

**COMMENTS RECEIVED ON PROPOSED AMENDMENTS TO  
CLARK COUNTY CODE - Chapter 9.04 - SOLID WASTE MANAGEMENT**

**SEPTEMBER 12, 2012**

**Comment #1**

Chris Darling [cdarling@atrackout.com]  
A Track-Out Solution LLC  
Mon 08/27/2012 9:02 AM

Mike,

I want to first of all thank you for all your time and hard work on these issues. I need to be completely honest with you, the latest revision that you sent out will limit Recycling and not promote recycling. The country is going green and this version will force more and more waste to the land fill.

Do you know when the next workshop will be...???????

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**Comment #2**

Kam Brian [kam@par3landscape.com]  
Par-3 Landscape & Maintenance, Inc.  
Mon 08/27/2012 11:04 AM

Mike,

Thanks for meeting with us last week. We appreciate the time and effort you, Mark and your staff are putting into getting this right. My only concerns are that we have consistency and that we don't make changes that will have unintended consequences like reducing recycling or jeopardizing the livelihood of existing businesses. Thanks again!

Kam

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### **Comment #3**

Coyle, Bob [BCoyle@republicservices.com]  
Republic Services, Inc.  
Tue 08/28/2012 12:00 PM

#### Republic Services Comments to Proposed Amendments To Clark County Code – Chapter 9.04 – Solid Waste Management August 15, 2012

##### Section 9.04.010 Definitions

###### (6) Construction and demolition waste

Republic is satisfied with this definition as long as the new language in Section 9.04.070 (a) is implemented “that results directly from the construction, remodeling, repair and demolition of utilities and structures...”

###### (9) Curbside recyclables collection

Republic would like to add “or generated” in the second line. That definition would read “Curbside recyclables collection means a collection program operated by a franchisee in which source-separated recyclable materials are collected or generated from residential customers on a regularly scheduled basis as part of the franchisee’s solid waste business.

###### (20) Incidental non-recyclable waste

Republic Services supports the inclusion of this new definition to clarify issues in scrap metal recycling.

###### (22) Medical Waste

The medical waste definition in the solid waste ordinances in the Cities of Las Vegas, North Las Vegas and Henderson are identical to the existing definition of medical waste in Section 9.04. Since the Southern Nevada Health District does not have a definition of medical waste Republic recommends that the County continue to use the existing definition and not change the definition so there will be consistency between the agencies. Since we are the only medical waste transporter and processor under the franchise agreement there should be no objection from anyone.

###### (33) Recyclable materials

Republic Services supports this language especially the language that states “recyclables means solid waste that is processed and returned to the economic mainstream” It is important to note that in order for a material to be recyclable it must be processed and returned to a market.

###### (36) Residual solid waste

Republic Services recommends the deletion of the term “volume” in this definition. The measurement of residual waste should not be an either/or of weight or volume. This

would enable a facility to take in a 40 cubic yard container load of recyclables, recycle 10% of the load and compact the remaining waste so that it reduces the volume of material but does not recycle the material.

When measuring the residual waste from a facility that is recycling it is very simple to weigh the inbound material and weigh the outbound material to determine if the residual waste is 10% or less.

#### (41) Solid waste

Republic Services reviewed the language that was used from the Southern Nevada Health District Solid Waste and Compliance page. The second sentence is missing some language at the beginning of the sentence. The second sentence should read "Solid Waste also includes any garbage, refuse, sludge from a water treatment plant..." This language is missing on the SNHD web site and in the County's proposed language. The county's proposal also suggested using the definition of solid waste from the SNHD Regulation Governing Temporary Permits to Operate Solid Waste Management Facilities. This definition is fine with Republic Services and we think it reads more simply.

#### (42) Source-separated recyclable materials

This definition uses the "with ten (10) percent or less by weight or volume of non-recyclable solid waste" language similar to the residual solid waste definition. As in our comments to the residual solid waste definition Republic Services feels that it is appropriate to weigh the material inbound and outbound so there is accuracy in these measurements. The word "volume" should be deleted as a measurement tool.

#### Section 9.04.070 Collecting or transporting solid waste and recyclables

- (a) Republic supports the change to the language in this section in particular "Construction or demolition waste that results directly from the construction, remodeling, repair and demolition of utilities and structures..."
- (e) Republic Services prefers the second definition alternative that you provided.
- (h) In reviewing this definition Republic Services recommends the removal of the term "commercial recycler" because this section applies to non-profit charitable organization. Commercial recyclers are covered by paragraph of this section.

#### Section 9.04.140 Solid waste to be placed in containers-Exceptions

Republic recommends deleting section (a)(2) that applies to places of businesses. Businesses need to have a metal container for waste collection and should not have an exclusion in this section.

#### Section 9.04.300 Free disposal of solid waste at authorized disposal sites.

Republic Services recommends that the County use the language that Republic Services and the City of North Las Vegas developed to clarify how free residential disposal is supposed to work. The language from the North Las Vegas Municipal code section 8.20.080 B 1 reads as follows:

B. Any resident may transport solid waste which originates from his or her primary home to a transfer station or a disposal site operated in accordance with all applicable laws, rules and regulations.

1. Any resident in the City (County) who receives individual curbside service at a single family dwelling or mobilehome park and who is a current customer of an exclusive franchisee may dispose of the solid waste generated at his or her primary residential premises at any authorized disposal site owned or operated by the exclusive franchisee within the “urban solid waste service area” in Clark County, without charge, upon presentation of a current bill for residential service from the exclusive franchisee and a valid government-issued photo identification with a matching address of the bill, such as a current Nevada driver’s license, and in accordance with such other rules and regulations as the City (County) or the southern Nevada Health District may adopt. The solid waste presented for disposal without charge must have been generated by the residential customer on his or her own residential property, not generated as a result of any commercial provider permitted to convey his own solid waste under Section 8.20.080(A), (B) or (C). (County Code Section 9.04.070). Commercial providers permitted to convey their own solid waste under Sections 8.20.080(A), (B) and (C) may not dispose waste without charge under any circumstance, including but not limited to:
    - a. Having a residential customer accompany the commercial provider to the disposal site.
    - b. Having a residential customer act as an agent for a commercial provider for purposes of disposal without charge.
  - c. Any person or commercial entity acting on behalf of a residential customer.
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**Comment #4**

[LAWDIRK@aol.com](mailto:LAWDIRK@aol.com)

Ravenholt & Associates  
Tue 08/28/2012 3:33 PM

**RAVENHOLT & ASSOCIATES**

**Dirk A. Ravenholt, Esq.**

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August 28, 2012

Michael Harwell, Franchise Manager  
Clark County – Department of Business License  
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SENT VIA Email – [Mikeh@clarkcountynv.gov](mailto:Mikeh@clarkcountynv.gov)

RE: Response to Inquiry on Proposed Changes to 9.04

Dear Mr. Harwell:

Our firm represents one of the last remaining agricultural operations currently located in Clark County. Our law office has received a copy of your proposed changes to the Solid Waste Management chapter 9.04 of the County Code and wish to comment of some of the proposed changes.

Our clients' agricultural operation supplies the food for its animals by recycling the food waste from many of the large casino resort operations in Las Vegas. As you are aware, all agricultural operations are solely regulated under the Nevada State Department of Agriculture, which has exclusive jurisdiction, by statute, over all agricultural operations within the State of Nevada. Therefore, no local regulations or ordinances may be passed within the State that would have any legal affect on the agricultural operations. To this point I note the following:

Under the current regulation it properly excludes animal waste under item 22. The revisions remove this exclusion and we suggest that the exclusion remains to comply with the current exclusive jurisdiction statutes.

(22) [(21)] “Medical waste” means any [solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, excluding hazardous waste identified or listed under 40 CFR Part 261 or any household waste as defined in 40 CFR Subsection 361.4](#)

(b)(1).

~~(vii) Animal waste generated in animal husbandry or food production.]~~

Solid waste definition includes in its definition agricultural operations waste matter which would not comply with Nevada State statutes that do not allow local ordinances or regulations to trump the Department of Agriculture exclusive jurisdiction. We suggest that you remove the agricultural operations under this definition.

(41) [(39)] “Solid waste” means all putrescible and nonputrescible refuse in solid, semisolid, or liquid form, including, but not limited to, garbage, rubbish, junk vehicles, ashes or incinerator residue, street refuse, dead animals, demolition waste, construction waste; and solid, semisolid, or liquid commercial and industrial waste. Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act (Clean Water Act), as amended (86 Stat. 880) [33 U.S.C. §1251, et seq.], or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923) [42 U.S.C. §2011, et seq.], or hazardous waste as defined in the Resource Conservation and Recovery Act, Subpart C [40 CFR §261.20, et seq.].

The proposed new County Code now contains a mandatory requirement that all PERSON(s) within the county which are connected to utility service must subscribe to solid waste collection service provided by the county or its authorized franchisee and to pay charges established by the board. On the face of this change, it clearly ignores the fact that agricultural operations are neither county nor a franchisee of the county and yet have a legal standing within the State to operate in this area of solid waste. This is an untenable position to maintain and would only lead to legal issues that are best avoided at this time. Therefore, under the long standing State acknowledgement that agricultural operations are vital to this States’ health, an exception should be inserted here for PERSON(s) using agricultural operations for their solid waste. Otherwise, a majority of the resorts in Las Vegas would fall outside your County Code and be charged with crimes for activity that will be considered “grandfathered” in and in addition fall exclusively within the jurisdiction of the Department of Agriculture, therefore not in violation of the County Code. Placing the exclusion in at this time would save considerable time and expense of the County and its corporate Citizens.

#### **9.04.240 Charges due and payable.**

(a) To ensure that the handling and disposing of solid waste is performed in a uniform, safe and sanitary manner, it shall be mandatory for any **PERSON** owning, occupying or managing any premises in the county which are connected to one or more utility service (natural gas, electricity or water) to subscribe to solid waste collection service provided by the county or its authorized franchisee and to pay the charges established by the board; provided, however, that residents of single-family residences may dispose of their own

solid waste at a lawful disposal facility operated by the county or franchisee in lieu of participation in the franchised collection service, in which case the resident must provide a receipt from such an authorized disposal facility on a quarterly basis to the solid waste service area franchisee as proof of payment for solid waste disposal.

Our same concerns as above are in the proposed 9.04.290 which are written would ignore the legal standing of agricultural operations to collect and deposit materials on their agricultural operations sites. An exception should be placed in this term acknowledging agricultural operations exclusion from this County Code.

**9.04.290 Solid waste to be deposited only at authorized disposal sites.**

All solid waste and hazardous waste collected from the public and private places and premises in the county shall not be deposited at any place within the county limits, except at a materials recovery facility or solid waste disposal facility legally authorized by the solid waste management authority having jurisdiction over such facility. (Ord. 3475 § 1 (part), 2006)

Our firm has had extensive litigation experience in the area of agricultural operations and local ordinance/regulations affect on them. Because of the Nevada State Department of Agriculture exclusive jurisdiction and the State prohibition to allow local ordinance/regulations against these operations, we thought this was the appropriate time to address these issues. Thank you for your time and attention to our concerns.

Sincerely,

\_\_\_\_\_/s/  
Dirk A. Ravenholt, Esq.  
Ravenholt and Associates

cc: Jim Barbee, Director of the Nevada Department of Agriculture