

**City of Elko  
Business Impact Statement**

**Notice of Public Hearing for the Adoption of Resolution 12-11**

The City of Elko will hold a public hearing on July 12, 2011 commencing at 6:00 p.m. at Elko City Council Chambers, Elko City Hall, 1751 College Avenue, Elko, Nevada. The City of Elko will receive testimony from all interested persons and consider and take action on the following proposed ordinance. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the City of Elko may proceed to immediately act upon any written submissions:

**Ordinance / Resolution Title:**

**A RESOLUTION ADOPTING A NEW LANDFILL FEE SCHEDULE PURSUANT  
TO ELKO CITY CODE TITLE 9, CHAPTER 2, SECTION 21**

**Description of the subjects and issues involved:**

The City of Elko is proposing changes to the entire City of Elko Landfill Fee Schedule.

*Household and commercial wastes*

No change in costs to the user. Wording changes and combining of categories only. Residential, Commercial, and bulky wastes now in one category.

*Construction/Demolition wastes*

No change in costs to the user. Wording changes and combining of categories only. Eliminate the lumber/sheetrock, building materials, and industrial waste categories as it is covered by the Construction/Demolition category.

*Medical Waste/Animal carcasses*

Increase in cost of \$1.00 per ton, will align the costs with standard categories.

*Clean Fill*

No increase in tonnage costs, but adding a minimum charge of \$1.00 to this category.

*Grease Traps*

Increase in cost of a \$10.00 per load charge to a \$15.00 per ton charge. This increase in cost may be significant. These costs are being initiated to cover the costs of handling the materials.

*Sand/Oil Separators*

Initially the City of Elko was proposing to increase the Sand/Oil Separators (Sump sand, car wash liquids, etc) from \$10.00 a load to \$15.00 per ton.

Following the Proposed Rule Notification, the Elko City Council revised the proposal to increase the Sand/Oil Separators (Sump sand, car wash liquids, etc) from \$10.00 a load to \$5.00 per ton. Increases may be significant. These costs are being initiated to cover the costs of handling the materials.

Tires

Wording changes and combining of categories, with a reduction of the charges on the large tires in this category. Standard rates are not changing.

Asbestos, Friable and Non-Friable categories

Non-friable category to change from \$30.00 per ton to \$31.00 per ton, to align costs with standard categories.

No change to the Friable asbestos category, except the minimum charges are being reduced from \$300.00 to \$150.00 per load.

Special Handling Fees

Replacement of the Special Handling Fees category and its multitude of various charges to a new category entitled “*Equipment Standby Fees*” with a single time based rate of \$100.00 per hour.

This change of category and fees simplifies and standardizes the fees, breaking down the charges into 15 minute increments, and may lower user costs as compared to the previous category and its rate schedules.

**Estimated economic effect of the proposed regulation on the business:**

**Adverse and beneficial effects:**

Adverse effects: The citizens/businesses will pay an increase in fees for utilizing the landfill facility for some categories of refuse.

Beneficial effects include: The change in fees will adequately fund the operational costs of the wastes being brought to the City of Elko Solid Waste Facility.

**Estimated cost of enforcement of the proposed rule:**

There are no costs associated with the enforcement of the proposed rule.

**Estimated revenues expected to be generated by the proposed rule and the manner in which the money is to be used:**

The amount of revenue generated would be based upon the amount and types of tonnage brought into the City of Elko Solid Waste Facility. The revenues that are generated will be used to help offset the actual costs associated with operating the Facility.

**Determination as to whether the provisions of the rule are duplicative, or more stringent than existing local, state or federal standards.**

The rules are not duplicative or more stringent than existing local, state or federal standards.

**Description of the manner in which comments regarding the proposed rule were gathered, and a summary of those responses:**

The draft report was sent, by mail, to the Elko Chamber of Commerce for distribution or comment by their membership. A draft report was also sent to all City of Elko Businesses. A public notice has been published inviting comments to the proposed rate changes. This business impact statement and an invitation to comment is published on the Elko City website.

All responses were due no later than 5:00 p.m. on Friday, June 10, 2011 and are being summarized prior to the scheduled public hearing.

The City of Elko received three (3) responses opposed to the proposed increases. All responses received related to the Liquid Wastes section of the proposed changes. A copy of the actual response may be obtained from the Elko City Clerk. The negative responses are summarized as follows:

1. *“We should not be treated as “fee equals” with “bulk liquid cooking grease” or any other such liquid waste handled by the landfill.” “This total charge of \$60 per load would mean a 600% increase in the current fee.”*
2. *“It seems as though the fee on grease traps liquid will be substantial.” “It seems as though it might be a 500 per cent increase. The same applies to car wash liquids.”*
3. *“The proposed fee increase for sand trap sludge will definitely be a financial burden.” “That’s a whopping 550 percent increase, (an increase of \$1350 to my operating expense per month / \$16,200 per year).”*

**Description of the methods used to reduce the impact of the rule:**

Alternatives that have been identified to reduce the impact of the rule have been to reduce the amount of the increase for Sand/Oil Separators (Sump sand, car wash liquids, etc) from \$15.00 per ton to \$5.00 per ton.

A business that is aggrieved by a resolution or ordinance adopted by the City Council may object to all or part of the resolution or ordinance by filing a petition with the Elko City Clerk within 30 days after the date on which the rule was adopted. Any petition filed must be based on the following grounds:

1. The City of Elko failed to prepare a business impact statement.
2. The business impact statement prepared did not consider or significantly underestimated the economic effect of the rule on business.

After receiving a petition filed by an aggrieved business, the Elko City Council shall determine whether the petition has merit.

If the governing body determines that the petition has merit, the Council may take action to amend the rule to which the business objected.

If the City Council finds that the petition does not have merit, the Council will take no action to amend the ordinance, resolution or regulation and such ordinance, resolution or regulation will remain in effect.

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Shanell Owen, MMC  
City Clerk