on May 31, 2011, and took no action. However, on June 3, 2011, the Assembly Committee on Ways and Means approved an amendment to A.B. 427 creating the interim study. Three days later, on June 6, 2011, the bill was approved in the Senate Committee on Legislative Operations and Elections and slated as one of the interim studies for the 2011–2012 Legislative Interim.

B. NEVADA LAW REGARDING RECYCLING AND WASTE MANAGEMENT

During its meeting on February 21, 2012, the Committee received an update on the State of Nevada’s role in recycling. Specifically, the NDEP provides statewide oversight relating to recycling and other solid waste matters. Dr. Colleen Cripps, Administrator, NDEP, reported to the Committee that the NDEP has been providing recycling and outreach programs regarding recycling for 20 years. Data regarding the recycling rate is collected annually and a biennial report is issued to the Nevada Legislature. These reports are kept on file in the Research Library at the LCB.

As reported by NDEP, key legislation which has largely shaped Nevada’s recycling program for the past 20 years is summarized:

- Assembly Bill 320 of the 1991 Legislative Session (Chapter 525, *Statutes of Nevada*) set a 25 percent recycling goal and provided for curbside and drop-off recycling for certain municipalities. The bill also provided a State tire fee to fund recycling education programs with a two-year reversion and required the State Environmental Commission (SEC) to adopt regulations providing minimum standards for curbside recycling, recycling centers, and disposal of hazardous household products.
- Senate Bill 97 of the 1993 Legislative Session (Chapter 7, *Statutes of Nevada*) among other things, removed the two-year reversion on the State’s tire recycling fee and provided that the fee be deposited in the Solid Waste Management Fund rather than being transferred from Nevada’s Department of Transportation. The Fund was specifically established to support solid waste regulation and recycling education.

- Assembly Bill 564 of the 1999 Legislative Session (Chapter 590, *Statutes of Nevada*) broadened the applicability of solid waste recycling programs to include public buildings. The measure required the board of county commissioners in Washoe and Clark Counties to develop recycling programs for public buildings. In all other counties, these programs were encouraged. Counties adopting such programs were required to notify the occupants of public buildings that recycling opportunities were available. Assembly Bill 564 also authorized the NDEP to assist State agencies in developing and carrying out recycling programs within State buildings. The measure also required local school districts to recycle paper and paper products and encouraged each justice court administrator, the Legislative Commission, school boards of trustees, and the University and Community College System of Nevada (now the Nevada System of Higher Education [NSHE]) to develop recycling programs for other recyclable waste materials. Finally, the bill allowed certain waivers if the cost of a recycling program was unreasonable.
- Senate Bill 396 of the 2005 Legislative Session (Chapter 387, *Statutes of Nevada*) revised provisions for sanitation and recycling programs and grants, as administered through the SDCNR. With regard to municipal recycling programs in Clark and Washoe Counties, S.B. 396 required those counties to provide information about their programs to business license applicants. The frequency for review of these programs was increased from every three to every two years. Finally, S.B. 396 gave the NDEP authority to award grants to enhance solid waste systems and to promote recycling, and eliminated a requirement that the Department develop recycling markets in Nevada.
- Assembly Bill 426 of the 2009 Legislative Session (Chapter 344, *Statutes of Nevada*) directed, within the limits of available money, the NDEP to conduct or cause to be conducted, a study concerning programs for reusing and recycling computers and other electronics and to submit a report of the results of the study and at least one recommendation for legislation implementing a program to the 76th Session of the Nevada Legislature.
- Senate Bill 137 of the 2009 Legislative Session (Chapter 222, *Statutes of Nevada*) required counties and municipalities to include in their recycling programs provisions relating to the placement of recycling containers on the premises of certain apartment complexes and condominiums where solid waste services are provided. It also prohibited 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. In addition, S.B. 137 required the Board of Regents of the University of Nevada to prescribe procedures for recycling certain waste materials, including the placement of recycling containers on the premises of any branches or facilities of NSHE.

- Senate Bill 186 of the 2009 Legislative Session (Chapter 260, *Statutes of Nevada*) required district boards of health, and authorized the SEC, to adopt regulations for the issuance of permits to operate facilities for the management of waste tires. The bill required a person to obtain a permit to operate a facility for the management of waste tires, and it prohibits retail and wholesale sellers of new motor vehicle tires from disposing of waste tires in any municipal solid waste landfill in a health district or county in which a facility is operated.
- Senate Bill 417 of the 2011 Legislative Session (Chapter 254, *Statutes of Nevada*) required certain regulations concerning recycling that are adopted by the SEC and the NDEP to include provisions for the placement of recycling containers on the premises of apartment complexes and condominiums where services for the collection of solid waste are provided.

As noted in testimony from the NDEP, one of the responsibilities of the NDEP is to track the rate of recycling throughout Nevada. The following table from the NDEP's *2013 Recycling and Waste Reduction Report* reveals that in 2011, Nevada reached, for the first time, its recycling goal of 25 percent as set forth in the *Nevada Revised Statutes* (NRS). The most recent data (from 2011) is shown below:

Recycling Rates by County, 2010-2011		
County	2010	2011
Carson City	41.6 %	23.9 %
Clark County	17.9 %	22.3 %
Douglas County	38.8 %	53.8 %
Elko	*	*
Lyon	**	**
Washoe	27.2 %	35.6 %
STATEWIDE AVERAGE	20.6 %	25.3 %

* Elko County did not submit a recycling report for 2010 or 2011.

** Lyon County was not required to report for 2010, and is currently in process of establishing programs.

SOURCE: *2013 Recycling and Waste Reduction Report*, NDEP.

A copy of Nevada's laws addressing recycling (Chapter 444A [Programs for Recycling] of the NRS) appears in Appendix C of this report and NDEP's *2013 Recycling and Waste Reduction Report* (annual report to the Nevada Legislature) can be found in Appendix D. In addition, information regarding Nevada's role in recycling and a summary of these laws can be found in Exhibit D-1 from the Committee's February 21, 2012, meeting.¹

¹See <http://www.leg.state.nv.us/Interim/76th2011/Exhibits/RefundRecycled/E022112D-1.pdf>.

C. PREVIOUS EFFORTS IN NEVADA TO ESTABLISH A BEVERAGE CONTAINER DEPOSIT AND REFUND PROGRAM

Several efforts were made in the 1970s to establish a container deposit and refund program in Nevada and one measure was also introduced in 1989. The table below highlights the year, bill number, and final status of these measures:

YEAR	BILL	STATUS
1971	Senate Bill 22	Died in the Senate Committee on Ecology
1973	Assembly Bill 131	Died in the Assembly Committee on Commerce
1975	Senate Bill 4	Died in the Senate Committee on Environment and Public Resources
1975	Assembly Bill 34	Died in the Assembly Committee on Commerce
1989	Assembly Bill 671	Died in the Assembly Committee on Natural Resources, Agriculture, and Mining

The 1993 Nevada Legislature also considered A.B. 475, which would have imposed a fee on the sale of certain beverages (soda, beer, and some others) with the proceeds to go toward the removal and reduction of litter. This proposal, which was jointly referred to two committees, did not provide consumers economic incentive to return bottles and cans. No action was taken on A.B. 475 by the Assembly Committees on Natural Resources, Agriculture, and Mining and Taxation.

D. SUMMARY OF BEVERAGE CONTAINER DEPOSIT AND REFUND PROGRAMS IN OTHER STATES

Voluntary returnable glass bottle programs were the norm prior to the 1950s because it was cheaper for bottling companies to collect, wash, and reuse glass bottles rather than to buy or manufacture new ones. After World War II, the steel and aluminum industries began promoting metal beverage cans. Since these cans were cheap to mass produce, they became throwaways or disposable and the glass companies were compelled to stop using returnable glass bottles as well.

Prior to the introduction of metal beverage containers, local bottling operations had an advantage over national operations due to the costs associated with shipping larger quantities of returned empty bottles. With the advent of disposable containers, national operations were able to avoid the return shipment costs, thereby making them more competitive. Some have argued that this may have caused many smaller, local breweries and soft drink companies to be either driven out of business or forced to consolidate plants and reduce jobs.

Bottle Programs in Other States—General Information

In the 1970s, activists and policymakers worked to create mandatory deposits on throwaway containers to fight growing litter problems. Today, ten states have laws that require deposits and refunds on a variety of beverage containers made of glass, metal, or plastic. These states are California, Connecticut, Hawaii, Iowa, Maine, Massachusetts, Michigan, New York, Oregon, and Vermont. Most of these states enacted their programs in the 1970s and early 1980s. The State of California approved its bottle bill in 1986 and Hawaii adopted its program in 2002. The United States Territory of Guam approved a bottle bill in 2010, which is scheduled to go into effect in 2013.

Bottle bills provide consumers with the economic incentive to return bottles and cans by placing a mandatory deposit on them. Commonly, the laws have targeted carbonated beverage containers. However, several states have updated their deposit laws to include wine, liquor, and/or noncarbonated beverages.

Specific Components of Recycled Beverage Container Programs and Bottle Bills

Redemption Procedures

According to the Container Recycling Institute (CRI) and CRI's "Bottle Bill Resource Guide," most of the ten states that have implemented bottle bills reclaim containers at a combination of retail stores and redemption centers. A chart from CRI, included as Appendix E of this report, shows that two states (Michigan and Oregon) reclaim bottles at retail stores only, and one (Hawaii) uses solely redemption centers. California's reclamation system is more of a hybrid system and includes redemption centers, curbside operations, and drop-offs. California allows curbside programs and also allows traditional recyclers to sign up as redemption centers. While California technically uses a "return to retailer" system, this system applies only to grocery stores and exempts grocery stores that are located within a certain distance from a redemption center.

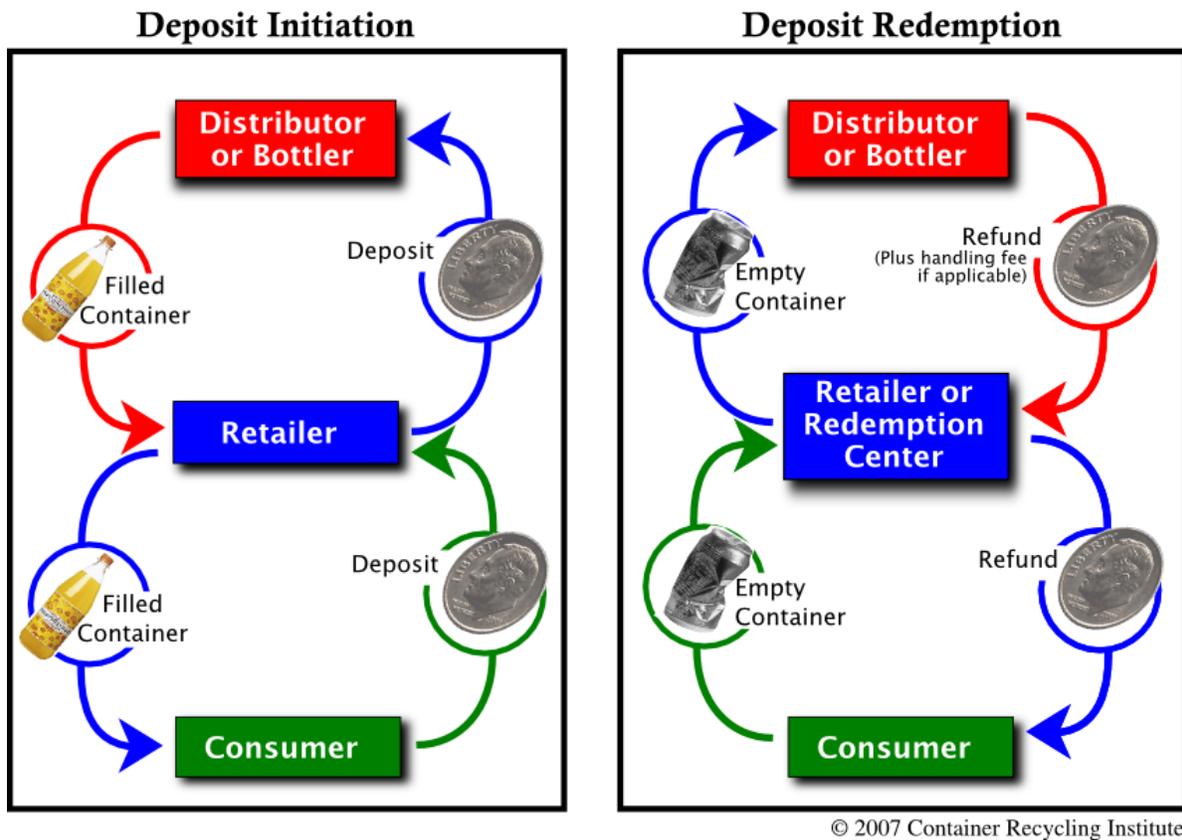
It should be noted that the table in Appendix E should be interpreted with caution, as some of the information is very general. Several states' statutes have additional complexity in terms of redemption programs. For instance, "redemption centers" in Hawaii appear to potentially include retailer locations, while provisions in Oregon law appear to not restrict reclamation to retail stores only. Further, there are sometimes exceptions to requirements that retailers accept containers for redemption. These exceptions may include retailers that are within a certain distance from a redemption center, that contract with a redemption center to provide services, or that meet other criteria relating to size, location, or other variables.

In Canada, beverage container redemption programs often take retailers out of the reclamation process and use primarily redemption centers that are independently owned and operated by franchisees.

Financial Structure

Beverage container deposit and refund programs all include several components to the deposit/refund process. In most instances, beverage container deposit programs typically operate under the following cyclical model: (1) Distributors collect a deposit from retailers; (2) Retailers collect a deposit from consumers; (3) Consumers who return bottles and cans receive a refund from retailers or redemption centers; and (4) Retailers or redemption centers receive a refund from distributors.

To better illustrate this typical structure, CRI has compiled the following charts to depict how the process works with both the initial beverage purchase and when the consumer seeks to collect his or her refund on the beverage container:



There are some variations to this system. For instance, California and Hawaii have created state funds for their bottle deposit and refund programs. In other states, individual distributors create and manage their own funds or handle the program through a pooled fund for all distributors run by a nonprofit organization that is formed by brand owners.

Containers Covered and Return Rates

All of the ten bottle bill states provide recycling for beverage containers made of glass, metal, or plastic. Some states set a container size limit (no larger than three liters for noncarbonated

beverage containers in Connecticut; up to 68 ounces in Hawaii; no larger than four liters in Maine; and under one gallon in Michigan and New York) and two states (Massachusetts and Vermont) exclude biodegradable containers. Covered beverages typically include beer, bottled water, carbonated soft drinks, and malt.

Beverage container return rates vary from 5 to 10 cents per container. All bottle bill states, with the exception of Michigan, offer a 5 cent redemption on at least one type of container. Michigan offers 10 cents for all containers and California provides 10 cents for those containers 24 ounces are larger. Maine and Vermont offer a 15 cent redemption for wine and liquor containers. Finally, the State of Oregon provides a 2 cent refund on standard refillables and 5 cents on nonrefillables. However, legislation passed in June 2011 would increase the nonrefillable rate to 10 cents, if the overall redemption rate falls below 80 percent. In recent years, some states have imposed a handling or processing fee to compensate retail outlets for the expense of handling empty containers and to support the operations of redemption centers. These handling fees typically range from 1 cent to 4 cents per container (the higher fee is typically assessed on certain higher value containers). Some states have imposed these fees as recycling rates have increased in an effort to offset the losses paid into beverage container programs from unclaimed deposits due to increased participation in recycling.

Bottle Bill/Container Deposit and Refund Legislation—Both Sides of the Issue

Proponents of bottle bills or CDL note that such programs conserve energy and natural resources; create new businesses and jobs; reduce waste disposal costs; provide more recyclable materials for a high-demand market; reduce litter; and provide a financial incentive for people to recycle. Moreover, proponents stipulate that such legislation promotes producer and consumer responsibility by shifting the costs associated with making beverage containers and using those containers to those who actually manufacture the containers and consume canned or bottled beverages (in other words, curbside and other forms of recycling are government and taxpayer funded while deposit systems are funded by producers and consumers). Finally, supporters note that bottle bill/container deposit programs and curbside recycling programs are not mutually exclusive and can enhance each other because curbside programs can accommodate nonbeverage class recyclables while materials collected through deposit programs are of much higher quality.

Conversely, opponents of bottle bill/container deposit and refund legislation note that a refund program is a tax on consumers, and increases operating costs for retailers, grocers, and beverage companies. Opponents further argue that such legislation hurts jobs (particularly those in the beverage industry), increases the price of beverages, and is limited in scope to beverage containers and does not include other recyclables that can be collected in curbside programs. In addition, some have noted that implementation of such a program is complex and sometimes costly (particularly for initial implementation), as a government agency—typically a state agency—must act in an oversight capacity for the redemption program and redemption centers are typically certified and inspected by agency officials.

E. “SINGLE-STREAM” RECYCLING

Single-stream recycling is a method of recycling in which all recyclable materials, including aluminum, glass, and plastic beverage containers, are placed unsorted into a single recycling bin or container, instead of being sorted and separated at the source. Under the single-stream model, the collection and processing systems are designed to handle a fully commingled mixture of recyclables, with materials being separated for reuse at a materials recovery facility (MRF). Throughout the legislative interim, the Committee received numerous reports on single-stream recycling and recent efforts by local jurisdictions to test this type of recycling through pilot programs.

Single-Stream Recycling in Nevada

Single-stream recycling has become more popular in the United States in recent years and recycling rates appear to have increased over time due to single-stream recycling. Definitive data on the rate of this type of recycling is hard to obtain. However, testimony during the legislative interim indicated that more and more waste collection companies are taking on customer-sorted curbside recycling and, when feasible, single-stream recycling. In most jurisdictions, including Nevada, waste collection companies procure the benefit of the recycled products, which helps offset the costs of the curbside recycling and allows many companies to offer this service without cost to the customer. Testimony indicated that the costs of single-stream recycling in Nevada, when implemented, would be borne by waste collection companies, with the idea that these companies would receive the benefit of the recyclable products. However, recent media reports have indicated that the costs associated with converting to single-stream in certain areas of Clark County would not be sufficiently offset by the value of the recycled product without an increase in rates or a reduction in the frequency of curbside waste collection from twice per week to once per week.

While it is difficult to determine whether increased recycling rates are directly tied to an increase in single-stream recycling availability, testimony before the Committee indicated a direct correlation to increased recycling as shown in various pilot programs. For example, Republic Services, Inc. (RSI), which provides waste collection for Clark County, conducted a pilot program of 86,000 homes in the Cities of Henderson, Las Vegas, and North Las Vegas and in unincorporated Clark County. These homes were issued two 96-gallon wheeled containers, one for trash items and one for all recyclables. According to testimony, RSI observed a recycling increase of 500 to 600 percent compared to the curbside “bin” program already in place in most of Clark County. Waste Management (the waste collecting company serving portions of northern Nevada) also conducted a pilot project for single-stream recycling in late 2007 and early 2008 for 866 homes in northwest Reno. This resulted in a curbside participation rate increase from 42 to 82 percent and the amount of commodities recycled increased from 5,000 pounds to 17,500 pounds per week.

In recent years, based largely on the success of various pilot programs, several jurisdictions, including the Cities of Elko, Henderson, North Las Vegas, and Reno, have agreed to move

forward with single-stream recycling. The City of Elko initiated its program in June 2012 and is in the implementation phase. The City of North Las Vegas has already implemented its program and the City of Henderson was more than 50 percent implemented as of January 2013. Recent media reports indicate a sixfold increase in recycling rates in Henderson and North Las Vegas under the single-stream model. Most recently, the Clark County Board of Commissioners voted conditionally to begin single-stream recycling for the unincorporated areas of the county, pending two studies relating to the economic impacts of the collection schedule and a survey of certain residents in incorporated areas who are already under a single-stream program. In addition to the required studies, the approval of single-stream recycling in unincorporated areas of Clark County gives RSI until 2017 to “roll out” the program (although it is anticipated that the program will be phased in over time). This comports with testimony received during the interim which indicated that once a local governing body approves a contract for single-stream recycling, it generally takes a few years to achieve full implementation. This is due primarily to the need to either retrofit existing trash collection vehicles or acquire new vehicles, and to supply each resident in the service area with the appropriate recycling container or bin.

The Committee to Study the Deposits and Refunds on Recycled Products discussed and approved several recommendations (legislation and committee letters) relating to single-stream recycling. These recommendations are discussed in greater detail in Section IV of this report.

Single-Stream Recycling—Both Sides of the Issue

Proponents of single-stream recycling report notable increases in recycling participation compared to other forms of recycling. Some waste collection companies that engage in single-stream recycling have reported average increases in the recycling rate of 30 percent. As noted earlier, pilot projects in Nevada have resulted in larger increases in participation. Proponents also note that single-stream recycling is convenient, as customers can place all recyclable materials in a single container and not be responsible for sorting the materials themselves. Testimony also indicated that single-stream recycling reduces the number of workers’ compensation claims from sanitation workers because the collection equipment used in single-stream recycling uses special mechanical “arms” to lift the recycling container and dump the contents. Some single-stream jurisdictions have reduced the number of collection runs for each household, thereby reducing fuel costs and reducing the wear and tear on collection equipment. Finally, with increased recycling rates, increased employment is often noted at MRFs and salvage companies.

Conversely, opponents of single-stream recycling argue that such recycling results in large initial capital costs, including new recycling bins, new or retrofitted collection vehicles, construction of new MRFs, and public outreach. Some jurisdictions may also increase waste collection rates to pass these costs on to the customers. In addition, some have noted that single-stream recycling leads to greater contamination of the recycled products, particularly glass and paper, which can lead to a reduction in commodity prices due to the contamination and difficulty in actually reusing the recycled products. More materials being sent to a MRF,

opponents note, is not necessarily beneficial to the environment if those materials end up in landfills due to material contamination. Moreover, testimony from small-scale haulers and salvage companies indicated that they suffer from a competitive disadvantage due to their inability to offer single-sort services.

III. SUMMARY OF COMMITTEE ACTIVITIES

The Committee held four meetings, including a work session, during the course of the interim study. All meetings were held in Las Vegas and simultaneously videoconferenced to the Legislative Building in Carson City. Topics reviewed, addressed, and discussed included:

- Beverage container deposit legislation and deposit and refund programs for recycled products in other states;
- Statewide recycling efforts;
- Implementation considerations for potential CDL in Nevada;
- Curbside and other recycling activities of various waste collection service providers in Nevada;
- Recycling efforts, partnerships, and outreach programs by the Public Lands Institute and the “Don’t Trash Nevada” program;
- Environmental benefits of recycling various beverage containers;
- Impacts of potential CDL on various groups, including Nevada retailers, the recycling industry (aluminum, glass, and plastic recyclers), beverage and bottling companies, small-scale recycling operators, and State and local governments;
- University of Nevada, Las Vegas (UNLV), “Rebel Recycling Program”;
- Recycling efforts of various local government entities in Nevada;
- The recycling programs and outreach efforts of the America’s Schools Program (ASP);
- Recycling activities of the resort industry and, in particular, MGM Resorts International;
- The operations and outreach efforts of the CRI; and
- Fraudulent activities associated with recycling, including the curbside scavenging of recyclable products, and efforts to enforce provisions designed to prevent recycling fraud in Nevada and other states.

Below is a summary of the Committee's activities at each of its four meetings. Additional details of each meeting can be found in the "Summary Minutes and Action Report" for each meeting.²

A. FEBRUARY 21, 2012, MEETING

The first meeting of the Legislative Commission's Committee to Study the Deposits and Refunds on Recycled Products began with opening remarks and introductions from Chair Ohrenschall followed by an overview of the legislation that established the interim study (A.B. 427) by Michael J. Stewart, Chief Principal Research Analyst, Research Division, LCB. Mr. Stewart explained the scope of the Committee and introduced other LCB committee staff members who supported the Committee during the legislative interim. He also reviewed CDL in other states and discussed the specifics of beverage container deposit and refund programs. This was followed by a presentation from various representatives of NDEP, SDCNR, who discussed NDEP's recycling efforts, considerations for possible beverage container deposit and refund legislation, recycling rates, and Nevada's laws relating to recycling.

The Committee also heard from representatives of RSI and Waste Management of Nevada, who highlighted recycling and waste management practices in Carson City, Clark County, and Washoe County. Representatives from these companies described their efforts toward establishing single-stream recycling within their respective service areas. An overview of the recycling efforts, partnerships, and outreach programs of the Public Lands Institute and the "Don't Trash Nevada" program was also provided to the Committee.

David Hudson, Vice President of Government Affairs, Strategic Materials, Inc. (SMI), provided a presentation to the Committee highlighting the importance of recycling, SMI's role in the State of Nevada, how a CDL program might impact the State, and strategies that may be used to implement such a program. In addition, Kevin Dietly, Principal, Northbridge Environmental Management Consultants, discussed with the Committee national trends in beverage container deposit practices, the beverage industry perspective on CDL, and his preference for single-stream recycling models. Lea Tauchen, representing the Retail Association of Nevada, expressed concerns to the Committee regarding the costs and logistics associated with CDL, the involvement of retailers in beverage container refunds and redemptions, and the potential impacts CDL could have on retailers in Nevada.

The Committee then heard testimony from various groups representing the environmental community, all of whom expressed general support for CDL. These groups were the Nevada Conservation League, the Toiyabe Chapter of the Sierra Club, and Keep Truckee Meadows Beautiful. Finally, the Committee heard public testimony from two representatives of recycling companies located in the Las Vegas, Nevada, area, both of whom requested to be included on the agenda for the Committee's second meeting. For additional details regarding

²See <http://www.leg.state.nv.us/Interim/76th2011/Committee/Scheduler/committeeIndex.cfm?ID=28>.

the Committee's February 21, 2012, meeting, please refer to the "Summary Minutes and Action Report."³

B. APRIL 3, 2012, MEETING

At the Committee's second meeting, members heard an update on the status of administrative regulations proposed by the SEC relating to recycling at apartment and condominium complexes. This was followed by an overview from Tara Pike-Nordstrom, UNLV Solid Waste and Recycling Manager and UNLV Sustainability Coordinator, regarding the recycling efforts, waste management practices, partnerships, and related outreach programs at UNLV.

Alfredo T. Alonso, Principal, Lewis and Rocha, LLP, representing various beverage industry clients, and Lesley Pittman, representing MillerCoors, LLC, testified on the potential impacts of CDL on the beverage industry. Both Mr. Alonso and Ms. Pittman opined that the single-stream recycling model is a favorable approach to increasing recycling rates. The Committee also heard from representatives of Washoe County's Environmental Health Services Division, who provided the Committee with considerations for potential CDL, an analysis of recent focus group discussions regarding recycling, and information regarding recycling efforts occurring in Washoe County. An overview of the recycling activities of the Southern Nevada Health District was also provided, which included a discussion regarding fraud and enforcement issues relating to recycling in Clark County.

The Committee also heard a presentation regarding the ASP, which involves youth outreach relating to recycling, the development of environmental education curricula for schools, waste-to-energy practices, and recycling activities. In addition, representatives from MGM Resorts International discussed with the Committee various sustainability and recycling efforts at the company's various properties in Las Vegas, Nevada.

Finally, the Committee heard from representatives of two recycling companies on their policies, programs, and activities and their suggestions relating to potential CDL in Nevada. Specifically, the Committee received testimony from Alex Sarkisyan of G.E. Recycling Company, Inc., located in Granada Hills, California, and Tony Salazar, Chief Executive Officer of The Environmentally Responsible Company, located in Las Vegas, Nevada. Both Mr. Sarkisyan and Mr. Salazar expressed support for CDL and discussed the positive impacts CDL would have on the recycling industry.

Ms. Pike-Nordstrom also provided additional information regarding the "pay-as-you-throw" recycling model and other recycling issues. Finally, the Committee directed Mr. Stewart to prepare a letter to the Legislative Commission urging its support and passage of the proposed regulations of the SEC relating to recycling at apartment and condominium complexes. Additional information regarding this letter appears in Section IV of this report. For more

³See <http://www.leg.state.nv.us/Interim/76th2011/Minutes/RefundRecycled//IM-RefundRecycled-022112-10555.pdf>.

information regarding the Committee's April 3, 2012, meeting, including related exhibits, please refer to the "Summary Minutes and Action Report."⁴

C. MAY 29, 2012, MEETING

The Committee's third meeting began with a presentation from Darren L. Schulz, P.E., Deputy Public Works Director, Department of Public Works, Carson City, regarding the history of and current and future recycling efforts in Carson City. Mr. Schulz also discussed the county-owned landfill and reported that the landfill consists of 210 acres and has a life span of 50 years. He remarked that 60 percent of the city residents pay for curbside waste collection service at a cost of approximately \$40 dollars per month.

The Committee then heard from Meghan Butler, Government Relations, Recology Inc., who presented several topics, including: (1) "Blue Bin" recycling; (2) the California Global Warming Act of 2006; (3) California Waste Diversion Mandates; (4) "Green Bin" recycling; (5) the process of meeting certain recycling goals; and (6) an overview of recycling at the national level. Also on the agenda was Susan V. Collins, President, CRI. Ms. Collins provided a brief overview of CRI and testified on topics relating to: (1) the compatibility of container deposit programs with single-stream curbside recycling; (2) the different models of container deposit-refund (both operational and financial); (3) the economics of container deposit-refund programs; (4) the impact of CDL on municipalities; (5) an overview of container deposit-refund practices in North America; (6) the economics of recycling in general; and (7) where beverage containers are generated. Numerous questions were posed to Ms. Collins concerning the specifics of CDL and the compatibility of a CDL model with the single-stream recycling model.

The Committee then heard from Terrie Dickerson, Owner, Going Green Eyes, Pahrump, Nevada, who presented an overview of her small-scale recycling business. Ms. Dickerson also discussed the use of reverse vending machines as part of her container redemption business and addressed potential job creation under a container deposit-refund program. This was followed by a review of the operations and activities of local and regional recycling operators in southern Nevada and a discussion of potential impacts of CDL on the recycling industry. As part of this discussion, the Committee heard from Cliff Vellinga, Controller, Silver Dollar Recycling, Inc., who noted that since California's container deposit law went into effect, the volume of aluminum recycled at the Clark County facility has reduced steadily (from 75,000 to 80,000 pounds per month down to the current level [as of 2012] of 30,000 to 35,000 pounds per month), which he attributed to consumers exporting recycled products to California. Norberto Madrigal, Treasurer, Lunas Construction Clean-Up, Las Vegas, testified in support of CDL and reported his business employs over 100 employees. He stated he anticipates an increase of 20 percent in sustainable jobs with the passage of a CDL.

Finally, the Committee heard a presentation regarding the operations and programs of SA Recycling, based in Orange, California. Robin Robinson, Director of Compliance,

⁴See <http://www.leg.state.nv.us/Interim/76th2011/Minutes/RefundRecycled//IM-RefundRecycled-040312-10555.pdf>.

SA Recycling, testified that his company handles 200,000 tons of recycled metal per month, or 2.2 million tons per year. He reported that SA's five Las Vegas facilities employ 180 employees and the company would seek additional sites to service customers if CDL is adopted in Nevada. Mr. Robinson remarked that up to 15 percent of the aluminum cans brought for recycling in California come from out-of-state. He stated in the early 1990s, the auto shredder facility in Las Vegas handled 50,000 pounds of aluminum cans per month. In 2012, that figure was 5,000 pounds per month. For additional information regarding the Committee's May 29, 2012, meeting, including related exhibits, please refer to the "Summary Minutes and Action Report."⁵

D. JUNE 26, 2012, MEETING AND FINAL WORK SESSION

The fourth and final meeting of the Legislative Commission's Committee to Study the Deposits and Refunds on Recycled Products began with a presentation from Carl Ruschmeyer, P.E., Public Works Director, Douglas County, and Jeanne Lear, Resources Manager, South Lake Tahoe Refuse and Recycling Services and Douglas Disposal and Recycling Services. Mr. Ruschmeyer and Ms. Lear discussed solid waste disposal practices and recycling efforts in Douglas County, Nevada. This was followed by a presentation from Steven B. Smith, Vice President of Environmental and Regulatory Affairs, Verallia, Saint-Gobain Containers, who provided an overview of the operations and programs of his company. Mr. Smith explained that Verallia is a glass manufacturing and recycling company that would benefit from legislation establishing a beverage container deposit and refund program in Nevada.

The Committee then considered, during its work session, numerous recommendations suggested by several presenters and committee members during the course of the interim study. The Committee took action on a number of these recommendations as set forth in the final "Work Session Document." For additional information regarding the Committee's June 26, 2012, meeting, including related exhibits, please refer to the "Summary Minutes and Action Report."⁶ Further discussion of the recommendations approved during the work session phase of this meeting are also discussed in Section IV of this report.

⁵See <http://www.leg.state.nv.us/Interim/76th2011/Minutes/RefundRecycled//IM-RefundRecycled-052912-10555.pdf>.

⁶See <http://www.leg.state.nv.us/Interim/76th2011/Minutes/RefundRecycled//IM-RefundRecycled-062612-10555.pdf>.

IV. RECOMMENDATIONS AND SUMMARY OF TOPICS DISCUSSED BY THE COMMITTEE DURING THE 2011–2012 LEGISLATIVE INTERIM

During the course of the 2011–2012 Legislative Interim, the Legislative Commission’s Committee to Study the Deposits and Refunds on Recycled Products was provided with formal presentations and expert and public testimony on a broad range of topics. This section of the report highlights and summarizes those subjects explored by the Committee which resulted in recommendations approved by the Committee at its work session. The subsequent bill draft requests (BDRs) have been submitted to the 77th Session of the Nevada Legislature in 2013.

A. SINGLE-STREAM RECYCLING

As noted earlier, single-stream recycling is a method of recycling in which all recyclable materials, including aluminum, glass, and plastic beverage containers, are placed unsorted into a single recycling bin or container, instead of being sorted and separated at the source. Under the single-stream model, the collection and processing systems are designed to handle a fully commingled mixture of recyclables, with materials being separated for reuse at a materials recovery facility. The Committee heard testimony throughout the interim regarding the benefits of single-stream recycling. While the Committee chose not to pursue a recommendation for a “bottle bill” at this time, they unanimously supported a resolution expressing support for single-stream recycling.

Therefore, the Committee to Study the Deposits and Refunds on Recycled Products voted to:

Adopt a concurrent resolution expressing the Nevada Legislature’s support for single-stream recycling and urging Nevada’s boards of county commissioners to implement programs for single-stream recycling. (BDR R-119)

In conjunction with this concurrent resolution, the Committee felt it was important to notify each board of county commissioners of the importance of single-stream recycling, particularly due to each county’s ability to enter into agreements and contracts for waste collection services. Therefore, the Committee to Study the Deposits and Refunds on Recycled Products voted 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. Include in the letter notification that the 2013 Nevada Legislature will be considering a concurrent resolution as set forth in BDR R-119.

B. INCREASING THE STATUTORY RECYCLING GOAL AND COUNTY REPORTS REGARDING RECYCLING

As noted earlier, the State of Nevada exceeded its 25 percent recycling goal set forth in NRS 444A.020. The Committee believed that it was important, particularly if it supported the implementation of single-stream recycling in Nevada, to pair that support with a proposed increase in the recycling goal. The success of various single-stream recycling pilot programs coupled with the increase in recycling rates in jurisdictions with consumer-sorted recycling, compelled the Committee to support an increase in the statutory recycling rate.

Moreover, the Committee believed that all Nevada counties (and other local governing bodies within those counties) should make all efforts possible to secure single-stream recycling in their jurisdictions. The Committee was aware of existing efforts to secure single-stream recycling in various jurisdictions. Nonetheless, it was important to the Committee that the various local jurisdictions study, analyze, and evaluate their efforts toward implementing single-stream recycling and report those findings to the Nevada Legislature.

Therefore, the Committee to Study the Deposits and Refunds on Recycled Products voted to:

Enact legislation raising the recycling goal set forth in *Nevada Revised Statutes* (NRS) 444A.020 from 25 percent to 40 percent and require all Nevada counties to study and report to the 2015 Nevada Legislature on their efforts toward implementing single-stream recycling within their counties. (BDR 40-120)

C. PENALTIES FOR UNLAWFUL DUMPING OF SOLID WASTE OR SEWAGE

Some discussion was held during the legislative interim regarding the issue of illegal dumping in Nevada and whether penalties associated with the unlawful dumping of solid waste and sewage were adequate enough to deter this activity. Research on the penalties associated with illegal dumping revealed that Nevada law sets forth a graduated approach to these penalties based on whether the violation was a first, second, or third offense. Specifically, NRS 444.630 provides that:

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.

While the Committee was not interested in setting forth felony penalties for unlawful dumping, there was an appetite to address repeat offenders. Testimony noted that individuals who violate Nevada's dumping laws repeatedly revert to a first offense after a period of two years. The Committee members believed that lengthening this two-year trigger for a third or subsequent offense to four years might deter some repeated acts of illegal dumping.

Therefore, the Committee to Study the Deposits and Refunds on Recycled Products voted to:

Enact legislation relating to unlawful dumping by amending NRS 444.630, subsection 1, subparagraph (c), to increase, from two years to four years, the time frame between a third offense and a subsequent offense during which the greater penalty could be imposed. Under this amendment, a repeat offender would not revert to a first offense until four years (rather than two years) has elapsed after his or her third offense. (BDR 40-121)

D. SUPPORT FOR THE AMERICA'S SCHOOLS PROGRAM

The mission of the ASP is to fund programs and extracurricular activities in the K-12 schools in this State and the U.S. through the sale of officially licensed consumer products and services under its nationally recognized brand. To accomplish this mission, the ASP sells officially licensed products and services to promote and fund extracurricular activities such as athletics, drama, and music, in addition to school programs concerned with promoting social awareness, humanitarianism, and environmental responsibility. The ASP has established a brand exclusively associated with K-12 schools in the U.S., which allows consumers to fund schools and educational programs by purchasing licensed products and services which are sold under the national brand of the ASP. The program also supports these activities through a recycling program, which partners with thousands of businesses and organizations across the country to recycle used inkjet and toner cartridges as well as cellular telephones. In addition, the ASP has partnered with Jet Plastics, Inc., to produce marketable products using recycled plastics which are sold at retail and for which participating schools receive a royalty.

During its presentation to the Committee, the ASP explained how it gives youth a voice and a vehicle by which they can promote environmental conservation and sustainability on a local, state, and national level through recycling. It also serves as a sponsor for the Environmental Youth Summit in Nevada (and other states) to empower, inform, and develop youth environmental ambassadors by increasing their knowledge of the environment and providing a platform by which youth can conduct a dialogue with the environmental sciences community, businesses, political leaders, and other organizations to promote and support conservation and environmental responsibility.

The Committee was impressed with ASP's range of activities, partnership efforts, and support given to schools. Therefore, the Committee to Study the Deposits and Refunds on Recycled Products voted to:

Adopt a concurrent resolution expressing the Nevada Legislature's support for the program, partnerships, and recycling efforts of the America's Schools Program (ASP). (BDR R-122)

E. REGULATIONS REGARDING RECYCLING CONTAINERS AT APARTMENTS AND CONDOMINIUMS

During its first two meetings, the Committee discussed the status and implementation of S.B. 417 of the 2011 Legislative Session (Chapter 254, *Statutes of Nevada*). This measure was a follow-up to S.B. 137 of the 2009 Legislative Session (Chapter 222, *Statutes of Nevada*). Both measures addressed the placement of recycling containers at certain apartment complexes and condominiums, and S.B. 417 further requires the SEC to adopt regulations concerning the availability and placement of such recycling containers. The proposed regulation of the SEC was scheduled for consideration at the March 29, 2012, meeting of the Legislative Commission. However, the Commission agreed to defer consideration of all administrative regulations on the agenda to a future meeting. The Committee to Study the Deposits and Refunds on Recycled Products believed this regulation was an important factor in encouraging recycling for those living in apartment complexes and condominiums, and agreed to send the Chair and the members of the Legislative Commission a letter urging its adoption.

Therefore, the Committee to Study the Deposits and Refunds on Recycled Products voted to:

Send a Committee letter to the Chair and members of the Legislative Commission expressing support for and urging the Commission's approval of the "Adopted Regulation of the State Environmental Commission, LCB File No. R049-11," which addresses the availability and placement of recycling containers at certain apartment complexes and condominiums.

F. RECYCLING AT CONSTRUCTION SITES

The Committee also briefly discussed the recycling of certain construction waste, which is a mandatory practice in some jurisdictions in the United States. Typical recycled materials include aggregates such as asphalt, brick, concrete, dirt, rock, sand, soil, and stone, as well as reusable building materials, including doors, insulation, lumber, plumbing fixtures, roof shingles, siding, steel beams and studs, and windows. While the State of Nevada does not mandate construction and demolition (C&D) materials recycling, testimony from various recycling and salvage companies located in southern Nevada noted that C&D materials recycling could enhance their operations, assist construction companies in their site clean-up activities, and ultimately benefit the environment.

Therefore, the Committee to Study the Deposits and Refunds on Recycled Products voted 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 letter should also encourage these associations and organizations to study the impacts of construction and demolition materials 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 (i.e., single-stream versus source separation); (g) monitoring and reporting requirements; and (h) enforcement mechanisms.

G. UNIVERSITY OF NEVADA, LAS VEGAS REBEL RECYCLING PROGRAM

As noted earlier, the Committee heard a presentation from Tara Pike-Nordstrom, UNLV, Solid Waste and Recycling Manager and UNLV Sustainability Coordinator, regarding the recycling efforts, waste management practices, partnerships, and related outreach programs at UNLV. The UNLV Rebel Recycling Program started in July 1995 following the approval by the University Board of Regents of a \$1 per student, per semester fee for UNLV students for the purposes of funding a comprehensive recycling program on the UNLV campus. Testimony from Ms. Pike-Nordstrom noted that the program currently collects about 2.8 tons of recyclable material per day. The primary mission of the program is based on “the 3Rs”—reduce, reuse, and recycle. Since 2007, the program has recycled more than 650 tons of recyclable materials per year. The Committee was intrigued and impressed with the Rebel Recycling Program and is hopeful that similar programs will be established on other Nevada System of Higher Education campuses.

Therefore, the Committee to Study the Deposits and Refunds on Recycled Products voted to:

Send a Committee letter to the President of the University of Nevada, Las Vegas (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.

H. SUPPORT OF CALIFORNIA'S ASSEMBLY BILL 1933 RELATING TO RECYCLING FRAUD

Throughout the legislative interim, the Committee heard numerous reports of “scavenging” of recycled products from curbside containers, particularly in the Las Vegas area and in northern Nevada (Carson City, Reno, and Sparks). Nevada law prohibits such activity in NRS 444.585, but enforcement is challenging. Since Nevada does not have a beverage container deposit and redemption program, the scavenging of recycled products typically results in the recycled products (aluminum, glass, and plastic) being taken to redemption centers in California for collection of the California redemption value at a loss to the State of California.

The Committee was excited to learn of California Assembly Bill 1933, sponsored by Assembly Member Richard S. Gordon, which helped to address this problem. Specifically, the measure proposed 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 required that any person required to report about the importation of beverage container material to the California Department of Resource, Recycling, and Recovery to also provide documentation of the source and destination of the material. The measure served as a disincentive to those involved in the illegal collection of curbside recycled products in Nevada and subsequent redemption in California. The illegal collection and redemption of recycled beverage containers results in waste collectors in Nevada “losing out” on a recyclable commodity that may help keep Nevada waste collection rates low. Moreover, California is impacted by paying refunds on containers that were not originally purchased in California.

The Committee believed that A.B. 1933 was a “win-win” for the States of California and Nevada and urged its colleagues in the California Legislature to approve the bill.⁷ Therefore, the Committee to Study the Deposits and Refunds on Recycled Products voted to:

Send a Committee letter to the State of California's Senate Majority Leader, Senator Ellen M. Corbett (D-Senate District 10) and the Chairwoman of the Senate Standing Committee on Appropriations, 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, as approved by the California State Assembly and California's Senate Committees on Environmental Quality and Appropriations, 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 on the importation of beverage container material

⁷California's Assembly Bill 1933 received final approval by the California State Legislature on August 31, 2012, and was signed by California Governor, Jerry Brown, on September 25, 2012.

to the California Department of Resource, Recycling, and Recovery to also provide documentation of the source and destination of the material.

V. CONCLUDING REMARKS

The Legislative Commission's Committee to Study the Deposits and Refunds on Recycled Products would like to thank all the State and local government elected officials and representatives, interested private citizens, representatives from the environmental community, representatives from various recycling companies and organizations, the resort industry, retailers, beverage and bottling companies, waste collection companies, and others for their generous assistance and input throughout the 2011-2012 Legislative Interim. The Committee members sincerely appreciate the expertise and recommendations of those who gave of their time to make the study as comprehensive and thorough as possible. This interim study would not have been possible without their kind assistance and cooperation.

VI. APPENDICES

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APPENDIX A

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

CHAPTER 462

AN ACT relating to programs for recycling; directing the Legislative Commission to conduct an interim study concerning the establishment of a program requiring the payment and refund of deposits on recyclable products sold in this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

This bill directs the Legislative Commission to conduct an interim study concerning the establishment of a program for requiring deposits to be paid and then refunded on recyclable products sold in this State.

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

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

Section 1. 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the establishment of a program for requiring the payment and refund of deposits on recyclable products sold in this State.

2. The committee appointed by the Legislative Commission pursuant to subsection 1 must be composed of six Legislators as follows:

(a) Three members appointed by the Majority Leader of the Senate, at least one of whom must be appointed from the membership of the Senate Standing Committee on Natural Resources during the 76th Session of the Nevada Legislature; and

(b) Three members appointed by the Speaker of the Assembly, at least one of whom must be appointed from the membership of the Assembly Standing Committee on Natural Resources, Agriculture, and Mining during the 76th Session of the Nevada Legislature.

3. The study

(a) Must include, without limitation:

(1) Consideration of the recyclable products to be included in the program, including, without limitation, plastic, glass, aluminum or tin containers and paper or plastic grocery and shopping bags.

(2) An analysis of the process for the payment and refund of the deposits on the recyclable products, including, without limitation, the creation of redemption centers.

(b) May include consideration of other methods of encouraging recycling.

4. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 77th Session of the Nevada Legislature.

Sec. 2. This act becomes effective July 1, 2011.

APPENDIX B

Suggested Legislation

The following Bill Draft Requests will be available during the 2013 Legislative Session or can be accessed after “Introduction” at the following website: <http://www.leg.state.nv.us/Session/77th2013/BDRList/>.

- BDR R-119 _CR: Encourages boards of county commissioners to implement programs for single-stream recycling.
- BDR 40-120 Revises provisions relating to recycling.
- BDR 40-121 Revises certain penalties for unlawful disposal of solid waste or sewage.
- BDR R-122 _CR: Expresses support for the program, partnerships and recycling efforts of the America’s Schools Program.

APPENDIX C

Chapter 444A of the *Nevada Revised Statutes* (“Programs for Recycling”)

CHAPTER 444A - PROGRAMS FOR RECYCLING

RECYCLING OR DISPOSAL OF SOLID WASTE AND OTHER WASTE

- [NRS 444A.010](#) Definitions.
- [NRS 444A.0103](#) “Apartment complex” defined.
- [NRS 444A.0107](#) “Condominium” defined.
- [NRS 444A.011](#) “Department” defined.
- [NRS 444A.012](#) “Municipality” defined.
- [NRS 444A.013](#) “Recyclable material” defined.
- [NRS 444A.014](#) “Recycling center” defined.
- [NRS 444A.015](#) “Solid waste” defined.
- [NRS 444A.016](#) “Tire for a vehicle” defined.
- [NRS 444A.017](#) “Vehicle” defined.
- [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.
- [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.
- [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.
- [NRS 444A.050](#) Report of effectiveness of program; notice of recycling opportunities; enforcement, review and proposed revisions of program by municipality.
- [NRS 444A.060](#) Unlawful to refuse to accept used or waste tires in exchange on purchase of new tire; notice of requirement; penalty.
- [NRS 444A.070](#) Report to Legislature on status of programs for recycling and reuse of materials.
- [NRS 444A.080](#) Adoption of regulations.

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.

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.

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.

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:

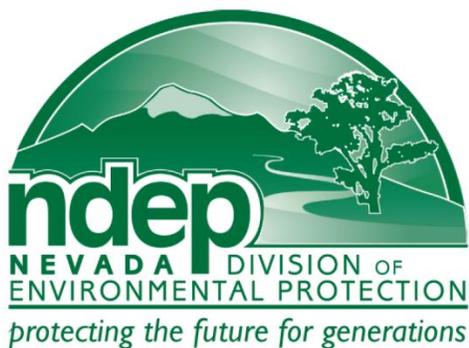
(a) "Licensed hauler of garbage and refuse" means a person who holds the licenses and permits required to operate a business of collecting and disposing of garbage and refuse. The term includes a person who is licensed to operate a business of collecting recyclable material.

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

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

APPENDIX D

2013 Recycling and Waste Reduction Report Issued by
the Nevada Division of Environmental Protection



2013 RECYCLING AND WASTE REDUCTION REPORT



NevadaRecycles.gov
Nevada Division of Environmental Protection

Report to the Nevada Legislature

Submitted by:

**NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT**

Executive Summary

The Nevada legislature adopted a recycling goal of 25% in 1991.¹ During the reporting period between 2010 and 2011, Nevada's statewide recycling rate increased by 4.7%. As a result, Nevada has reached the 25% recycling goal. Based on reported data, the state recycling rate was 20.6% in 2010 and 25.3% for 2011. Of the six counties now required to have some type of recycling program, the recycling rates of Carson, Douglas, and Washoe Counties continued to exceed the 25% recycling goal in 2010 and Douglas and Washoe Counties exceeded 25% in 2011 (Table A).

Table A. Recycling Rates by County, 2010-2011

County	2010	2011
Carson City	41.6%	23.9%
Clark	17.9%	22.3%
Douglas	38.8%	53.8%
Elko	*	*
Lyon	**	**
Washoe	27.2%	35.6%

* Elko County did not submit a recycling report for 2010 or 2011.

** Lyon County was not required to report for 2010, and is currently in process of establishing programs.

The Nevada Division of Environmental Protection's (Division) curriculum on waste reduction and recycling for grades 4-12, a component of NevadaRecycles' outreach and education efforts, has continued to be used in classrooms across Nevada. In late 2008, the Clark County School District (CCSD) approved *Recycling for a Greener Day: NDEP Solid Waste and Recycling Curriculum* as a course offered to teachers for continuing education credits. The workshop has been offered to teachers in Clark County annually since 2009. In 2012, the development of a new Recycling Ambassadors Program utilized the curriculum as well. This program trains high school students to give a presentation on waste reduction and recycling to elementary school classes, and has been implemented in the CCSD. The Division is working to gain approval for the curriculum and Recycling Ambassadors Program in other school districts across the state. The curriculum and information on the Ambassadors Program are available free of charge at nevadarecycles.gov for use in any classroom. Additional youth outreach has included presentations and activities with groups such as Scouts and 4-H.

To build and strengthen new and existing partnerships in solid waste reduction and recycling, the Division continues to work with local government and non-profit leaders and provides technical assistance to both the public and private sectors. Elko, Clark and Washoe Counties have piloted single-stream recycling, a collection method that has led to dramatically increased recycling rates around the country. Following successful pilot programs, Henderson and North Las Vegas in Clark County, as well as the City of Elko, have adopted single-stream recycling on a permanent basis. However, discussions are ongoing regarding the best way to continue recycling services while transitioning to single-stream recycling in Washoe County. Despite the challenges presented by Nevada's geography, several rural communities have also worked to maintain or establish basic recycling programs.

For more information concerning recycling in Nevada, visit nevadarecycles.gov or contact the recycling hotline at (800) 597-5865.

¹ The "recycling rate" is calculated by the ratio of municipal solids waste (MSW) recycled to tons of MSW generated, which includes recyclables, as well as household- and commercially-generated waste. Despite best efforts, not all recycled material gets reported resulting in a lower rate than actually achieved. Solid waste imported from other states is counted separately and not part of the rate calculation.

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1.0 RECYCLING LEGISLATION

1.1 Reporting Mandates

In accordance with Nevada Revised Statute (NRS) 444A.070, the Director of the Department of Conservation and Natural Resources is required to submit a biennial report on the status of current and proposed programs for recycling and reuse of materials on or before January 31 of each odd-numbered year. This report contains information about recycling in Nevada during 2010 and 2011, including the status of recycling by county, where available, and the statewide recycling rate. For information prior to 2010, please visit nevadarecycles.gov to view previous reports.

Recycling rates are calculated from data provided annually by recycling centers and waste haulers to their respective municipalities, who in turn compile that data into reports submitted to the Division per Nevada Administrative Code (NAC) [444A.135](#) and [444A.140](#). These annual reports quantify the recyclable materials collected at recycling centers in the preceding year. Despite best efforts, not all recycled material gets reported, resulting in a lower rate than actually achieved.

1.2 Legislation Overview and Summary

Nevada's recycling program began with passage of Assembly Bill (AB) 320 in 1991. AB 320 was codified in [NRS Chapter 444A – Programs for Recycling](#). Table 1-1 outlines the different levels of recycling services required of counties and municipalities based on population thresholds. AB 320 also established a recycling goal of 25%, a preferential procurement policy for goods made with recycled-content materials, and directed the Division to provide education and technical assistance concerning waste reduction and recycling. With the directives created by these statutes, the State Environmental Commission (SEC) adopted regulations (NAC Chapter 444A) to fulfill the statutory mandate.

Table 1-1. Recycling Program Requirements

County/Municipality Population Threshold*	Program Components
100,000 or more Shall:	Provide curbside recycling from residential premises and public buildings Establish recycling centers as needed Provide for collection and disposal of household hazardous wastes Encourage business to reduce solid waste and recycle where possible
45,000 – 100,000 Shall: May:	Establish recycling centers as needed Provide for collection and disposal of household hazardous wastes Provide curbside recycling from residential premises and public buildings
Less than 45,000 May:	Provide curbside recycling from residential premises and public buildings Establish recycling centers as needed Provide for collection and disposal of household hazardous wastes

* Population thresholds are determined using the latest national decennial census (2010), per NRS 0.050.

To date, six counties are required to establish some level of recycling program. Clark and Washoe Counties exceed the 100,000 threshold and must provide curbside recycling, establish recycling centers, provide for the collection and disposal of household hazardous waste (HHW) and encourage waste reduction and recycling by businesses. The populations of Carson City, Douglas, Elko, and Lyon Counties are over 45,000 but less than 100,000 and thus these counties are required to: establish recycling centers, as needed, and provide for the collection and disposal of HHW. Although not required, curbside recycling is being provided in Carson City and the City of Elko. The 2010 National Census indicated that Lyon County exceeds the 45,000 population threshold. However, it is anticipated that it will take approximately two years for Lyon County to establish their recycling and/or HHW programs and begin reporting to the Division and it was not included in the calculations for 2010 and 2011. During this period of time the Division has been and will continue to work with Lyon County officials to prepare them for compliance with their new recycling requirements.

Funding to support these statutory recycling mandates was established in NRS 444A.090 through a \$1 surcharge on retail sales of all new vehicle tires in the state. Collected funds are deposited in the *Account for Solid Waste Management*, also called the “Tire Fund,” and disbursed among the three solid waste management authorities in Nevada (the Division, Washoe County Health District, and Southern Nevada Health District) to fund their programs, including recycling.

2.0 STATUS OF RECYCLING IN NEVADA

2.1 Solid Waste Disposal

In Nevada, solid waste is categorized as either “Municipal” or “Industrial & Special.” The municipal solid waste (MSW) disposed of in Nevada landfills is reported as either having been generated in-state or out-of-state (i.e. imported). Wastes categorized as Industrial & Special include debris from construction and demolition (C&D) projects such as wood, concrete, asphalt and drywall, and several types of solid waste that have specific management requirements for permitted landfill disposal such as

asbestos and biohazard waste. Typically about 90% of Industrial & Special waste, by weight, is C&D waste.

The total tons of solid waste disposed of in Nevada increased 38.1% from 2009 to 2010, but then dropped 31.7% from 2010 to 2011 (Table 2-1). Although the amount of waste disposed in all categories decreased over the two year period, the overall drop was fueled in large part by a 52.5% decrease in C&D waste.

Table 2-1. Solid Waste Disposal*

Category	2010	2011	% Change
MSW Disposal from In-State Sources (tons)	2,996,166	2,809,979	-6.2%
MSW Disposal from Out-of-State Sources (tons)	297,013	260,558	-12.3%
Industrial & Special Waste Disposal (tons)	3,950,541	1,877,128	-52.5%
Total Solid Waste Disposal (tons)	7,243,720	4,947,665	-31.7%

* These numbers do not include materials diverted for recycling.

2.2 Recycling

The recycling rate data was compiled from 2010 and 2011 reports submitted by Carson City, Clark, Douglas, and Washoe Counties—Counties that, by virtue of their population sizes, are required to establish recycling programs. Based on the 2010 census, over 90% of the Nevada’s population resides in these four counties.¹ Elko County did not report for 2010 or 2011.

The recycling rate is the ratio of MSW recycled to the tons of MSW generated and includes recyclables, household- and commercially-generated waste. Despite best efforts, not all recycled material gets reported resulting in a lower rate than actually achieved. Solid waste imported from other states is not part of the rate calculation.

Table 2-2. State Recycling Rate Data, 2010-2011

Category	2010	2011
Tons of MSW Recycled (tons)	711,376	892,873
Tons of MSW Generated* (tons)	3,446,381	3,530,908
Percent Recycling Rate	20.6%	25.3%

* Tons of MSW generated is the amount of waste disposed of in counties required to have a recycling program plus recyclable materials.

Nevada’s recycling rate in 2010 was 20.6%, and rose to 25.3% in 2011 (Table 2-2). This is the largest year-to-year increase since 2007, and the highest rate the State has attained (Figure 2-1).

¹ United States Census Bureau, State and County QuickFacts, Nevada, <http://quickfacts.census.gov/qfd/states/32000.html> (July 16th, 2012).

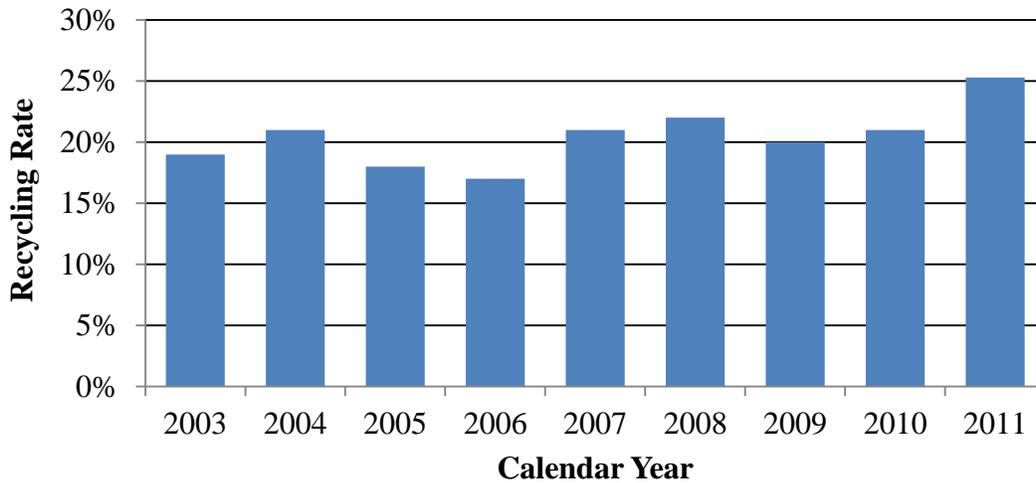


Figure 2-1. Annual Statewide Recycling Rate Comparison, 2003-2011

Of the counties with recycling programs and based on the data reported, Carson City had the highest recycling rate in the state in 2010, at 41.6%, and Douglas County had the highest rate in 2011, at 53.8% (Table 2-3). Douglas County’s high rates are due in large part to the composting and biofuel programs operated in the county. A couple of businesses collect cellulosic waste from the county, cities, retail grocers, landscapers, private businesses and residents for composting. One business recycles large quantities of used cooking oil in order to produce biofuel. Carson City’s rate drop was mainly due to challenges in collecting 2011 data from large retailers. The lowest rates in 2010 and 2011 were reported in Clark County at 17.9% and 22.3%, respectively. Elko County did not submit a report in 2010 or 2011. Increased rates in Nevada’s largest counties, Clark and Washoe, are largely attributable to increases in metal recycling tonnage. In general, four types of material make up 95% of the recyclables collected in Nevada: scrap metals (50%), paper products (30%), organic materials (12%) and plastics (3%). For more information on current and past recycling rate data, visit nevadarecycles.gov.

Table 2-3. Recycling Rates by County, 2010-2011

County	2010	2011
Carson City	41.6%	23.9%
Clark	17.9%	22.3%
Douglas	38.8%	53.8%
Elko	*	*
Lyon	**	**
Washoe	27.2%	35.6%

* Elko County did not submit a recycling report for 2010 or 2011.

** Lyon County was not required to report for 2010 or 2011, and is currently in process of establishing programs.

3.0 RECYCLING PROGRAMS AND INITIATIVES

3.1 Recycling Contract and Grant Program

Pursuant to NRS 444A.110, the Division has the authority to provide grants and contracts to

municipalities, educational institutions and non-profit organizations to enhance solid waste management systems and promote solid waste recycling. Although contracts have been issued in the past, the Division has been unable to fund new grants or contracts since 2006 and does not anticipate being able to do so in the next biennium unless tire sales increase significantly.

3.2 Waste Tire Management and Recycling

Nevada adopted regulations governing the management and transportation of waste tires in 1994. Most landfills in Nevada accept used tires from the public as well as commercial haulers for a fee. Senate Bill 186 passed during the 2009 legislative session requiring counties that issue operating permits to waste tire management facilities to essentially ban waste tire disposal in their counties. Bans help to maximize the diversion of waste tires from landfills to the waste tire management facilities in their jurisdictions. Clark County currently has one such permitted facility that is accepting tires for processing.

Waste tires generated in southern Nevada are being retreaded, shredded to make tire-derived fuel, cut for agricultural uses, or left whole for use at cement plants, with some processed in- and some out-of-state. In northern Nevada, waste tires not landfilled are exported out-of-state to be retreaded, crumbed, or used as tire-derived fuel. Northeastern Nevada (Elko, Ely and Winnemucca) exports waste tires to Salt Lake City, Utah, for retreading or for use in facilities that use tire-derived fuel. Due to reporting inconsistencies from one company to another, it is difficult to quantify the tonnage of tires recycled, disposed, or exported.

The Nevada Department of Transportation (NDOT) has continued its use of recycled tires for pavement preservation. In 2010 and 2011, approximately 215,000 tires were recycled for use in pavement preservation projects. Over half of the recycled rubber tire material was used in the Las Vegas Valley to resurface Interstate 515 in Henderson and repave part of Interstate 15 in Las Vegas. In addition to using recycled tires, NDOT recycles roadways by using practices called roadbed modification and cold in-place recycling. Reclaimed asphalt pavement (RAP) is also recycled into some base and shouldering materials. In 2011, over 80,000 tons of RAP was used in surface overlays alone. Efforts to reduce sand, salt, and chemical usage have continued as well.²

3.3 Recycling Education

Outreach to Schools

The Division has promoted recycling through statewide 4th-12th grade educational presentations for many years. In 2007, the Division created a 12-week curriculum focused on solid waste and recycling. While designed to be fun for students, the curriculum offers educators many additional benefits. It is readily adaptable to school grade levels 4-12. It aligns with the Nevada standard course of study, and meets various science, math, language arts, and social studies objectives through an integrated approach to the subject. The curriculum wraps up with an “action component” that encourages students to apply their newly acquired knowledge to designing, coordinating, and implementing a recycling program at their schools. The free curriculum is available on-line at nevadarecycles.gov for use in its entirety, as three separate modules, or as single-use lessons.

In addition to the Solid Waste & Recycling Curriculum, a series of four single-lesson classroom presentations was developed for statewide use. Division staff has given single presentations to K-6th

² Gayle Maurer, Nevada Department of Transportation, email July 25, 2012.

graders in Carson City, Elko and Washoe Counties, various outdoor schools such as the Great Basin Outdoor School, Northern Nevada Outdoor School, and the High Desert Montessori School.

In 2008, the Clark County School District (CCSD) approved *Recycling for a Greener Day: NDEP Solid Waste & Recycling Curriculum* as a Professional Development Education (PDE) course. It was offered for the first time in March 2009. The recycling course is currently offered once a year to Clark County teachers through the PDE program. Division staff is working with other school districts across the State to have this course approved for PDE credit.

An additional new recycling program, the Recycling Ambassadors Program, was introduced in CCSD during the spring semester of 2012. Through this program, the Division aims to continue educating young students on the value of resource conservation. This program trains highly motivated high school students to teach lessons, developed from the Solid Waste & Recycling curriculum, in elementary school classrooms. The high school students have the opportunity to gain community service hours, develop leadership and communication skills, and share their enthusiasm about recycling, reusing, and reducing, while helping educate younger students about the importance of recycling and waste reduction. While this program was initially introduced in Clark County, Division staff is working with other school districts across the State to expand this program to other school districts.

3.4 Recycling Outreach

3.4.1 Recycling Hotline

The Division operates a toll-free Recycling Hotline (1-800-597-5865) to provide information on local recycling services by county for common materials (glass, plastic, aluminum, e-waste and paper) as well as other more unusual recyclable items (refrigerators, cars, lawn and garden items, etc.). The Hotline receives approximately 40 calls a week. In addition to live information provided by the Hotline, a directory of resources, by county, is posted and regularly updated on the NDEP recycling website, nevadarecycles.gov.

In 2012 the NevadaRecycles program developed a [Facebook page](#) to expand education and outreach throughout the state. The Facebook page was primarily developed to showcase local efforts in recycling and waste reduction. Events specific to e-waste collection, Earth Day events, educational activities, and news are updated on a regular basis to continue NDEP's education and outreach. Legislative bills are also included with summarized descriptions of each bill on the Facebook timeline.

3.4.2 Outreach to Rural Communities

The Division has been actively promoting the importance of recycling to rural communities by partnering with local government and environmental education groups for collection or outreach events. As a result, several rural public utility offices are becoming aware and increasingly interested in starting up or expanding their current recycling programs. The Division staff will continue to actively promote the importance and many benefits of recycling in the rural communities, encouraging partnerships wherever possible.

Three major obstacles continue to hinder progress toward increasing recycling in rural Nevada: 1) the lack of infrastructure for collecting and storing recycled materials, 2) the long travel distances to existing recycling centers, and, 3) the relatively small volume of recyclable materials generated in rural

Nevada. To address these challenges, Division staff meets regularly with local government officials and public utilities managers in rural counties to discuss viable recycling options in rural communities. Division staff also conducts research of recycling strategies, community alternatives, and financial options such as developing cooperative partnerships with local businesses and industries to address these challenges.

Despite challenges, several rural communities have recently established or maintained basic recycling programs such as drop-off bins accessible to the public. Rural recycling options exist in Douglas, Humboldt, Lander and Nye Counties.

3.4.3 Community Partnerships and Participation

Single-Stream Recycling

For several years, the Division has encouraged municipalities to implement single-stream recycling as their primary collection method. Single-stream refers to collecting all types of recyclable materials into one container. This collection method encourages residents to recycle by making it easier and more convenient to do so. Single-stream collection has been shown to dramatically increase recycling rates to 50% and higher in participating communities around the country.

To date, Clark, Washoe and Elko Counties have piloted single-stream recycling programs. In Clark and Washoe Counties, the results showed increased participation and volume of recyclables collected. For Elko County, this was the first implementation of a curbside recycling program. Discussion continues between the municipalities and their contracted waste haulers regarding the best way to continue services to the community while transitioning from 2-3 bin curbside recycling service to single-stream. In Washoe County, the pilot program resulted in a near doubling in participation and more than a tripling in tonnage.³ The Reno City Council voted to implement a single-stream program in November 2012; implementation of the program will begin in 2013. In Clark County, over 80,000 homes participated or are currently participating in pilot single-stream recycling programs that have resulted in increased recycling rates of 500-600%.⁴ The cities of North Las Vegas and Henderson are currently in the process of implementing the single-stream program city-wide. Elko initiated its city-wide single-stream recycling program in June 2012.

E-Waste Diversion Activities

The Division has established several key partnerships with municipal agencies, non-profit organizations, and businesses to assist in planning, organizing and conducting their e-waste collection events. In 2010 and 2011, collection events were held in Elko, Reno, Incline Village, and Las Vegas. These events contributed significantly to the overall diversion of e-waste from our landfills. Additionally, electronics recyclers have established an increasing number of locations throughout the state, including some rural communities, to collect e-waste from businesses as well as the public. During this two-year period, municipal recycling data reports indicate over 3,100 tons of e-waste was collected and either reused or recycled.

³ Greg Martinelli, Waste Management, "State of Recycling: Washoe County, NV," Legislative Commission's Committee to Study the Deposits and Refunds on Recycled Products Meeting (Las Vegas, NV), February 21, 2012.

⁴ Bob Coyle, Republic Services, "State of Residential Recycling in Clark County," Legislative Commission's Committee to Study the Deposits and Refunds on Recycled Products Meeting (Las Vegas, NV), February 21, 2012.

Other Community Outreach and Assistance Activities

Division recycling staff participate in many community events (i.e. Earth Day and Nevada Recycles Day) and serve as committee members on several recycling-oriented organizations across the state, including the Illegal Dumping Task Force and Christmas Tree Recycling committees in northern and southern Nevada.

The Division also provides outreach to the business community through recycling presentations, participation in corporate Green Fairs, and technical assistance. Staff has written several recycling plans for various facilities that outline waste management options and provide recommendations.

4.0 CONCLUSIONS

Nevada's annual recycling rate has increased to over 25% even in light of the national economic downturn. Nevada's low population and large geographic area continue to present unique challenges, especially in the rural areas of the state, as the high costs to recycle relatively small quantities of waste are difficult to overcome. Nevada's sheer geographic size means the costs of long-distance transportation (labor, time, fuel resources) to the markets that are primarily located out-of-state will remain high.

The Division's recycling program will continue to:

- Provide recycling information/education to local, state and federal agencies and participate in collaborative efforts to build and strengthen key partnerships in solid waste reduction and recycling.
- Promote and encourage single-stream recycling to municipalities statewide.
- Provide and promote solid waste and recycling education through the Division's recycling curriculum and to provide other presentations to various audiences in the state.
- Encourage and participate in e-waste collection/diversion events statewide.
- Provide information on federal grant opportunities and technical program assistance to the public, government entities, businesses, non-profit organizations, and educational institutions.
- Work with the State of Nevada Purchasing Office to ensure that recycled-content products are available for State agency consumption.
- Encourage recycling in and provide recycling technical support to rural areas.
- Continue to provide financial support in the form of grants, as funding permits, to encourage recycling educational programs and opportunities in Nevada.

--- end ---

APPENDIX E

Table of “Bottle Bill” Laws in Other States

Source: Container Recycling Institute (<http://www.bottlebill.org/>)

Beverage Container Provisions (10 States)

State	Name	Dates	Beverages Covered	Containers Covered	Amount of Deposit	Handling Fee	Other Fees	Reclamation System	Unredeemed Deposits	Program Success	History
<u>California</u>	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 supermarket 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%	Amended in 1990, 2000, 2004, and 2007
<u>Connecticut</u>	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	Amended in 1983, 1986, and 2009

State	Name	Dates	Beverages Covered	Containers Covered	Amount of Deposit	Handling Fee	Other Fees	Reclamation System	Unredeemed Deposits	Program Success	History
<u>Hawaii</u>	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	Expanded in 2007
<u>Iowa</u>	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%	
<u>Massachusetts</u>	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 – June 2010)	Amended in 1990 and 2003
<u>Maine</u>	Maine Returnable Beverage Container Law	Enacted 1/2/76, 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	Amended in 1980, 1990, 1991, 1993, 2003, 2009

State	Name	Dates	Beverages Covered	Containers Covered	Amount of Deposit	Handling Fee	Other Fees	Reclamation System	Unredeemed Deposits	Program Success	History
<u>Michigan</u>	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 env'tl programs, 25% to retailers	overall 96.9%	Amended in 1989 and 2008
<u>New York</u>	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%	Amended in 1983, 1998, and 2009
<u>Oregon</u>	The Beverage Container Act	Enacted 7/2/71, Implemented 1/0/1/72	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%	Expanded 1/1/08, 6/2011
<u>Vermont</u>	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 commingled 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%	Expanded in 1991

SOURCE: www.bottlebill.org/legislation/usa/allstatestable.htm