

SECTION 085

DISPOSAL OF WASTE TIRES

085.005 PERMIT REQUIRED; EXCEPTIONS

- A. Except as otherwise provided in subsection 2, the owner or operator of a waste tire management facility shall not accept waste tires for processing, recycling or for use as a fuel until he obtains a permit to operate a waste tire management facility from the Health Authority.
- B. The following businesses are not required to comply with subsection 1:
 - 1. Business which retreads tires and stores less than 3,000 passenger tire equivalents on the premises.
 - 2. A retail dealer of tires, or any other business that removes tires from motor vehicles, which stores less than 1,500 passenger tire equivalents on the premises.
 - 3. A disposal site which is authorized by the solid waste management authority to store waste tires or deposit waste tires in a landfill.
 - 4. Any business that stores less than 500 passenger tire equivalents on the premises.

085.010 APPLICATION FOR PERMIT; CONTENTS

Each applicant for a permit to operate a waste tire management facility must complete an application on a form prescribed by the Health Authority. The application must include:

- A. The name of the owner and operator of the facility;
- B. The address of the location of the facility;
- C. A plan of operation which complies with the requirements set forth in section 085.100 through 085.150 inclusive of these regulations;
- D. A plan of the area where the tires will be stored at the facility which includes:
 - 1. The arrangement and size of the piles of tires in the storage area;
 - 2. The width of the fire lanes;
 - 3. The location of each building at the facility; and
 - 4. The methods used to control access to the facility.
- E. An estimate of the number of passenger tire equivalents the facility will receive each year.
- F. A description of the final use for the waste tires deposited or the available market for the material derived from the tires after processing;
- G. Proof of compliance with any applicable ordinances or other requirements of the local fire authority;
- H. Proof of compliance with any applicable ordinances or other requirements of the state or local governments for permits;
- I. The procedures to be used at the facility, to include:
 - 1. For the prevention of fire; and
 - 2. For response to a fire if it occurs and that is approved by the local fire authority.

J. A copy of the plan to demonstrate financial assurance as outlined in NAC 444A.410 and 444A.420; and

K. Any other information required by the Health Authority.

085.020 APPLICATION FOR PERMIT: NOTIFICATION OF APPLICANT; SUBMISSION OF ADDITIONAL INFORMATION

The Health Authority shall, within 45 days after receiving an application for a permit to operate a waste tire management facility, notify the applicant whether or not his application is complete. The Health Authority shall base its determination on whether the application contains all documents and information required by Section 085.010 of these regulations. The Health Authority may require the applicant to submit any additional documents or information it deems necessary.

085.030 APPLICATION FOR PERMIT: EVALUATION BY THE HEALTH AUTHORITY; NOTICE OF INTENT TO ISSUE OR DENY APPLICATION; PUBLIC NOTICE

A. The Health Authority shall complete an evaluation of an application for a permit to operate a waste tire management facility within 30 days after notification of the applicant that his application is complete.

B. Upon completion of the evaluation, the Health Authority shall:

1. Issue the applicant a notice of intent to issue or deny the permit; and
2. Issue a public notice stating whether it intends to issue or deny the permit. The public notice must include a fact sheet which describes:
 - a) The proposed facility;
 - b) The proposed action;
 - c) The availability of the documents which were evaluated; and
 - d) The procedures for public review and comment.

085.040 APPLICATION FOR PERMIT: PERIOD FOR PUBLIC REVIEW; DUTIES OF THE HEALTH AUTHORITY FOLLOWING THE PERIOD FOR PUBLIC REVIEW

A. The Health Authority shall provide a period for the public review of an application for a permit to operate a facility for the management of waste tires. The period of public review shall not be less than 30 days and begins the date the Health Authority issues public notice pursuant to subsection 2 of 085.030. During this period, the applicant or any other interested person may submit to the Health Authority written comments concerning the permit.

B. Within 15 days after the period for public review has ended, the Health Authority shall issue the permit or provide written notice to the applicant which sets forth the reasons for denial of the permit.

085.050 ISSUANCE; REVOCATION OR SUSPENSION OF PERMIT; REQUEST FOR MODIFICATION OF PERMIT

A permit to operate a waste tire management facility which is issued by the Health Authority:

- A. Must be issued to a specific owner or operator;
- B. Is not transferable;
- C. Is valid for one year from the date of issuance;

- D. May be renewed provided the conditions of the permit have been met and the permit fee has been paid prior to the expiration of the permit;
- E. May be modified by the Health Authority if the statutes and regulations upon which the permit is based are amended or if a modification is otherwise necessary to protect the public health and the environment;
- F. May be revoked or suspended upon written notice by the Health Authority if the permit holder does not comply with applicable statutes or regulations or the conditions upon which the Health Authority issued the permit; and
- G. May be modified by the owner or operator if the modification is approved by the Health Authority. The owner or operator must submit a written request for a modification of the permit to the Health Authority. A proposed modification of the permit may be subject to public notice and 30 days of public review if the Health Authority deems it necessary.

085.060 RENEWAL OF THE PERMIT; OPERATION OF THE FACILITY PENDING ISSUANCE OF A NEW PERMIT

- A. At least 45 days before a permit to operate a waste tire management facility expires, the Health Authority shall send to the permit holder:
 - 1. A notice to inform the holder that he must renew his permit to continue operations; and
 - 2. An invoice to pay for the permit renewal fee.
- B. The permit holder who wishes to renew his permit must:
 - 1. Submit the appropriate fees, required reports and/or laboratory analyses to the Health Authority at least 30 days prior to the expiration date of the permit;
 - 2. Provide any information concerning operation of the facility that was not submitted with his initial permit application to the Health Authority; and
 - 3. Revise any information that has changed since the last permit renewal period or initial application submittal and submit it to the Health Authority.
- C. Unless otherwise notified in writing, the owner or operator of a facility for the management of waste tires, may continue to operate the facility if the permit is not renewed by the Health Authority prior to the expiration date, provided the facility is in compliance with all conditions of the permit. The owner or operator may continue to operate until such time as the Health Authority renews the permit or denies the permit renewal.

OPERATION OF WASTE TIRE MANAGEMENT FACILITY

085.100 DESIGN AND CONSTRUCTION; ATTENDANTS; EQUIPMENT; FINAL USE OF WASTE TIRES DEPOSITED AT FACILITY

- A. The owner or operator of a waste tire management facility shall:
 - 1. Design and construct the facility to ensure that:
 - a) Runoff of water from the surface of the property is directed away from the area used to store tires; and
 - b) Waters of the State are protected from potential runoff resulting from extinguishing a fire at the facility.
 - 2. Control vectors to protect public health and welfare. As used in this section, “vector” has the meaning ascribed to it in section 010.590 of these regulations.

- B. If a waste tire management facility receives tires from a person other than the operator of the facility, an attendant must be present when the facility is open for business.
- C. Before the operator of a waste tire management facility may begin operation of the facility, he shall ensure that each area where waste tires are cut, chipped, ground or otherwise altered has the equipment which is necessary to process waste tires in operating condition.
- D. A waste tire management facility must have a final use for the waste tires deposited or an available market for the material produced from processing the waste tires to ensure that at least 75 percent of the waste tires deposited are used or removed from the facility as processed material for recycling or disposal within twelve (12) months after receipt.

085.120 STORAGE OF TIRES; COMPLIANCE WITH REGULATIONS ADOPTED BY THE STATE FIRE MARSHAL REQUIRED

- A. The owner or operator of a waste tire management facility shall not store more than 5,000 passenger tire equivalents on the premises of the facility unless he has written approval from the Health Authority.
- B. An owner or operator of a facility for the management of waste tires, upon request from the Health Authority, shall produce evidence that the facility complies with provisions set forth by the State Fire Marshal as they relate to the facility.
- C. Any area in which tires are stored outside the building located at the facility must be enclosed with a fence that limits access to the area.

085.130 PROCEDURES TO BE USED IF FIRE OCCURS AT FACILITY

The owner or operator of a waste tire management facility shall adopt and carry out procedures to be used if a fire occurs at the facility. The procedures must include:

- A. The owner or operator of a waste tire management facility shall not store more than 5,000 passenger tire equivalents on the premises of the facility unless he has written approval from the Health Authority.
- B. An owner or operator of a facility for the management of waste tires, upon request from the Health Authority, shall produce evidence that the facility complies with provisions set forth by the State Fire Marshal as they relate to the facility.
- C. Any area in which tires are stored outside the building located at the facility must be enclosed with a fence that limits access to the area.

085.140 MAINTENANCE OF RECORDS; AVAILABILITY OF RECORDS FOR INSPECTION BY THE HEALTH AUTHORITY

- A. The owner or operator of a waste tire management facility shall include in the records kept at the facility:
 - 1. Copies of manifests required by Section 085.310 of these regulations; and
 - 2. The following information if applicable:
 - a) The number of passenger tire equivalents or tons of material processed from tires received, stored and shipped at the facility.
 - b) The names and registration numbers of haulers of waste tires who transport each shipment to and from the facility. If a hauler is not required to be registered, the record must include his address.
 - c) The origin of each shipment of waste tires to the facility and the destination of each shipment from the facility.

3. A copy of the plan for financial assurance required by Section 085.210 – 085.220 of these regulations.
- B. The owner or operator of the facility shall maintain the records required by subsection 1 for at least 3 years, and make them available for inspection by the Health Authority during regular business hours.

085.150 ANNUAL REPORT: SUBMISSION; CONTENTS

The owner or operator of a waste tire management facility shall submit an annual report to the Health Authority not later than March 1 of each year. The owner or operator shall:

- A. Submit the report on a form prescribed by the Health Authority;
- B. Include a summary of information described in subsection 1 of Section 085.140 of these regulations in the report; and
- C. Include any other information in the report which is required by the Health Authority.

CLOSURE OF WASTE TIRE MANAGEMENT FACILITY

085.200 NOTICE OF CLOSURE; REMOVAL OF WASTE TIRES AND MATERIAL DERIVED FROM WASTE TIRES

- A. An owner or operator of a waste tire management facility who wishes to close that facility shall:
 1. Prohibit public access to the facility; and
 2. Post a notice at the facility stating that the facility is closed and the name and address of the nearest facility for the management of waste tires.
- B. Within twelve (12) months after the waste tire management facility is closed and, according to a schedule approved by the Health Authority, the owner or operator of the facility shall remove from the facility any waste tires and materials derived from waste tires.

085.210 ESTIMATE OF COSTS FOR CLOSURE; DEMONSTRATION OF FINANCIAL ASSURANCE; MODIFICATION OF ESTIMATE OF COSTS FOR CLOSURE

- A. The owner or operator of a waste tire management facility shall estimate the costs of processing and removing or disposing of all waste tires or material derived from waste tires at the facility. The owner or operator shall base his estimate on:
 1. The maximum amount of waste tires and material which is derived from waste tires stored at the facility at any time; and
 2. The possibility of having to hire another person to perform the work.
- B. The estimate of costs must be approved by the Health Authority and revised annually to adjust for inflation.
- C. The owner or operator of the facility shall demonstrate adequate financial assurance to close the facility based on the estimate of costs set forth in subsection 1.
- D. The owner or operator of the facility shall increase the estimate of costs for closure and the amount of financial assurance provided if changes in the plan for closure or conditions at the facility increase the maximum costs of closure.

- E. The owner or operator of the facility may reduce the estimate of costs for closure and the amount of financial assurance if the estimate of costs exceeds the maximum costs of closure at any time during which the facility will remain in operation. An owner or operator who wishes to reduce an estimate shall notify the Health Authority that the justification for reducing the estimate of costs for closure and the amount of financial assurance has been noted in the records required to be kept by Section 085.140 of these regulations.

085.220 MECHANISMS FOR DEMONSTRATING FINANCIAL ASSURANCE; ALTERNATE PLANS FOR DEMONSTRATING FINANCIAL ASSURANCE

- A. Except as otherwise provided in subsection 2, the owner or operator of a waste tire management facility shall demonstrate financial assurance in the manner prescribed below:
 - 1. A trust fund as described in NAC 444.6853;
 - 2. A surety bond guaranteeing payment or performance as described in NAC 444.68535;
 - 3. A letter of credit as described in NAC 444.6854;
 - 4. A policy insurance as described in NAC 444.6855;
 - 5. A mechanism approved by the solid waste management authority pursuant to NAC 444.6856; or
 - 6. Any combination of the options listed in subsections a. through e., inclusive.
- B. The Health Authority may approve an alternate plan for demonstrating financial assurance if the alternate plan complies with the requirements set forth in NAC 444.6859.

085.230 INSPECTION OF FACILITY AFTER NOTIFICATION OF CLOSURE; NOTIFICATION CONCERNING DEMONSTRATION OF FINANCIAL ASSURANCE

The Health Authority shall inspect a waste tire management facility after it receives notification that closure of the facility has been completed. If the requirements of the closure plan have been met, the Health Authority shall notify the owner or operator of the facility and the person who is providing the financial assurance, in writing, that the person providing financial assurance is no longer required to demonstrate financial assurance.

WASTE TIRE HAULERS

085.300 REGISTRATION NUMBER: REQUIREMENT; APPLICATION; DISPLAY

- A. A waste tire hauler shall obtain a registration number from the Health Authority. The waste tire hauler shall display his registration number on the vehicle he uses to transport waste tires or material derived from waste tires.
- B. Each waste tire hauler who applies for a registration number must complete an application on a form prescribed by the Health Authority. The application must include the license number and the name of the registered owner of the vehicle used to transport waste tires or material derived from waste tires.
- C. A waste tire hauler who obtains a registration number pursuant to these regulations is required to comply with all other applicable local and state requirements.

085.310 MANIFEST TO TRANSPORT TIRES: CONTENTS; COPIES TO CERTAIN PERSONS; PENALTY FOR NONCOMPLIANCE

- A. A waste tire hauler shall initiate a manifest to transport waste tires from the place where he takes possession of the waste tires from a waste tire generator to the place where he deposits the waste tires at a waste tire management facility or a disposal site approved by the Health Authority. The manifest must include:
1. Name of the generator of the waste tires;
 2. Passenger tire equivalents or total tons of waste tires to be transported;
 3. Name and registration number of the waste tire hauler;
 4. Date of transport;
 5. Destination of waste tires;
 6. Number of tires sold for reuse, if any; and
 7. Signatures of the waste tire generator, waste tire hauler and operator of the waste tire management facility or disposal site approved by the Health Authority.
- B. The waste tire hauler shall:
1. Provide the owner or operator of the waste tire management facility or the disposal site approved by the Health Authority with a completed copy of the manifest; and
 2. Return a completed copy of the manifest to the waste tire generator not later than 30 days after the date the waste tire hauler takes possession of the waste tires.
- C. A waste tire hauler who fails to comply with the provisions of this section of the regulations may be subject to enforcement action, including revocation of his registration number.

085.320 SEMIANNUAL REPORTS: SUBMISSION; CONTENTS

- A. A waste tire hauler shall submit semiannual reports with the Health Authority. The first report must be submitted for the reporting period beginning with January 1 of each year and ending with June 30 of each year. The second report must be for the period beginning July 1 of each year and ending on December 31 of each year. The waste tire hauler must submit each report within 30 days after the end of the reporting period on a form prescribed by the Health Authority. The report must include:
1. The registration number of the waste tire hauler;
 2. The type and quantity of waste tires collected during the reporting period;
 3. The destination of the waste tires collected; and
 4. The names of the generators of the waste tires or the premises from which the waste tires were collected.
- C. A waste tire hauler who fails to comply with the provisions of this section may be subject to enforcement action, including revocation of his registration number.

WASTE TIRE GENERATORS

085.400 TRANSPORTATION OF WASTE TIRES

- A. Except as otherwise provided in subsection 2, a waste tire generator shall not enter into a contract to have waste tires collected with a person who is not a registered waste tire hauler.

- B. A waste tire generator may haul waste tires he generates or contract with a collector of solid waste who operates pursuant to the requirements outlined in these regulations. A waste tire generator shall maintain receipts for the disposition of its waste tires for a minimum of three (3) years. The waste tire generator shall make the receipts available for inspection by the Health Authority during regular business hours and shall list the number, weight or volume of the waste tires disposed of in this manner.

DISPOSAL OF WASTE TIRES BY LANDFILLING

085.500 RESTRICTIONS ON THE DISPOSAL OF WASTE TIRES IN LANDFILLS WITHIN WASHOE COUNTY

- A. No person shall dispose of (a) waste tire(s) in a municipal solid waste landfill within the Washoe County Health District if a waste tire management facility has been permitted by the Health Authority for operation within the Washoe County Health District. In this context the facility must be capable of processing the waste tire into a usable product or fuel.
- B. The prohibition outlined in 085.500 (1) to dispose of a waste tire in a municipal solid waste landfill does not apply to the disposal of a waste tire if the unavailability of the waste tire management facility makes disposal at such a facility impracticable. The provisions of this subsection do not exempt a person from any other regulation adopted pursuant to this section.
- C. A person who inadvertently or unintentionally disposes of a waste tire in a municipal solid waste landfill is exempt from any penalty imposed pursuant to these regulations.
- D. If a waste tire management facility does not exist as outlined in Section 085.500 (1), waste tires that are disposed in a municipal solid waste landfill must be managed in the following manner:
 - 1. Waste tires must be cut into four or more parts across the bead;
 - 2. Waste tires must be split circumferentially through the tread surface to produce two halves, each of which contains a bead, sidewall, and part of the tread;
 - 3. Waste tires must be mechanically compressed and secured into a bale;
 - 4. Waste tires must have the sidewalls manually cut out to produce three (3) or more parts; or
 - 5. Waste tires must be processed in any other way approved by the Health Authority.
- E. These regulations do not prohibit the lawful disposal of a waste tire outside of the Washoe County Health District.

085.510 EXEMPTIONS

- A. A person may request an exemption or waiver from any of these regulations by submitting an application for a variance to the Health Authority. The application must be submitted on forms provided by the Health Authority and accompanied by fee(s) approved by the Washoe County District Board of Health.
- B. The Health Authority is not obligated to approve an application for a variance. The variance, however, must be processed in a timely manner by the Health Authority.
- C. Approval of a variance request may include additional conditions or requirements set forth by the Health Authority to ensure that the public and environmental health and safety are protected.
- D. An exemption or waiver is not transferable from person to person, place to place or business to business.

085.600 PENALTIES

- A. A person shall not operate a waste tire management facility unless the operator:
 - 1. Holds a permit to operate the waste tire management facility issued by the Health Authority; and
 - 2. Complies with the terms and conditions of the permit.
- B. A person who violates Section 085.600 (1) is guilty of a misdemeanor.
- C. Each day or part of a day during which the violation is continued or repeated constitutes a separate offense.
- D. A person convicted of violating Section 085.600 (A)(1 and 2) is, in addition to any criminal penalty imposed, liable for a civil penalty upon each such conviction in accordance with NRS 444.507 (4); a court before whom a defendant is convicted of a violation of Section 085.600 (1) shall, for each violation, order the defendant to pay a civil penalty of at least \$500 but not more than \$5000.
- E. A person who willfully disposes of a waste tire generated in Washoe County to a municipal solid waste landfill anywhere in the State of Nevada after a waste tire facility has been permitted to operate within the Washoe County Health District is guilty of a misdemeanor and shall be punished by a fine of not less than \$100 per violation. Each waste tire disposed of in violation of the provisions of these regulations constitutes a separate offense. The provisions of this subsection do not apply:
 - 1. To a person who inadvertently or unintentionally disposes of a waste tire in a municipal solid waste landfill; or
 - 2. If the unavailability of a waste tire management facility makes disposal of a waste tire at a site other than a municipal solid waste landfill impracticable.