

MEETING NOTICE AND AGENDA

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

Date and Time of Meeting: Tuesday, June 26, 2012
3 p.m.

Place of Meeting: Grant Sawyer State Office Building, Room 4412
555 East Washington Avenue
Las Vegas, Nevada

Note: Some members of the Committee may be attending the meeting and other persons may observe the meeting and provide testimony through a simultaneous videoconference conducted at the following location:

Legislative Building, Room 3138
401 South Carson Street
Carson City, Nevada

If you cannot attend the meeting, you can listen or view it live over the Internet. The address for the Nevada Legislature website is <http://www.leg.state.nv.us>. Click on the link "Live Meetings – Listen or View."

<p>Note: Minutes of this meeting will be produced in summary format. Please provide the secretary with electronic or written copies of testimony and visual presentations if you wish to have complete versions included as exhibits with the minutes.</p>
--

Note: Items on this agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed from this agenda or discussion relating to an item on this agenda may be delayed at any time.

- I. Opening Remarks and Introductions
Assemblyman James Ohrenschall, Chair
- II. Public Comment
(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)
- III. Approval of the Minutes of the Meeting Held on May 29, 2012, in Las Vegas, Nevada

*For
Possible
Action*

For Possible Action

- IV. Overview of Recycling Efforts and Waste Management Practices in Douglas County, Nevada, and Review of the Activities and Programs of Douglas Disposal and Recycling Services and South Tahoe Refuse and Recycling Services

Jeanne Lear, Resources Manager, South Tahoe Refuse and Recycling Services and Douglas Disposal and Recycling Services

For Possible Action

- V. Overview of the Operations and Programs of Verallia, Saint-Gobain Containers and Consideration of Potential Impacts of Beverage Container Deposit and Refund Legislation

Steven B. Smith, Vice President of Environmental and Regulatory Affairs, Verallia, Saint-Gobain Containers

For Possible Action

- VI. Work Session—Discussion and Possible Action on Recommendations Relating to:

- A. Beverage Container Deposits and Refunds
- B. Single-Stream Recycling
- C. America's Schools Program
- D. Recycling at Construction Sites
- E. University of Nevada, Las Vegas, Rebel Recycling Program
- F. California Legislation Regarding Recycling Fraud
- G. Other General Recycling Matters
- H. Unlawful Dumping

The "Work Session Document" is attached below and contains recommendations proposed at this and other meetings of the Legislative Commission's Committee to Study the Deposits and Refunds on Recycled Products. The document is also available on the Committee's webpage ([Deposits and Refunds on Recycled Products](#)) or a written copy may be obtained by contacting Michael J. Stewart, Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau, at (775) 684-6825.

- VII. Public Comment

(Because of time considerations, the period for public comment by each speaker may be limited, and speakers are urged to avoid repetition of comments made by previous speakers.)

- VIII. Adjournment

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call the Research Division at (775) 684-6825 as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 North Stewart Street. Notice of this meeting was faxed and e-mailed for posting to the following Las Vegas, Nevada, locations: Clark County Government Center, 500 South Grand Central Parkway; and Capitol Police, Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was posted on the Internet through the Nevada Legislature's website at www.leg.state.nv.us.

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

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

WORK SESSION DOCUMENT



June 26, 2012

Prepared by the Research Division
Legislative Counsel Bureau



WORK SESSION DOCUMENT

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

June 26, 2012

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

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

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

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

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

<p style="text-align: center;">RECOMMENDATION RELATING TO BEVERAGE CONTAINER DEPOSITS AND REFUNDS</p>
--

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

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

Issues for the Committee's consideration include:

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

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

RECOMMENDATIONS RELATING TO SINGLE-STREAM RECYCLING

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

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

NOTES:

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

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

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

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

AND/OR

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

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

RECOMMENDATIONS RELATING TO RECYCLING GENERALLY

America's Schools Program

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

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

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

AND/OR

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

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

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

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

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

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

Other General Recommendations the Committee May Wish to Consider

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

RECOMMENDATION RELATING TO UNLAWFUL DUMPING
--

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

(Recommended by Vice Chair Manendo)

NOTE:

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