

SENATE ECOLOGY COMMITTEE

5

Minutes of Meeting --- February 2, 1971

Committee members present: Thomas Wilson, Chairman
Emerson Titlow
Coe Swobe
Chic Hecht
Lee Walker
Clifton Young
John Foley

Also present were: 112 persons ---Those who testified are listed below. Others in attendance are listed on attached page.

Tom and Gary Jesch	Students To Oppose Pollution
Debbie Breen	" " " "
Pat Archer	" " " "
Howard Clodfelter	Washoe Co. Dist. Health Dept.
Dr. V.H. Ueckert	Clark Co. Dist. Health Dept.
Roger Teglia	Nevada Farm Bureau
Ray Kniseley	" " "
Bob Hendrix	" " "
R.H. Kent	Nevada Cattle Association
F.G. Gregory	State Division of Health
John Ciardella	State Department of Highways
Elmo DeRicco	State Department of Conservation
R.M. James	Lemmon Valley Improvement Assn.
Mrs. Janet MacEachern	League of Women Voters
Mrs. Linda O'Malia	" " " "
George Evans	Reno Resident
Fred Fulstone, Jr.	Nevada Woolgrowers
Virgil Getto	State Assemblyman

Chairman Wilson called the meeting to order at 1:35 p.m. Several bills were under consideration:

- SB-15 Proposed by Senators Young, Hecht, Wilson and Swobe. Provides for the control and management of solid waste.
- SB-20 Proposed by Senators Young, Hecht, Swobe and Wilson Enacts the Environmental Quality Act of 1971.
- SJR-4 Proposed by Senators Young, Hecht, Walker, Wilson and Foley. Proposes constitutional amendment to add environmental bill of rights.
- SJR-9 Proposed by Senators Wilson, Hug, Young, Drakulich, Harris and Swobe. Memorializes the State of California to provide its proportionate share of the funding for the Tahoe Regional Planning Agency.

Public hearings on SB-15, SB-20 and SJR-4 were continued to Thursday, February 4, 1971.

Senator Walker moved a "Do Pass recommendation on SJR-9 Seconded by Senator Titlow. Motion carried.

Others present included:

Roy Pagni	Washoe County Commission
Bob Rush	" " "
H.F. McKissick, Sr.	" " "
Dwight Nelson	" " "
Joe Coppa	" " "
Samuel Bamberg	Sierra Club
Robin Tausch	" "
Larry Dwyer	" "
Mrs. Eileen Hinson	A.A.U.W.
Carolyn Cuno	" " "
Barbara Morgan	L.W.V.
Carolyn Cox	" " "
Mrs. Fula Forst	" " "
Mrs. Sonia DeHart	" " " and Audubon Society
Betty Victoria	" "
C.S. Soderblom	Nev. Railroad Assn.
W.L. Harnish	Southern Pacific Railroad Co.
Shirlie Wedow	Nevada P.T.A.
Joe Digles	Nevada Resort Assn.
Les Kofoed	Nevada Gaming Ind. Assn.
Andrew Burnett	Nevada Wildlife Federation
Gene Clock	Washoe Co. Health Dept.
Mrs. James Lyons	Reno Resident
Mrs. Pat Young	" "
Mrs. J.F. McKissick, Sr.	" "
William O'Malia	" "
Roberta Bristol	" "
Mr. Wallie Warren	" "
William Robinson	" "
Linda Teglia	" "
Richard Hanna	Carson City Resident
Mrs. Byrd Sawyer	" " "
N.M. Goodhue	" " "
Gus Bundy	" " "
Mildred Pressman	" " "
Brian Firth	" " "
Geroge D. Wendell	" " "
E.L. Newton	" " "
Christine King	" " "

Members of the News Media

Chairman Wilson announced this was a public hearing and stated the committee has been advised informally that there may be more than one solid waste control bill filed; therefore, the committee probably will defer any decision on Senate Bill No. 15 until the other bill is referred to the committee.

Address Reply to
Nye Building
Telephone 832-7482



STATE OF NEVADA

Department of Conservation and Natural Resources

OFFICE OF THE DIRECTOR

CARSON CITY, NEVADA 89701

February 2, 1971

MEMORANDUM

TO: The Honorable Thomas R. C. Wilson
Chairman, Committee on Ecology

FROM: Elmo J. DeRicco

SUBJECT: Senate Bills 15 and 20

I am incorporating in my remarks the analysis of these Bills by the State Engineer, Roland Westergard. I concur with his remarks.

Senate Bill 20 may be premature at this time. To achieve the goals set forth in this legislation it would be mandatory that state, federal, and local governments work in unison.

The Governor's Environmental Council and Environmental Advisory Commission will provide the mechanism to make this possible. However, if Senate Bill 20 is enacted and immediate results are expected, it could very well confuse the Governor's program and delay action on these vital matters.

I would suggest that the goals established in this Bill be advanced to the Council for review, with the understanding that a recommendation be made to the next session of the Legislature as to methods of implementation.

It may also be desirable to ask the Legislative Commission to review this legislation as it applies to S.C.R. 3.

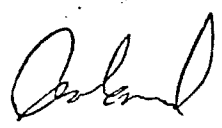
EJD:m
encl.

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

OFFICE MEMORANDUM

To: Elmo DeRicco, Director
From: Roland Westergard, State Engineer
Subject: Senate Bills 15 and 20

Date: 1-29-71



The provisions of Senate Bill 15 would probably have little if any effect on Division of Water Resources responsibilities.

Site selection and other factors should be required to be controlled to prevent contamination of water supplies. Our engineers feel that the concept is good, but that the Bill as proposed may be too vague; for example, solid waste is not defined. Also, there is some concern about possible complications in asserting state authority over disposal on federally controlled land.

The provisions of Senate Bill 20 are of extreme concern. If policy proposed in Section 3, Item 3, were implemented and enforced, not only could it preclude further appropriation from both surface and ground water sources, but it could result in curtailment of existing economies by limiting water diversions.

Section 3, Item 4, would provide that the protection of the environment shall be the guiding criterion in public decisions. Certainly protection of the environment should be one criterion, but others such as economic stability, "people requirements", and the public welfare, as well as individual property rights must also be considered.

Section 3, Item 6, depending on interpretation could have many affects on administration of the Nevada Water Law.

Section 4 provisions may not be realistic, at least, not at this time. Some of the factors to be included in any report as provided in this section are not even definable, let alone measureable.

Other considerations arise in evaluating the Bill, such as who and where is the final authority, who would enforce the requirements of the legislation, who is to receive reports and statements contemplated, and what are the penalties or ramifications of noncompliance.

TO Senate Ecology Committee
 FROM WASHOE COUNTY DISTRICT HEALTH DEPARTMENT
 SUBJECT PROPOSED AMENDMENTS TO SENATE BILL NO. 15

The Washoe County District Health Department is in full accord with a solid waste management law.

Washoe County has the distinction of establishing the first state approved sanitary landfill facility in Nevada on January 2, 1968, which today serves a population of approximately 120,000 people.

Additional sanitary landfill sites in this area will be needed as the predicted increase in population becomes a reality.

The Washoe County District Health Department in conjunction with its local governing bodies, has shown foresight and responsibility in establishing its needs and therefore desires the authority to continue along this line under the general guidance of the State Board of Health.

Accordingly we offer the following amendments to Sections 3, 5 and 6, and propose the addition of a Section 9:

Health Authority as defined 446.050.

Section 3. "It is unlawful to dispose of solid waste at any site or facility other than a site or facility for which a permit for solid waste disposal has been issued by the state board of health", or the District Boards of Health in Clark County and Washoe County where such sites or facilities are governed by rules and regulations which are equal to or more stringent than applicable state rules and regulations.

Section 5. "No person shall establish or construct, or operate, maintain or permit the use of, a new solid waste disposal site or facility after the effective date of this act without first having obtained from the state board of health or the District Boards of Health in Clark County and Washoe County

a permit to establish or construct the site or facility or a permit to maintain and operate the site or facility pursuant to rules and regulations promulgated by the state board of health or the District Boards of Health of Clark County and Washoe County."

Section 6. "No person who is operating, maintaining or permitting the use of a solid waste disposal site or facility on the effective date of this act shall continue to operate, maintain or permit the use of such site or facility after the expiration of a period of 6 months after the effective date of this act without first having obtained from the state board of health or the District Boards of Health of Clark County and Washoe County a permit to operate, maintain or permit the use of the site or facility pursuant to rules and regulations promulgated by the state board of health or the District Boards of Health of Clark County and Washoe County."

Section 9. Establish penalties for violations of regulations and provide injunctive relief power for the state or District Health Officer and the necessary accompanying administrative procedures.

REPORT ON ROADSIDE LITTER PICKUP ACTIVITY OF THE
NEVADA DEPARTMENT OF HIGHWAYS

11

(Submitted by John Ciardella)

One of the major maintenance activities of the Nevada Highway Department is the cleanup of roadside litter. This job requires a good share of maintenance time and the use of equipment by every maintenance crew in the state.

Because the problem has grown to such major proportions in the past 5 to 10 years, the Department in cooperation with other governmental agencies and private organizations has focused particular attention to combatting it. Less than 10 years ago, the per mile cost for litter pickup was about \$60; in 1970 it was over \$80.

In its efforts to reduce this problem the Department launched a two-pronged attack on litterbugs and litterbugging. Roadside facilities for collection of debris were increased through installation of additional litter barrels and the development of more roadside rests. At the same time, publicity was increased through press releases, pictures, displays and periodic campaigns.

A unique approach was taken to focus motorist attention on the problem. A bee-shaped symbol called "Phil D. Barrel" was adopted for identifying litter barrels and litter barrel signing. The unusual "bug" drew national interest through news stories and pictures that appeared in publications of the Keep America Beautiful organization. Since that time, numerous requests have been received for information on the program and for permission to use the symbol.

Outside organizations also were encouraged to assist in the anti-litter activity. In the Las Vegas area, barrels were provided high schools during National Highway Week, and a contribution by a group of grade school children was used to install brightly colored litter barrels at a new roadside rest in the area.

Despite these efforts, the cost of debris removal has risen over the past 5 years. In 1966 operational costs associated with litter pickup were \$215,212 while in 1970 it was \$242,903. On a per mile basis, expenditures increased from

\$46 in 1966 to \$51 in 1970.

Reflecting national attention on the problem was a study completed in 1969 by the Highway Research Board in cooperation with Keep America Beautiful and the 50 state highway departments. [As part of this National Study on the Composition of Roadside Litter, Nevada studied sections of highway throughout the state to obtain a cross-section of the kinds of litter found along the roadway.

It was found that along an average mile of highway, cans accounted for 52 percent of the debris, paper items 19 percent, miscellaneous items 19 percent, bottles and jars nearly 9 percent, and plastic items one percent. The largest single type of litter was beer cans at 37 percent. In analysing the litter caused from glass objects, it was determined that, percentage-wise, non-returnable bottles accounted for twice as much debris as returnable ones.

Litter pickup costs vary tremendously from one area of the state to another. By highway district, the following cost figures were obtained for the 1970 fiscal period. In District One (Las Vegas area) - \$72,160; in District Two (western Nevada area) - \$107,962; in District Three (Elko area) - \$7,353; in District Four (Ely area) - \$14,121; in District Five (Tonopah area) - \$16,405; and in District Six (Winnemucca area) - \$24,903.

The analysis also revealed that highways leading into and out of Nevada two major urban areas were prime targets for litter. For Las Vegas - on 17.5 miles of U.S. 91 - \$7,000; on 30 miles of U.S. 95 - \$11,400; and on 40.5 miles of Interstate 15 - \$10,800. For Reno - on 10.3 miles of Interstate 80 - \$25,700; and on 21 miles of U.S. 395 - \$12,000.

#

Senator:

If you need any further data let me know.

J. C. [Signature]
2/12/70

INTER-STOPS STAND ON SENATE BILL # 20

My name is Debbie Breen. I am here today to represent Inter-Stop which is an organization consisting of senior high school and university students in Washoe County. Inter-STOP is a new organization with an approximate membership of 250. Stop stands for Students To Oppose Pollution. I am here to give you Inter-STOP's stand on Senate Bill No. 20.

Here, I have a number of petitions with somewhere between 1, 200 and 1,500 signatures which read " We, the undersigned, of stated school, do respectfully urge approval of Senate Bill No. 20, The Environmental Quality Act of 1971. Also Senate Bill No. 15, the Solid Waste Disposal Act of 1971. These petitions are signed by high school and university students from all over Washoe County.

We, the members of Inter-STOP, feel that the Environmental Quality Act is the most important environmental bill you, as senators, will encounter this legislative session. The act states a broad and general policy, from which other, more specific bills can be later formed. Let me go over the policy with you and show you what it will mean.

Section 3.1 Nevada is fortunate in that we do have a relatively high quality environment. However, there are many major threats to our high quality. The Truckee Meadows and Las Vegas areas are beginning to SEE the air pollution. The Truckee, Carson and Colorado Rivers; Lake Tahoe; and Lake Mead are having to contend with wastes filtering back into the water from inadequate sewage treatment. Before the damage becomes irreversible, we MUST put a stop to the causes of pollution and start rehabilitation. We, the students To Oppose Pollution feel that under the policy of the bill before you, the state would be able to take the steps necessary to keep our high quality environment.

Section 3.2 reads, "Take all action necessary..." This is a very big statement. Under the policy of Senate Bill No. 20, almost any law could be passed to protect the environment and eventually our, and our children's lives as long as sufficient proof could be shown as to the necessity of the law. Since we have to live with our environment, this kind of action is a MUST. The action necessary to keep the kind of environment we want will place more responsibility on the people. The public has to think of what will affect their actions today will have on the environmental quality tomorrow.

Section 3.3 The Nevada Fish and Game Commission are already utilizing all the manpower they have to preserve our wildlife. Section 3.3 would enable the government to pass more laws for the protection of endangered species. Which must be protected!

Section 3.4 The long term protection of the environment must be the guiding criterion for public decisions! Local and state officials must be more ecologically informed. This part of the bill will guide elective officials to the right results. Section 3.4 of the

(Cont'd.)

14

bill will mean that foresight will have to be used and studies will have to be made which takes both time and money. We, the members of Inter-STOP ask that you do spend the time and money to save Nevada for US!

Section 3.5 As of now we do not think man knows what conditions are harmonious to man and nature. However, we do know that the way we are presently living is harmonious to neither. Therefore, the only thing to do if we are to breathe fresh air and see flowers growing in a meadow is to strive for harmonious conditions. The environmental Auality Act of 1971 would lay the groundwork for ecological balance.

Section 3.6 Inter-STOP feels that this is one of the key provisions of Senate Bill No. 20. We ask that the agencies that will come under the Environmental Quality Act work under the strict standards and procedures which are necessary to protect the quality of the environment.

Now we come to the most important point of the policy of Senate bill No. 20, Section 3.7. Under this provision, government agencies will no longer be able to dig up the earth of the State of Nevada, chop down the trees of the State of Nevada, and usurp the water of the State of Nevada with only a flimsy promise that the agency is taking these actions for the good of the state. The agencies will have to show concrete evidence as to the positive effects of their work as well as showing what negative effect their work will have on the environment, now and in the future.

In conclusion, we of Inter-STOP would like to say that the Environmental Quality Act has a good, broad policy covering all types of pollution and we hope that the Environmental Quality Act of 1971 will be used as a guide for setting up more specific bills.

We, the members of Inter-STOP, as residents of Nevada, most of whom within the biennium, will be voting residents, sincerely request that we may have the privilege of being handed a clean and ecologically sound environment.

STATEMENT TO THE NEVADA STATE SENATE COMMITTEE ON ECOLOGY
re S. B. 15 - Solid Waste Management and Control

I am Mrs. Janet MacEachern, representing the League of Women Voters of Nevada. We support legislation providing for control and management of solid waste, designating an agency to have responsibility, and establishing necessary procedures for enforcement. We support the permit provisions of S. B. 15, but we think the bill is not sufficient in scope to meet the problems of managing solid waste in Nevada.

We recommend a much broader law be written that would include the following essential features:

1. Adoption of a state policy and purpose to effectively manage solid waste.

2. Clear-cut definitions of terms. Solid waste should be defined as garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from industrial, commercial, agricultural and residential activities. Solid waste management should also be defined, and should include the entire process of storage, collection, transportation, processing and disposal of solid wastes by any person engaging in such process as a business, or any municipality, authority, county or any combination thereof.

3. ~~Change~~ A State Agency should be designated as having the authority and responsibility for the administration of the State's solid waste program. The League's preference is the establishment of an Environmental Protection Department because we believe this is as necessary in Nevada as it has proved to be at the Federal level. The real question is not whether or not such a department will be established, but when it will be established. The important thing today, however, is to get on with the job of protecting our environment.

4. The State Agency should have sufficient authority to accomplish its task. Such authority should include:

- a. Development of a statewide plan for solid waste management to include an inventory of quantity and type of materials.
- b. Authority to co-operate with Federal, State and Local agencies.
- c. Authority to secure Federal funds.
- d. Authority to adopt rules, regulations, standards, and procedures as necessary to accomplish the purpose of this act.
- e. Provide technical assistance to local governments.
- f. Require and issue permits and orders, and conduct inspections.
- g. Bring necessary enforcement actions, including enforcement of requirements of local governments.
- h. Authority to approve or disapprove of local government plans for solid waste management.

5. Local governments should be required to develop a plan approvable by the State and should be required to meet all State regulations. They should be permitted to establish more stringent regulations if they decide it is necessary.

6. Local governments should be permitted and encouraged to develop regional approaches to solid waste management.

7. Enforcement procedures should be established in the law and should include injunctive powers.

8. Penalties should be established. These should be civil rather than criminal and should be sufficient to discourage violations of regulations.

9. The State of Pennsylvania has recently adopted a solid waste law which is considered very good. League would endorse a law for Nevada patterned after the Pennsylvania law.

We are happy to see the Legislature taking an interest in enacting solid waste management legislation. For the record, we have been informed by more than one senator that a more comprehensive bill, embodying a combination of recommendations from State and Clark County Health Departments, other states, and those made by the League is to be offered for consideration. We hope you will reserve judgement on solid waste management and control until you receive this bill.

Thank you very much for the opportunity to be heard.

#

LEAGUE OF WOMEN VOTERS OF NEVADA
February 2, 1971

17

STATEMENT TO THE NEVADA STATE SENATE COMMITTEE ON ECOLOGY
re S. B. 20 - Environmental Quality Act of 1971

I am Mrs. Linda O'Malia of the League of Women Voters of Reno/
Sparks/Carson City. I am speaking today for the League of Women
Voters of Nevada.

The League is gratified to see a bill introduced which sets forth
State policy regarding the environmental quality of Nevada. It is
additionally pleased that S. B. 20 recognizes and incorporates some of
the recommendations made by the Governor's Natural Resource Council in
its report, Preserving Nevada's Environmental Quality. One of the goals
stressed was the need for a state plan setting forth uniform goals and
policies on the environment and environmental quality.

We of the League commend the sponsors of this bill for all the
action it implies--"develop and maintain" - "take all action necessary"-
"prevent" - "insure" - "create" - "require".

We also note that this bill closely follows, and is consistent with,
the Federal Environmental Quality Act passed last year. This can only
emphasize and enhance both documents.

In order to strengthen uniformity in state policy, this bill
reaches local governments, some of whom have already begun to improve
the environmental quality of their areas. It is fitting that state
government direct all areas to consider this matter.

The League of Women Voters, starting with studies of water and
water quality, has continued in the area of combating air pollution
and the problems of solid waste disposal. One of the conclusions the
League has reached is that laws regarding the environment must be uni-
form throughout the State, and those laws cannot be written correctly
and with impact until a State policy is promulgated.

S. B. 20, in our estimation, fulfills that requirement. We urge
this Committee to recommend a "Do Pass."

Thank you for allowing us to appear before you.

#