

Appendix 5

Solid Waste

Nevada Revised Statutes

444.440 – 444.645

COLLECTION AND DISPOSAL OF SOLID WASTE

NRS 444.440 Declaration of state policy. It is hereby declared to be the policy of this State to regulate the collection and disposal of solid waste in a manner that will:

1. Protect public health and welfare.
2. Prevent water or air pollution.
3. Prevent the spread of disease and the creation of nuisances.
4. Conserve natural resources.
5. Enhance the beauty and quality of the environment.

(Added to NRS by 1971, 1178)

NRS 444.450 Definitions. As used in [NRS 444.440](#) to [444.620](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 444.460](#) to [444.500](#), inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1971, 1178; A 1987, 1491; 1991, 1672, 2191; 1993, 14)

NRS 444.460 “Disposal site” defined. “Disposal site” means any place at which solid waste is dumped, abandoned or accepted or disposed of by incineration, land filling, composting or any other method. The term includes a municipal solid waste landfill.

(Added to NRS by 1971, 1178; A 1993, 14)

NRS 444.465 “Municipal solid waste landfill” defined. “Municipal solid waste landfill” has the meaning ascribed to it in the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto.

(Added to NRS by 1993, 10)

NRS 444.470 “Municipality” defined. “Municipality” means any county and any city or town, whether incorporated or unincorporated, and Carson City.

(Added to NRS by 1971, 1178)

NRS 444.480 “Person” defined. “Person” includes any state or federal agency.

(Added to NRS by 1971, 1178; A 1985, 516)

NRS 444.490 “Solid waste” defined. “Solid waste” means all putrescible and nonputrescible refuse in solid or semisolid form, including, but not limited to, garbage, rubbish, junk vehicles, ashes or incinerator residue, street refuse, dead animals, demolition waste, construction waste, solid or semisolid commercial and industrial waste. The term does not include hazardous waste managed pursuant to [NRS 459.400](#) to [459.600](#), inclusive.

(Added to NRS by 1971, 1178; A 1981, 888)

NRS 444.495 “Solid waste management authority” defined. “Solid waste management authority” means:

1. The district board of health in any area in which a health district has been created pursuant to [NRS 439.362](#) or [439.370](#) and in any area over which the board has authority pursuant to an interlocal agreement, if the board has adopted all regulations that are necessary to carry out the provisions of [NRS 444.440](#) to [444.620](#), inclusive.

2. In all other areas of the State, the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

(Added to NRS by 1993, 10; A [2005, 2468](#))

NRS 444.500 “Solid waste management system” defined. “Solid waste management system” means the entire process of storage, collection, transportation, processing, recycling and disposal of solid waste. The term includes plans and programs for the reduction of waste and public education.

(Added to NRS by 1971, 1178; A 1981, 858; 1993, 14)

NRS 444.510 Municipal solid waste management systems: Development, revision and approval of plans; cooperative agreements.

1. The governing body of every municipality or district board of health created pursuant to [NRS 439.362](#) or [439.370](#) shall develop a plan to provide for a solid waste management system which adequately provides for the

management and disposal of solid waste within the boundaries of the municipality or within the area to be served by the system, whether generated within or outside of the boundaries of the area.

2. The plan may include ordinances adopted pursuant to [NRS 444.520](#) and [444.530](#).

3. Such a governing body may enter into agreements with governing bodies of other municipalities, or with any person, or with a combination thereof, to carry out or develop portions of the plan provided for in subsection 1, or both, and to provide a solid waste management system, or any part thereof.

4. Any plan developed by the governing body of a municipality or district board of health created pursuant to [NRS 439.362](#) or [439.370](#) must be submitted to the State Department of Conservation and Natural Resources for approval according to a schedule established by the State Environmental Commission. No action may be taken by that governing body or district board of health until the plan has been approved. The Department shall determine the adequacy of the plan within 90 days after receiving the plan. If the Department does not respond to the plan within 90 days, the plan shall be deemed approved and becomes effective immediately.

5. An approved plan remains in effect until the plan is revised and the revised plan is approved. A plan must not conflict with the statewide plan adopted by the State Environmental Commission pursuant to [NRS 444.570](#). Plans must be revised to reflect proposed changes in the solid waste management system, and changes in applicable regulations.

(Added to NRS by 1971, 1178; A 1975, 1401; 1977, 1138; 1983, 1261; 1991, 2191; 1993, 14; [2005, 2468](#))

NRS 444.520 Municipal solid waste management systems: Additional fees and charges; unpaid fees and charges constitute lien against property; lien not effective until notice given.

1. The governing body of any municipality which has an approved plan for the management of solid waste may, by ordinance, provide for the levy and collection of other or additional fees and charges and require such licenses as may be appropriate and necessary to meet the requirements of [NRS 444.460](#) to [444.610](#), inclusive.

2. The fees authorized by this section are not subject to the limit on the maximum allowable revenue from fees established pursuant to [NRS 354.5989](#).

3. Until paid, any fee or charge levied pursuant to subsection 1 constitutes a perpetual lien against the property served, superior to all liens, claims and titles other than liens for general taxes and special assessments. The lien is not extinguished by the sale of any property on account of nonpayment of any other lien, claim or title, except liens for general taxes and special assessments. The lien may be foreclosed in the same manner as provided for the foreclosure of mechanics' liens.

4. A lien against the property served is not effective until a notice of the lien, separately prepared for each lot affected, is:

(a) Mailed to the last known owner at his last known address according to the records of the county in which the property is located;

(b) Delivered to the office of the county recorder of the county in which the property is located;

(c) Recorded by the county recorder in a book kept by him for the purpose of recording instruments encumbering land; and

(d) Indexed in the real estate index as deeds and other conveyances are required by law to be indexed.

(Added to NRS by 1971, 1179; A 1991, 1672; [2005, 809](#))

NRS 444.530 Municipal solid waste management systems: Regulations for operation. The governing body of a municipality having a solid waste management system within its boundaries shall, by ordinance, establish regulations for the operation of such system. No such ordinance shall be in conflict with any regulation adopted by the State Environmental Commission.

(Added to NRS by 1971, 1179; A 1975, 1401)

NRS 444.540 Municipal solid waste management systems: Acceptance and use of grants or appropriations. The governing body of a municipality may accept and disburse funds derived from grants from any person or appropriation from the general fund in the State Treasury for the installation and operation of a solid waste management system, or any part thereof.

(Added to NRS by 1971, 1179)

NRS 444.550 Municipal solid waste management systems: Authority to acquire land, machinery, equipment or facilities.

1. The governing body of any municipality may contract for the lease or purchase of land, facilities, vehicles, machinery or any other thing necessary to the installation or operation of a solid waste management system.

2. The authority provided for in subsection 1 may also be exercised in combination with another person or governing body of a municipality.
(Added to NRS by 1971, 1179)

NRS 444.553 Permits to operate disposal sites: Issuance; requirements.

1. The solid waste management authority shall, in accordance with the regulations of the State Environmental Commission adopted pursuant to [NRS 444.560](#), issue permits to operate disposal sites.
2. A person shall not operate or authorize the operation of a disposal site unless the operator:
(a) Holds a permit to operate the disposal site issued by the solid waste management authority; and
(b) Complies with the terms and conditions of the permit.
(Added to NRS by 1993, 12)

NRS 444.555 Use of certain disposal sites established by municipality restricted; penalty. A disposal site established by a municipality for which no person is employed to control access to and use of the site may be used only for the disposal of solid waste by:

1. The residents of the municipality; or
 2. Tourists in the area for noncommercial reasons.
- ↳ Any person violating the provisions of this section is guilty of a misdemeanor.
(Added to NRS by 1987, 1491)

NRS 444.556 Municipal solid waste landfills: Permit required; conditions of permit; disclosure of records regarding application for permit; powers of solid waste management authority.

1. Before constructing or operating a municipal solid waste landfill, the owner or operator of the landfill shall obtain a permit issued by the solid waste management authority.

2. A permit for the construction or operation of a municipal solid waste landfill is subject to the general conditions of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto.

3. Any documents submitted in connection with an application for a permit, including any modifications requested by the solid waste management authority that require corrective action to the proposed construction or operation, are public records and must be made available for public comment. The final determinations made by the solid waste management authority on an application for a permit are public records.

4. A permit issued by a solid waste management authority must be conditioned upon all requirements that are necessary to ensure continuing compliance with:

(a) The requirements of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto, which describe:

- (1) General standards for a municipal solid waste landfill;
- (2) Restrictions on the location of such a landfill;
- (3) Criteria for the operation of such a landfill;
- (4) Criteria for the design of such a landfill;
- (5) Requirements for monitoring groundwater and standards for corrective actions related thereto;
- (6) Standards of care related to the closure of such a landfill; and
- (7) Financial requirements for the owners or operators of such landfills;

(b) The applicable regulations of the State Environmental Commission; and

(c) The applicable laws of this State.

5. A solid waste management authority may:

(a) Obtain, and the owner or operator of a municipal waste landfill shall deliver upon request, any information necessary to determine whether the owner or operator is or has been in compliance with the terms and conditions of the permit, the regulations of the State Environmental Commission, the applicable laws of this State and the provisions of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto;

(b) Conduct monitoring or testing to ensure that the owner or operator is or has been in compliance with the terms and conditions of the permit; and

(c) Enter any site or premises subject to the permit, during normal business hours, on which records relevant to the municipal solid waste landfill are kept in order to inspect those records.

(Added to NRS by 1993, 11)

NRS 444.557 Municipal solid waste landfills: Program to monitor compliance with permits, laws and regulations; allowance of intervention.

1. A solid waste management authority shall establish a program to monitor the compliance of a municipal solid waste landfill with the terms and conditions of the permit issued for that landfill, the regulations of the State Environmental Commission, the applicable laws of this state and the provisions of the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto. The program must include procedures to:

- (a) Verify the accuracy of any information submitted by the owner or operator of the landfill to the authority;
- (b) Verify the adequacy of sampling procedures and analytical methods used by the owner or operator of the landfill; and
- (c) Require the owner or operator to produce all evidence which would be admissible in a proceeding to enforce compliance.

2. The solid waste management authority shall receive and give appropriate consideration to any information submitted by members of the public regarding the continuing compliance of an owner or operator with the permit issued by the authority.

3. In the administration of any permit issued by a solid waste management authority, the authority shall establish procedures that permit intervention pursuant to Rule 24 of the Nevada Rules of Civil Procedure. The authority shall not oppose intervention on the ground that the applicant's interest is adequately represented by the authority.

(Added to NRS by 1993, 12)

NRS 444.558 Municipal solid waste landfills: Regulations for program of issuing permits.

1. The State Environmental Commission and the district board of health of a health district created pursuant to [NRS 439.362](#) or [439.370](#) shall, in a timely manner, adopt all regulations that are necessary to establish and carry out a program of issuing permits for municipal solid waste landfills. The program must ensure compliance with the Resource Conservation and Recovery Act of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto, and carry out the purpose and intent of this section.

2. The regulations adopted by a district board of health pursuant to this section must not conflict with regulations adopted by the State Environmental Commission.

(Added to NRS by 1993, 11; A [2005, 2468](#))

NRS 444.560 Regulations of State Environmental Commission: Adoption; fees; violation prohibited after reasonable time.

1. The State Environmental Commission shall adopt regulations concerning solid waste management systems, or any part thereof, including regulations establishing standards for the issuance, renewal, modification, suspension, revocation and denial of, and for the imposition of terms and conditions for, a permit to construct or operate a disposal site.

2. The State Environmental Commission may establish a schedule of fees for the disposal of solid waste in areas subject to the jurisdiction of the State Department of Conservation and Natural Resources in accordance with [NRS 444.495](#) or for the issuance of permits or other approvals by the Department for the operation of solid waste management facilities. The Department may use the money collected under the schedule to defray the cost of managing and regulating solid waste.

3. Notice of the intention to adopt and the adoption of any regulation or schedule of fees must be given to the clerk of the governing board of all municipalities in this State.

4. Within a reasonable time, as fixed by the State Environmental Commission, after the adoption of any regulation, no governing board of a municipality or person may operate or permit an operation in violation of the regulation.

(Added to NRS by 1971, 1179; A 1975, 1401; 1977, 68; 1983, 1261; 1993, 15; [2005, 1498](#))

NRS 444.570 Duties of State Department of Conservation and Natural Resources and State Environmental Commission; inspections.

1. The State Department of Conservation and Natural Resources shall:

- (a) Advise, consult and cooperate with other agencies and commissions of the State, other states, the Federal Government, municipalities and persons in the formulation of plans for and the establishment of any solid waste management system.

(b) Accept and administer loans and grants from any person that may be available for the planning, construction and operation of solid waste management systems.

(c) Enforce the provisions of [NRS 444.440](#) to [444.560](#), inclusive, and any regulation adopted by the State Environmental Commission pursuant thereto.

(d) Periodically review the programs of other solid waste management authorities in the State for issuing permits pursuant to [NRS 444.553](#) and [444.556](#) and ensuring compliance with the terms and conditions of such permits, the regulations of the State Environmental Commission, the laws of this State and the provisions of the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant thereto. The Director of the State Department of Conservation and Natural Resources shall review the adequacy of such programs in accordance with the standards adopted by the United States Environmental Protection Agency to review the adequacy of the state program. If the Director determines that a program is inadequate, the Department shall act as the solid waste management authority until the deficiency is corrected. A finding by the Director that a program is inadequate is not final until reviewed by the State Environmental Commission. This paragraph does not limit the authority or responsibility of a district board of health to issue permits for disposal sites and enforce the laws of this State regarding solid waste management systems.

(e) Make such investigations and inspections and conduct such monitoring and testing as may be necessary to require compliance with [NRS 444.450](#) to [444.560](#), inclusive, and any regulation adopted by the State Environmental Commission.

2. The State Environmental Commission shall:

(a) In cooperation with governing bodies of municipalities, develop a statewide solid waste management system plan, and review and revise the plan every 5 years.

(b) Examine and approve or disapprove plans for solid waste management systems.

(c) Review any determination by the Director of the State Department of Conservation and Natural Resources that a program for issuing permits administered by a solid waste management authority is inadequate. The Commission may affirm, modify or reverse the findings of the Director.

3. Employees of the State Department of Conservation and Natural Resources or its authorized representatives may, during the normal hours of operation of a facility subject to the provisions of [NRS 444.440](#) to [444.620](#), inclusive, enter and inspect areas of the facility where:

(a) Solid waste may have been generated, stored, transported, treated or disposed; or

(b) Records are kept, and may inspect and copy any records, reports, information or test results relating to the management of the solid waste.

(Added to NRS by 1971, 1179; A 1973, 1406; 1975, 1402; 1977, 1139; 1993, 15; [2005, 1499](#))

NRS 444.580 Authority of district board of health or municipality to adopt regulations and issue permits.

1. Any district board of health created pursuant to [NRS 439.362](#) or [439.370](#) and any governing body of a municipality may adopt standards and regulations for the location, design, construction, operation and maintenance of solid waste disposal sites and solid waste management systems or any part thereof more restrictive than those adopted by the State Environmental Commission, and any district board of health may issue permits thereunder.

2. Any district board of health created pursuant to [NRS 439.362](#) or [439.370](#) may adopt such other regulations as are necessary to carry out the provisions of [NRS 444.440](#) to [444.620](#), inclusive. Such regulations must not conflict with regulations adopted by the State Environmental Commission.

(Added to NRS by 1971, 1180; A 1975, 1402; 1993, 16; [2005, 2469](#))

NRS 444.583 Unlawful disposal of motor vehicle battery, motor vehicle tire or motor oil; penalty; plan for appropriate disposal; exemption.

1. Except as otherwise provided in subsection 5, it is unlawful willfully to:

(a) Dispose of, abandon or dump a motor vehicle battery, motor vehicle tire or motor oil at any site which has not been issued a permit for that purpose by the solid waste management authority;

(b) Dispose of, abandon or dump a motor vehicle battery, motor vehicle tire or motor oil at a sanitary landfill or other disposal site established by a municipality which has not been issued a permit for that purpose by the solid waste management authority; or

(c) Incinerate a motor vehicle battery or motor vehicle tire as a means of ultimate disposal, unless the incineration is approved by the solid waste management authority for the recovery of energy or other appropriate use.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and except as otherwise provided in [NRS 445C.010](#) to [445C.120](#), inclusive, shall be punished by a fine of not less than \$100 per violation.

3. The State Department of Conservation and Natural Resources shall establish a plan for the appropriate disposal of used or waste motor vehicle batteries, motor vehicle tires and motor oil. The plan must include the issuance of permits to approved sites or facilities for the disposal of those items by the public. The plan may include education of the public regarding the necessity of disposing of these items properly and recycling them.

4. The State Department of Conservation and Natural Resources shall encourage the voluntary establishment of authorized sites which are open to the public for the deposit of used or waste motor vehicle batteries, motor vehicle tires and motor oil.

5. The provisions of subsections 1 and 2 do not apply to the disposal of used or waste motor vehicle batteries or motor vehicle tires if the unavailability of a site that has been issued a permit by the solid waste management authority makes disposal at such a site impracticable. The provisions of this subsection do not exempt a person from any other regulation of the solid waste management authority concerning the disposal of used or waste motor vehicle batteries or motor vehicle tires.

(Added to NRS by 1991, 1671; A 1997, 1078; [2005, 1500](#))

NRS 444.585 Ownership of recyclable materials; unauthorized collection of recyclable materials prohibited; penalty; civil remedy.

1. From the time recyclable materials are placed in a container provided by a private recycling business or the person designated by the county or other municipality to collect recyclable materials:

(a) At curbside for collection; or

(b) At any other appropriate site designated for collection,

↳ the recyclable materials are the property of the private recycling business or person designated by the county or other municipality to collect them, as appropriate.

2. Any person engaged in the unauthorized collection of recyclable materials is guilty of a misdemeanor. Each such unauthorized collection constitutes a separate and distinct offense.

3. As an alternative to the criminal penalty set forth in subsection 2, the county or other municipality, the private recycling business and the person designated to collect the recyclable materials may independently enforce the provisions of this section in a civil action. Except as otherwise provided in [NRS 445C.010](#) to [445C.120](#), inclusive, a person who engages in the unauthorized collection of recyclable materials is liable to the private recycling business or the person designated to make such collections, as appropriate, for three times the damages caused by the unauthorized collection.

(Added to NRS by 1991, 1671; A 1997, 1079)

NRS 444.587 Division of Environmental Protection: Development of markets for products made from recycled materials; reports to Legislature. Repealed. (See chapter 387, [Statutes of Nevada 2005, at page 1505](#).)

NRS 444.590 Designation of State Department of Conservation and Natural Resources as state agency for participation in federal program; extent of authority.

1. The State Department of Conservation and Natural Resources is hereby designated the state agency for such purposes as are required by the Resource Conservation and Recovery Act of 1976, 42 U.S.C. §§ 6941 et seq., except that:

(a) The State Environmental Commission has the exclusive authority to adopt regulations pursuant to [NRS 444.440](#) to [444.620](#), inclusive; and

(b) The district boards of health of health districts created pursuant to [NRS 439.362](#) or [439.370](#) retain the authority to issue permits and adopt regulations pursuant to [NRS 444.580](#).

2. The State Department of Conservation and Natural Resources may take any action necessary and appropriate to secure the benefits of any federal law relating to solid waste.

(Added to NRS by 1971, 1180; A 1975, 1402; 1977, 1139; 1993, 17; [2005, 2469](#))

NRS 444.592 Solid waste management authority: Powers of protection and enforcement. If the solid waste management authority receives information that the handling, storage, recycling, transportation, treatment or disposal of any solid waste presents or may present a threat to human health, public safety or the environment, or is in violation of a term or condition of a permit issued pursuant to [NRS 444.553](#) or [444.556](#), a statute, a regulation or an order issued pursuant to [NRS 444.594](#), the authority may, in addition to any other remedy provided in [NRS 444.440](#) to [444.620](#), inclusive:

1. Issue an order directing the owner or operator of the disposal site or any other site where the handling, storage, recycling, transportation, treatment or disposal has occurred or may occur, or any other person who has

custody of the solid waste, to take such steps as are necessary to prevent the act or eliminate the practice which constitutes the threat or violation.

2. Commence an action in a court of competent jurisdiction to enjoin the act or practice which constitutes the threat or violation in accordance with the provisions of [NRS 444.600](#).

3. Take any other action designed to reduce or eliminate the threat or violation.

(Added to NRS by 1993, 12; A [2005, 1500](#))

NRS 444.594 Solid waste management authority: Contents of orders for protection or enforcement.

1. An order issued by a solid waste management authority must:

(a) Specify the term or condition of a permit issued pursuant to [NRS 444.553](#) or [444.556](#), or the statute or regulation, which is alleged to have been violated or which is about to be violated, or the threat to human health, public safety or the environment;

(b) Set forth the facts alleged to constitute the violation or threat; and

(c) Prescribe any corrective action which must be taken and a reasonable time within which it must be taken.

2. The order may require the person to whom the order is directed to appear before the solid waste management authority, its authorized representative, or a hearing officer appointed by the authority, to show cause why an action should not be commenced against the person in a court of competent jurisdiction requesting appropriate relief.

(Added to NRS by 1993, 13)

NRS 444.596 Solid waste management authority: Recovery of civil penalties for violations. The solid waste management authority may bring an action in a court of competent jurisdiction to recover from a person or municipality which violates any statute or regulation, any term or condition of a permit issued pursuant to [NRS 444.553](#) or [444.556](#), or any order issued pursuant to [NRS 444.592](#), a civil penalty of not more than \$5,000 for each day on which the violation occurs. This penalty is in addition to any other penalty provided in [NRS 444.440](#) to [444.620](#), inclusive.

(Added to NRS by 1993, 13; A 1993, 1421)

NRS 444.598 Solid waste management authority: Recovery of damages resulting from violations. The solid waste management authority may bring an action in a court of competent jurisdiction to recover actual damages which result from a violation of a statute or regulation, any term or condition of a permit issued pursuant to [NRS 444.553](#) or [444.556](#), or any order issued pursuant to [NRS 444.592](#). The damages may include expenses incurred by the authority in testing for and removing, correcting or terminating any adverse effects which resulted from the violation and costs and attorney's fees, including those incurred in administrative proceedings. This remedy is in addition to any other remedy provided in [NRS 444.440](#) to [444.620](#), inclusive.

(Added to NRS by 1993, 13; A 1993, 1421)

NRS 444.600 Injunctive relief. In addition to any other remedies provided in [NRS 444.450](#) to [444.590](#), inclusive, the State Department of Conservation and Natural Resources or a solid waste management authority may bring an action in a court of competent jurisdiction to enjoin a violation of [NRS 444.450](#) to [444.560](#), inclusive, any term or condition of a permit issued pursuant to [NRS 444.553](#) or [444.556](#), any order issued pursuant to [NRS 444.592](#), or any regulation adopted by the State Environmental Commission or solid waste management authority.

(Added to NRS by 1971, 1180; A 1975, 1402; 1977, 1139; 1993, 17)

NRS 444.605 Issuance and enforcement of subpoenas.

1. In carrying out the provisions of [NRS 444.440](#) to [444.620](#), inclusive, the State Environmental Commission, a district board of health of a health district created pursuant to [NRS 439.362](#) or [439.370](#), and a solid waste management authority may by subpoena require the attendance and testimony of witnesses and the production of reports, papers, documents and other evidence which they deem necessary.

2. If any person to whom a subpoena has been directed pursuant to subsection 1 refuses to attend, testify or produce any evidence specified in the subpoena, the person who issued the subpoena may present a petition, to a court of competent jurisdiction where the person to whom the subpoena was directed is subject to service of process, setting forth that:

(a) Notice has been given of the time and place at which the person was required to attend, testify or produce evidence;

(b) A subpoena has been mailed to or personally served on the witness or custodian of the evidence in sufficient time to enable him to comply with its provisions; and

(c) The person has failed or refused to attend, answer questions or produce evidence specified in the subpoena,

↳ and asking that the court issue an order compelling the person to attend and to testify or produce the evidence specified in the subpoena.

3. When a court receives a petition pursuant to subsection 2, it shall order the person to whom the subpoena was directed to appear at a time and place fixed by the court in its order, which must be not more than 10 days after the date of the order, and show cause why he should not be held in contempt. A certified copy of the order must be mailed to or personally served on the person to whom the subpoena was directed.

4. If it appears to the court that the subpoena was properly issued and that the person's failure or refusal to appear, answer questions or produce evidence was without sufficient reason, the court shall order the person to appear at a time and place fixed by the court and to testify or produce the specified evidence. If the person fails to comply with the order of the court, he may be punished as for a contempt of court.

(Added to NRS by 1993, 13; A [2005, 2469](#))

NRS 444.610 Unlawful acts; penalties.

1. Any person who violates any regulation adopted by the State Environmental Commission or any ordinance or resolution adopted by the governing body of a municipality or district board of health is guilty of a misdemeanor.

2. Each day or part of a day during which such violation is continued or repeated constitutes a separate offense.

3. Except as otherwise provided in [NRS 445C.010](#) to [445C.120](#), inclusive:

(a) A person convicted of violating subsection 1 is, in addition to any criminal penalty imposed, liable for a civil penalty upon each such conviction; and

(b) A court, before whom a defendant is convicted of a violation of subsection 1, shall for each violation order the defendant to pay a civil penalty which is at least \$500 but not more than \$5,000.

(Added to NRS by 1971, 1180; A 1975, 1402; [2001, 1234](#))

NRS 444.615 Solid Waste Management Account: Creation; deposits. Any money received by the solid waste management authority pursuant to [NRS 444.596](#) or [444.598](#) must be deposited with the State Treasurer for credit to the Solid Waste Management Account, which is hereby created in the State General Fund.

(Added to NRS by 1993, 13)

NRS 444.616 Solid Waste Management Account: Distribution and use.

1. The State Controller shall allocate and remit, on a quarterly basis, the money in the Solid Waste Management Account as follows:

(a) To the Department of Taxation, 0.5 percent.

(b) To the State Department of Conservation and Natural Resources, 44.5 percent.

(c) To the district board of health of the health district which has the largest population in this State, 30 percent.

(d) To the district board of health of the health district which has the second largest population in this State, 25 percent.

↳ If more than two health districts are created within this State, the State Department of Conservation and Natural Resources shall transfer to the district boards of health of those additional districts an amount determined by the Department to be necessary to carry out the health district's duties pursuant to [NRS 444.440](#) to [444.620](#), inclusive. If less than two health districts are created within this State, the amount otherwise allocated to a health district must be allocated to the State Department of Conservation and Natural Resources.

2. The money allocated pursuant to subsection 1 to the State Department of Conservation and Natural Resources and the district boards of health must be used for solid waste management in accordance with [NRS 444.440](#) to [444.620](#), inclusive.

3. The State Department of Conservation and Natural Resources shall transfer to the Division of Environmental Protection of that Department a portion of the money it receives pursuant to this section it deems necessary for use in educating the public concerning the objectives and functioning of the State's plan for solid waste management.

(Added to NRS by 1993, 10; A 1995, 649)

NRS 444.620 Applicability of plans and provisions.

1. No plan for a solid waste management system adopted pursuant to [NRS 444.440](#) to [444.620](#), inclusive, applies to any agricultural activity or agricultural waste.

2. No provision of [NRS 444.440](#) to [444.620](#), inclusive, prevents a mining operation from dumping waste from its operation on its own lands.

(Added to NRS by 1971, 1180; A 1981, 858; 1993, 17)

UNLAWFUL DISPOSAL OF SOLID WASTE OR SEWAGE

NRS 444.621 Definitions. As used in [NRS 444.621](#) to [444.645](#), inclusive, unless the context otherwise requires, the words and terms defined in [NRS 444.623](#), [444.625](#) and [444.627](#) have the meanings ascribed to them in those sections.

(Added to NRS by [2001, 1233](#))

NRS 444.623 “Dump site” defined. “Dump site” means a location at which solid waste is disposed of unlawfully.

(Added to NRS by [2001, 1233](#))

NRS 444.625 “Solid waste” defined. “Solid waste” has the meaning ascribed to it in [NRS 444.490](#).

(Added to NRS by [2001, 1233](#))

NRS 444.627 “Solid waste management authority” defined. “Solid waste management authority” has the meaning ascribed to it in [NRS 444.495](#).

(Added to NRS by [2001, 1233](#))

NRS 444.629 Program for control of unlawful dumping: Establishment in certain larger counties; administration; required elements; delegation of certain powers from solid waste management authority to hearing officer or board.

1. The solid waste management authority in each county whose population is 400,000 or more may establish a program for the control of unlawful dumping and administer the program within its jurisdiction unless superseded.

2. The program established pursuant to subsection 1 must:

(a) Include standards and procedures for the control of unlawful dumping which are equivalent to or stricter than those established by statute or state regulation; and

(b) Provide for adequate administration and enforcement.

3. In a county whose population is 400,000 or more, the solid waste management authority may delegate to an independent hearing officer or hearing board the authority to determine violations and levy administrative penalties for violations of the provisions of [NRS 444.440](#) to [444.645](#), inclusive, or any regulation adopted pursuant to those sections.

(Added to NRS by [2001, 1233](#))

NRS 444.630 Prohibited acts; criminal penalty; clean up of dump site; community service; timing of commencement of clean up; proof of lawful disposal; revocation of business license; identification of violator; persons required to enforce provisions; issuance of citation; request for and provision of information.

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.

5. Except as otherwise provided in [NRS 444.585](#), ownership of solid waste does not transfer from the person who originally possessed it until it is received for transport by a person authorized to dispose of solid waste pursuant to this chapter or until it is disposed of at a municipal disposal site. Identification of the owner of any solid waste which is disposed of in violation of subsection 1 creates a reasonable inference that the owner is the person who disposed of the solid waste. The fact that the disposal of the solid waste was not witnessed does not, in and of itself, preclude the identification of its owner.

6. All:

(a) Health officers and their deputies;

(b) Game wardens;

(c) Police officers of cities and towns;

(d) Sheriffs and their deputies;

(e) Other peace officers of the State of Nevada; and

(f) Other persons who are specifically designated by the local government to do so,

↳ shall, within their respective jurisdictions, enforce the provisions of this section.

7. A district health officer or his deputy or other person specifically designated by the local government to do so may issue a citation for any violation of this section which occurs within his jurisdiction.

8. To effectuate the purposes of this section, the persons charged with enforcing this section may request information from any:

(a) Agency of the State or its political subdivisions.

(b) Employer, public or private.

(c) Employee organization or trust of any kind.

(d) Financial institution or other entity which is in the business of providing credit reports.

(e) Public utility.

↳ Each of these persons and entities, their officers and employees, shall cooperate by providing any information in their possession which may aid in the location and identification of a person believed to be in violation of subsection 1. A disclosure made in good faith pursuant to this subsection does not give rise to any action for damages for the disclosure.

[1:83:1953] + [2:83:1953]—(NRS A 1957, 262; 1967, 580; 1969, 126; 1981, 858; 1983, 856; 1989, 484; 1991, 1672; 1993, 814; [2001, 1235, 1920](#); [2001 Special Session, 141](#); [2003, 111, 113](#))

NRS 444.635 Civil penalties: Liability upon each conviction; increase of penalty for subsequent conviction; payment in installments; collection; disposition and use of money collected.

1. Except as otherwise provided in [NRS 445C.010](#) to [445C.120](#), inclusive, a person convicted of violating [NRS 444.555](#) and, in addition to the penalty imposed pursuant to [NRS 444.583](#) or [444.630](#), any person convicted of violating [NRS 444.583](#) or [444.630](#) is liable for a civil penalty upon each such conviction.

2. Except as otherwise provided in [NRS 445C.010](#) to [445C.120](#), inclusive, a court before whom a defendant is convicted of a violation of the provisions of [NRS 444.555](#), [444.583](#) or [444.630](#), shall order the defendant:

(a) For a first offense, to pay a civil penalty which is at least \$500 but not more than \$5,000.

(b) For a second offense, to pay a civil penalty which is at least \$1,000 but not more than \$5,500.

(c) For a third offense, to pay a civil penalty which is at least \$1,500 but not more than \$6,000.

(d) For any subsequent offense, to pay a civil penalty which is at least \$500 more than the most recent previous civil penalty that the defendant was ordered to pay pursuant to this subsection.

3. If so provided by the court, a penalty imposed pursuant to this section may be paid in installments.

4. The solid waste management authority may attempt to collect all such penalties and installments which are in default in any manner provided by law for the enforcement of a judgment.

5. Each court which receives money pursuant to the provisions of this section shall forthwith remit the money to the Division of Environmental Protection of the State Department of Conservation and Natural Resources or, if the health authority initiated the action, the district health department which shall deposit the money with the State Treasurer for credit in a separate account in the State General Fund or with the county treasurer for deposit in an account for the district health department, as the case may be. Money so deposited must be:

(a) Used only to pay:

(1) Rewards pursuant to [NRS 444.640](#);

(2) For education regarding the unlawful disposal of solid waste;

(3) For the cleaning up of dump sites; and

(4) For the management of solid waste; and

(b) Paid as other claims against the state or local governments are paid.

(Added to NRS by 1987, 1490; A 1991, 1673; 1997, 1079; [2001, 1237](#); [2001 Special Session, 162](#))

NRS 444.637 Performance of certain functions by nonprofit organization. A solid waste management authority may authorize a nonprofit organization to:

1. Organize the cleaning up of dump sites;

2. Provide educational materials and programs regarding unlawful dumping; and

3. Operate and pay the costs of programs of community service relating to the cleaning up of dump sites.

(Added to NRS by [2001, 1234](#))

NRS 444.639 Issuance and enforcement of subpoenas.

1. In carrying out the provisions of [NRS 444.621](#) to [444.645](#), inclusive, a district health officer may by subpoena require the attendance and testimony of witnesses and the production of reports, papers, documents and other evidence which they deem necessary.

2. If any person to whom a subpoena has been directed pursuant to subsection 1 refuses to attend, testify or produce any evidence specified in the subpoena, the person who issued the subpoena may present a petition, to a court of competent jurisdiction where the person to whom the subpoena was directed is subject to service of process, setting forth that:

(a) Notice has been given of the time and place at which the person was required to attend, testify or produce evidence;

(b) A subpoena has been mailed to or personally served on the witness or custodian of the evidence in sufficient time to enable him to comply with its provisions; and

(c) The person has failed or refused to attend, answer questions or produce evidence specified in the subpoena, and asking that the court issue an order compelling the person to attend and to testify or produce the evidence specified in the subpoena.

3. When a court receives a petition pursuant to subsection 2, it shall order the person to whom the subpoena was directed to appear at a time and place fixed by the court in its order, which must be not more than 10 days after the date of the order, and show cause why he should not be held in contempt. A certified copy of the order must be mailed to or personally served on the person to whom the subpoena was directed.

4. If it appears to the court that the subpoena was properly issued and that the person's failure or refusal to appear, answer questions or produce evidence was without sufficient reason, the court shall order the person to appear at a time and place fixed by the court and to testify or produce the specified evidence. If the person fails to comply with the order of the court, he may be punished as for a contempt of court.

(Added to NRS by [2001, 1234](#))

NRS 444.640 Reward for information leading to arrest and conviction of violator; regulations.

1. The solid waste management authority shall offer a reward of \$100 for information leading to the arrest and conviction of any person violating [NRS 444.555](#) or [444.630](#). The reward must be paid upon his conviction and the payment in full of the penalty. The reward must be distributed equally among the persons who supplied the information which led to the arrest and conviction.

2. The State Environmental Commission or district board of health may adopt regulations necessary to carry out the provisions of this section.

(Added to NRS by 1987, 1491; A [2001, 1237](#))

NRS 444.645 Notice of provision of [NRS 444.555](#) or [444.630](#) to be posted; offer of reward.

1. The Division of Environmental Protection of the State Department of Conservation and Natural Resources, and the district health officer in his district or the board of county commissioners in a county without a district health officer shall post notices of the provisions of [NRS 444.555](#) or [444.630](#), whichever is appropriate.

2. The notice must also contain an offer of a reward for information leading to the arrest and conviction of any person violating [NRS 444.555](#) or [444.630](#).

(Added to NRS by 1987, 1491)