

SENATE ECOLOGY COMMITTEE

Minutes of Meeting --- February 4, 1971

Committee members present:

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

" " absent:

Also present were:

Elmo DeRicco
 Roland D. Westergard
 Ernest Gregory
 Dr. Andrew Burnett
 Bob Hendrix
 Carl F. Dodge
 J.B. Cunningham
 Virginia Vogel
 Mary Ann Vogel
 W.M. Picksley
 Glen Griffith
 Paul Gemmill
 Daryl Capurro
 Robert F. Guinn
 Royal Crook
 Larry Dwyer
 Robin Tausch
 Betty L. Victoria
 Samuel Houghton
 Eileen Hinson
 Tod Bedrosian
 Joan Reid
 Genevieve Pieretti
 Tina Nappi
 R.S. Workman
 Helen Day
 George Evans
 Janet Mac Eachern
 George Frey
 James Creedon
 Dale Kelly
 Tom Jesch
 Terry Betz
 Sue Polland
 Bob Lusk
 Tom Gonyer
 Roberta Bristol
 Dan English
 Sonia DeHart
 Edward S. Parsons

Dept. Conservation & Natural Res.
 State Engineer
 Dept. of Health, Welfare & Rehab.
 Nevada Wildlife Federation
 Nevada Farm Bureau
 Senator
 State Assn. of County Commissioner
 Lahontan Audubon Society
 " " "
 " " "
 Dept. of Fish & Game
 Nevada Mining Association
 Nev. Motor Transport Assn.
 " " " "
 Nevada Farm Bureau
 Sierra Club
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 " "
 A.A.U.W.
 University of Nevada
 L.W.V.
 L.V.W.
 L.V.W.
 Farmer-Stockman
 D.A.R. & Audubon Society
 Carson City Resident
 L.W.V.
 Farmer-Stockman
 S.T.O.P.
 " "
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 " "
 " "
 T.W.A.
 U.N. Student
 Reno Resident
 U.N. Student
 Genoa-Nevada- Outdoor Rec. Assn.
 Architect

Chairman Wilson called the meeting to order at 1:48 p.m.

He announced that hearings on S.B. 15 and S.B. 20 would be held simultaneously today. He explained that committee members would have to return to the Senate Chambers for an afternoon session at 2:00 p.m. at which time the hearing would be recessed until the Senate adjournment.

He then called on Mr. Elmo DeRicco to testify.

Mr. DeRicco, Director of the State Department of Conservation and Natural Resources, stated: In view of the reaction to my statement day before yesterday, (see copy with Feb. 2 minutes), I felt I better stand by.

Mr. DeRicco then read a prepared statement. (Copy attached)

Chairman Wilson thanked Mr. DeRicco and asked that he return for further discussion following recess which was then called at 1:57.

The meeting was reopened at 2:28 p.m.

Chairman Wilson asked Mr. DeRicco if he cared to make any remarks in respect to S.B. 20.

Mr. DeRicco replied: I think those were fairly well covered at the last meeting. I think the only question we brought up was concerning possible fragmentation of, or consideration of, the environmental picture, if of course, we treat these items individually. The other, was the definition of the solid waste problem.

Chairman Wilson asked Roland Westergard, State Engineer, if he cared to make any remarks regarding S.B. 20.

Mr Westergard replied: No sir, but I will be happy to respond to any questions.

Senator Young asked Mr. DeRicco: What is the legal basis for the Governor's Resource Council? Does it have any staff that would be able to do collating, collecting, etc.?

Mr. DeRicco: The Governor plans to establish the council by executive order. It will not have a staff, because right in his message, I think he stated: I do not believe we are ready for a new state agency in this field. Senator, you've been very close to development, preserving Nevada's environmental qualities... I would anticipate that the council will work in a similar fashion except under a much stronger direction. He (Governor) will pick his key agency people in the state government to form a council. That council will have a specific role as indicated in his message, plus additional matters about it.

Address Reply to
Nye Building
Telephone 882-7482



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STATE OF NEVADA

Department of Conservation and Natural Resources

OFFICE OF THE DIRECTOR

CARSON CITY, NEVADA 89701

February 4, 1971

MEMORANDUM

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

FROM: Elmo J. DeRicco

SUBJECT: Senate Bill 20

After my testimony at your hearing on February 2, I received the impression from some of the members of the Committee that I opposed Senate Bill 20. This is definitely not the case. The Environmental Quality Act of 1971 is a needed document in our environmental pursuits. It is mandatory that the Governor's Environmental Council, and the Legislative Commission, under S.C.R. 3 receive the direction and goals advanced in this bill. "Preserving Nevada's Environmental Heritage", which was developed by the best entities in government, supported and encouraged passage of a measure such as this.

With these thoughts in mind, I would like to explore the contents of Senate Bill 20 in more detail than was possible on February 2.

SECTION 3: Paragraph 1 and 2 are well taken. The only limitation we may face is the immediate capability of state agencies to perform in achieving these goals. In addition, state agencies do not have authority over federally owned areas and areas of local government jurisdiction but our program could be coordinated with them, through the Governor's Environmental Council.

Paragraph 3 interpretation may be difficult. Strictly interpreted, it could require no human invasion of any area in the state which has not already been disturbed.

2.

Memorandum to The Hon. Thomas R.C. Wilson

February 4, 1971

Paragraph 4 must be considered as one of the prime guiding criterion which provides for the social and economic well-being of our public, but not necessarily the only criterion.

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Paragraph 5 provides a broad criterion which should be followed under any condition.

Paragraph 6 and 7. I would suggest that the Governor's Environmental Council be mentioned as the entity which will provide the coordination and uniform standards under which this requirement will be implemented.

SECTION 4: This section, as I interpret it, establishes each state agency, board, and commission as an environmental entity in its own right, without being responsible for their actions to any other entity in government. It does not specify the entity to which all reports must be submitted. I would suggest that Section 4 include the Governor's Environmental Council as the controlling entity in establishing criteria and standards that all agencies must abide by. This will provide uniformity in agency reports. This approach will not only provide a central entity through which all agencies must work, but will offer each agency the expertise of all other agencies in arriving at their result. It could eliminate much of the need for sophisticated environmental staffs in individual agencies. In addition, it will provide an entity which will be able to coordinate state effort with federal agencies and local governments.

I would also suggest that Sections 5, 6, 7, 8 and 9 be routed through the Governor's Environmental Council for implementation with a procedure similar to that suggested in Section 4.

The following is taken directly from the Governor's State of the State message:

Governor's Environmental Council

"Today there are a great many commissions and agencies attempting to provide solutions to environmental problems at every level of government. So many, in fact, that the inevitable has occurred. We can point to several examples of program duplication and lack of communication and cooperation on matters of mutual concern.

I do not believe we are ready for a new state agency in this field.

3.

Memorandum to The Hon. Thomas R. C. Wilson

February 4, 1971

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What we do need is a point of central coordination for all federal, state, and local environmental programs, and a vast improvement in the enforcement potential of regulatory agencies.

Therefore, I am establishing by Executive Order a Governor's Environmental Council to meet this genuine need.

Membership on the council will include representatives of state agencies whose programs bear directly on Nevada's environment. They would be backed up by an Advisory Committee composed of knowledgeable individuals from both the public and private sectors.

The goals of the council would be as follows:

- Develop uniform environmental standards in Nevada.
- Coordinate state, federal, and local agency efforts.
- Conduct a thorough evaluation of Nevada's environmental needs and make recommendations based upon the findings."

"Preserving Nevada's Environmental Heritage" was also an impossible, monumental task, which was completed by state agencies without additional staff or funds. With the dedication and determination demonstrated by these agencies in preparing "Preserving Nevada's Environmental Heritage", I am confident that together we can achieve the goals of Senate Bill 20.

You can appreciate that the Council will have a tremendous task in establishing uniform standards in our state, in addition to coordinating activities between state, federal, and local entities.

EJD:m



STATE OF NEVADA
DEPARTMENT OF HEALTH, WELFARE, AND REHABILITATION
DIVISION OF HEALTH
CARSON CITY, NEVADA 89701

February 4, 1971

MEMORANDUM

TO: Spike Wilson, Chairman
Ecology Committee

FROM: E. G. Gregory

SUBJECT: Federal Solid Wastes Control Legislation

Attached are copies of the federal act pertaining to the control of solid wastes. Your attention is directed to Sections 207 which provides for planning grants and 208 which provides for research and development grants. Particular attention should be given to Section 208 (c)(1)(A) and the requirement for a state plan.

There are federal funds available for planning.

Funds are available for research and development but are being withheld until guidelines for allocation to the states are developed. There is no indication at this time of the funding that will be authorized for Nevada for Research and Development (construction).

EKG:ve



Public Law 91-512
91st Congress, H. R. 11833
October 26, 1970

An Act

To amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Resource Recovery Act of 1970".

Resource Recovery Act of 1970.

TITLE I—RESOURCE RECOVERY

SEC. 101. Section 202(b) of the Solid Waste Disposal Act is amended to read as follows:

79 Stat. 997.
42 USC 3251.

"(b) The purposes of this Act therefore are—

"(1) to promote the demonstration, construction, and application of solid waste management and resource recovery systems which preserve and enhance the quality of air, water, and land resources;

"(2) to provide technical and financial assistance to States and local governments and interstate agencies in the planning and development of resource recovery and solid waste disposal programs;

84 STAT. 1227
84 STAT. 1228

"(3) to promote a national research and development program for improved management techniques, more effective organizational arrangements, and new and improved methods of collection, separation, recovery, and recycling of solid wastes, and the environmentally safe disposal of nonrecoverable residues;

"(4) to provide for the promulgation of guidelines for solid waste collection, transport, separation, recovery, and disposal systems; and

"(5) to provide for training grants in occupations involving the design, operation, and maintenance of solid waste disposal systems."

SEC. 102. Section 203 of the Solid Waste Disposal Act is amended by inserting at the end thereof the following:

Definitions.
42 USC 3252.

"(7) The term 'municipality' means a city, town, borough, county, parish, district, or other public body created by or pursuant to State law with responsibility for the planning or administration of solid waste disposal, or an Indian tribe.

"(8) The term 'intermunicipal agency' means an agency established by two or more municipalities with responsibility for planning or administration of solid waste disposal.

"(9) The term 'recovered resources' means materials or energy recovered from solid wastes.

"(10) The term 'resource recovery system' means a solid waste management system which provides for collection, separation, recycling, and recovery of solid wastes, including disposal of nonrecoverable waste residues."

SEC. 103. (a) Section 204(a) of the Solid Waste Disposal Act is amended to read as follows:

Research,
authority of
Secretary.
42 USC 3253.

"SEC. 204. (a) The Secretary shall conduct, and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies, and institutions, private agencies and institutions, and individuals in the

conduct of, and promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to—

- “(1) any adverse health and welfare effects of the release into the environment of material present in solid waste, and methods to eliminate such effects;
- “(2) the operation and financing of solid waste disposal programs;
- “(3) the reduction of the amount of such waste and unsalvageable waste materials;
- “(4) the development and application of new and improved methods of collecting and disposing of solid waste and processing and recovering materials and energy from solid wastes; and
- “(5) the identification of solid waste components and potential materials and energy recoverable from such waste components.”

Repeal.
79 Stat. 999.
42 USC 3253.
42 USC 3255,
3254.

(b) Section 204(d) of the Solid Waste Disposal Act is repealed.

SEC. 104. (a) The Solid Waste Disposal Act is amended by striking out section 206, by redesignating section 205 as 206, and by inserting after section 204 the following new section:

“SPECIAL STUDY AND DEMONSTRATION PROJECTS ON RECOVERY OF USEFUL ENERGY AND MATERIALS

“SEC. 205. (a) The Secretary shall carry out an investigation and study to determine—

84 STAT. 1228
84 STAT. 1229

“(1) means of recovering materials and energy from solid waste, recommended uses of such materials and energy for national or international welfare, including identification of potential markets for such recovered resources, and the impact of distribution of such resources on existing markets;

“(2) changes in current product characteristics and production and packaging practices which would reduce the amount of solid waste;

“(3) methods of collection, separation, and containerization which will encourage efficient utilization of facilities and contribute to more effective programs of reduction, reuse, or disposal of wastes;

“(4) the use of Federal procurement to develop market demand for recovered resources;

“(5) recommended incentives (including Federal grants, loans, and other assistance) and disincentives to accelerate the reclamation or recycling of materials from solid wastes, with special emphasis on motor vehicle hulks;

“(6) the effect of existing public policies, including subsidies and economic incentives and disincentives, percentage depletion allowances, capital gains treatment and other tax incentives and disincentives, upon the recycling and reuse of materials, and the likely effect of the modification or elimination of such incentives and disincentives upon the reuse, recycling, and conservation of such materials; and

“(7) the necessity and method of imposing disposal or other charges on packaging, containers, vehicles, and other manufactured goods, which charges would reflect the cost of final disposal, the value of recoverable components of the item, and any social costs associated with nonrecycling or uncontrolled disposal of such items.

Report to
President and
Congress.

The Secretary shall from time to time, but not less frequently than annually, report the results of such investigation and study to the President and the Congress.

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"(b) The Secretary is also authorized to carry out demonstration projects to test and demonstrate methods and techniques developed pursuant to subsection (a).

Demonstration projects.

"(c) Section 204 (b) and (c) shall be applicable to investigations, studies, and projects carried out under this section."

79 Stat. 998.
42 USC 3253.

(b) The Solid Waste Disposal Act is amended by redesignating sections 207 through 210 as sections 213 through 216, respectively, and by inserting after section 206 (as so redesignated by subsection (a) of this section) the following new sections:

82 Stat. 1013.
42 USC 3256-3259.

"GRANTS FOR STATE, INTERSTATE, AND LOCAL PLANNING

"Sec. 207. (a) The Secretary may from time to time, upon such terms and conditions consistent with this section as he finds appropriate to carry out the purposes of this Act, make grants to State, interstate, municipal, and intermunicipal agencies, and organizations composed of public officials which are eligible for assistance under section 701(g) of the Housing Act of 1954, of not to exceed 66 2/3 per centum of the cost in the case of an application with respect to an area including only one municipality, and not to exceed 75 per centum of the cost in any other case, of—

82 Stat. 530.
40 USC 461.
Cost limitation.

"(1) making surveys of solid waste disposal practices and problems within the jurisdictional areas of such agencies and

"(2) developing and revising solid waste disposal plans as part of regional environmental protection systems for such areas, providing for recycling or recovery of materials from wastes whenever possible and including planning for the reuse of solid waste disposal areas and studies of the effect and relationship of solid waste disposal practices on areas adjacent to waste disposal sites,

84 STAT. 1229
84 STAT. 1230

3
4

"(3) developing proposals for projects to be carried out pursuant to section 208 of this Act, or

"(4) planning programs for the removal and processing of abandoned motor vehicle hulks.

"(b) Grants pursuant to this section may be made upon application therefor which—

"(1) designates or establishes a single agency (which may be an interdepartmental agency) as the sole agency for carrying out the purposes of this section for the area involved;

"(2) indicates the manner in which provision will be made to assure full consideration of all aspects of planning essential to areawide planning for proper and effective solid waste disposal consistent with the protection of the public health and welfare, including such factors as population growth, urban and metropolitan development, land use planning, water pollution control, air pollution control, and the feasibility of regional disposal and resource recovery programs;

"(3) sets forth plans for expenditure of such grant, which plans provide reasonable assurance of carrying out the purposes of this section;

"(4) provides for submission of such reports of the activities of the agency in carrying out the purposes of this section, in such form and containing such information, as the Secretary may from time to time find necessary for carrying out the purposes of this section and for keeping such records and affording such access thereto as he may find necessary; and

"(5) provides for such fiscal-control and fund-accounting procedures as may be necessary to assure proper disbursement of and accounting for funds paid to the agency under this section.

in.

"(c) The Secretary shall make a grant under this section only if he finds that there is satisfactory assurance that the planning of solid waste disposal will be coordinated, so far as practicable, with and not duplicate other related State, interstate, regional, and local planning activities, including those financed in part with funds pursuant to section 701 of the Housing Act of 1954.

82 Stat. 526.
40 USC 461.

"GRANTS FOR RESOURCE RECOVERY SYSTEMS AND IMPROVED SOLID WASTE DISPOSAL FACILITIES

"Sec. 208. (a) The Secretary is authorized to make grants pursuant to this section to any State, municipal, or interstate or intermunicipal agency for the demonstration of resource recovery systems or for the construction of new or improved solid waste disposal facilities.

"(b) (1) Any grant under this section for the demonstration of a resource recovery system may be made only if it (A) is consistent with any plans which meet the requirements of section 207(b)(2) of this Act; (B) is consistent with the guidelines recommended pursuant to section 209 of this Act; (C) is designed to provide area-wide resource recovery systems consistent with the purposes of this Act, as determined by the Secretary, pursuant to regulations promulgated under subsection (d) of this section; and (D) provides an equitable system for distributing the costs associated with construction, operation, and maintenance of any resource recovery system among the users of such system.

Federal
share,
limitation.

"(2) The Federal share for any project to which paragraph (1) applies shall not be more than 75 percent.

"(c) (1) A grant under this section for the construction of a new or improved solid waste disposal facility may be made only if—

84 STAT. 1230
84 STAT. 1231

"(A) a State or interstate plan for solid waste disposal has been adopted which applies to the area involved, and the facility to be constructed (i) is consistent with such plan, (ii) is included in a comprehensive plan for the area involved which is satisfactory to the Secretary for the purposes of this Act, and (iii) is consistent with the guidelines recommended under section 209, and

"(B) the project advances the state of the art by applying new and improved techniques in reducing the environmental impact of solid waste disposal, in achieving recovery of energy or resources, or in recycling useful materials.

"(2) The Federal share for any project to which paragraph (1) applies shall be not more than 50 percent in the case of a project serving an area which includes only one municipality, and not more than 75 percent in any other case.

Regulations.

"(d) (1) The Secretary, within ninety days after the date of enactment of the Resource Recovery Act of 1970, shall promulgate regulations establishing a procedure for awarding grants under this section which—

"(A) provides that projects will be carried out in communities of varying sizes, under such conditions as will assist in solving the community waste problems of urban-industrial centers, metropolitan regions, and rural areas, under representative geographic and environmental conditions; and

"(B) provides deadlines for submission of, and action on, grant requests.

"(2) In taking action on applications for grants under this section, consideration shall be given by the Secretary (A) to the public benefits to be derived by the construction and the propriety of Federal aid in making such grant; (B) to the extent applicable, to the economic and commercial viability of the project (including contractual

arrangements with the private sector to market any resources recovered); (C) to the potential of such project for general application to community solid waste disposal problems; and (D) to the use by the applicant of comprehensive regional or metropolitan area planning.

"(e) A grant under this section—

"(1) may be made only in the amount of the Federal share of (A) the estimated total design and construction costs, plus (B) in the case of a grant to which subsection (b) (1) applies, the first-year operation and maintenance costs;

"(2) may not be provided for land acquisition or (except as otherwise provided in paragraph (1) (B) for operating or maintenance costs;

"(3) may not be made until the applicant has made provision satisfactory to the Secretary for proper and efficient operation and maintenance of the project (subject to paragraph (1) (B)); and

"(4) may be made subject to such conditions and requirements, in addition to those provided in this section, as the Secretary may require to properly carry out his functions pursuant to this Act.

For purposes of paragraph (1), the non-Federal share may be in any form, including, but not limited to, lands or interests therein needed for the project or personal property or services, the value of which shall be determined by the Secretary.

"(f) (1) Not more than 15 percent of the total of funds authorized to be appropriated under section 216(a) (3) for any fiscal year to carry out this section shall be granted under this section for projects in any one State.

Limitation.
Post, p. 1234.

"(2) The Secretary shall prescribe by regulation the manner in which this subsection shall apply to a grant under this section for a project in an area which includes all or part of more than one State.

Regulation.

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84 STAT. 1231
84 STAT. 1232

"RECOMMENDED GUIDELINES

"Sec. 209. (a) The Secretary shall, in cooperation with appropriate State, Federal, interstate, regional, and local agencies, allowing for public comment by other interested parties, as soon as practicable after the enactment of the Resource Recovery Act of 1970, recommend to appropriate agencies and publish in the Federal Register guidelines for solid waste recovery, collection, separation, and disposal systems (including systems for private use), which shall be consistent with public health and welfare, and air and water quality standards and adaptable to appropriate land-use plans. Such guidelines shall apply to such systems whether on land or water and shall be revised from time to time.

Publication in
Federal Register.

"(b) (1) The Secretary shall, as soon as practicable, recommend model codes, ordinances, and statutes which are designed to implement this section and the purposes of this Act.

"(2) The Secretary shall issue to appropriate Federal, interstate, regional, and local agencies information on technically feasible solid waste collection, separation, disposal, recycling, and recovery methods, including data on the cost of construction, operation, and maintenance of such methods.

"GRANTS OR CONTRACTS FOR TRAINING PROJECTS

"Sec. 210. (a) The Secretary is authorized to make grants to, and contracts with, any eligible organization. For purposes of this section the term 'eligible organization' means a State or interstate agency, a municipality, educational institution, and any other organization which is capable of effectively carrying out a project which may be funded by grant under subsection (b) of this section.

"Eligible
organization."

"(b) (1) Subject to the provisions of paragraph (2), grants or contracts may be made to pay all or a part of the costs, as may be determined by the Secretary, of any project operated or to be operated by an eligible organization, which is designed—

"(A) to develop, expand, or carry out a program (which may combine training, education, and employment) for training persons for occupations involving the management, supervision, design, operation, or maintenance of solid waste disposal and resource recovery equipment and facilities; or

"(B) to train instructors and supervisory personnel to train or supervise persons in occupations involving the design, operation, and maintenance of solid waste disposal and resource recovery equipment and facilities.

"(2) A grant or contract authorized by paragraph (1) of this subsection may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it provides for the same procedures and reports (and access to such reports and to other records) as is required by section 207(b) (4) and (5) with respect to applications made under such section.

Ante, p. 1230.

Study.

"(c) The Secretary shall make a complete investigation and study to determine—

"(1) the need for additional trained State and local personnel to carry out plans assisted under this Act and other solid waste and resource recovery programs;

"(2) means of using existing training programs to train such personnel; and

"(3) the extent and nature of obstacles to employment and occupational advancement in the solid waste disposal and resource recovery field which may limit either available manpower or the advancement of personnel in such field.

84 STAT. 1232
84 STAT. 1233

Report to
President
and Congress.

He shall report the results of such investigation and study, including his recommendations to the President and the Congress not later than one year after enactment of this Act.

"APPLICABILITY OF SOLID WASTE DISPOSAL GUIDELINES TO EXECUTIVE AGENCIES

"SEC. 211. (a) (1) If—

80 Stat. 379.

"(A) an Executive agency (as defined in section 105 of title 5, United States Code) has jurisdiction over any real property or facility the operation or administration of which involves such agency in solid waste disposal activities, or

"(B) such an agency enters into a contract with any person for the operation by such person of any Federal property or facility, and the performance of such contract involves such person in solid waste disposal activities,

Compliance.

then such agency shall insure compliance with the guidelines recommended under section 209 and the purposes of this Act in the operation or administration of such property or facility, or the performance of such contract, as the case may be.

"(2) Each Executive agency which conducts any activity—

"(A) which generates solid waste, and

"(B) which, if conducted by a person other than such agency, would require a permit or license from such agency in order to dispose of such solid waste,

shall insure compliance with such guidelines and the purposes of this Act in conducting such activity.

"(3) Each Executive agency which permits the use of Federal property for purposes of disposal of solid waste shall insure compliance

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with such guidelines and the purposes of this Act in the disposal of such waste.

"(4) The President shall prescribe regulations to carry out this subsection.

Presidential regulations.

"(b) Each Executive agency which issues any license or permit for disposal of solid waste shall, prior to the issuance of such license or permit, consult with the Secretary to insure compliance with guidelines recommended under section 209 and the purposes of this Act.

"NATIONAL DISPOSAL SITES STUDY

"Sec. 212. The Secretary shall submit to the Congress no later than two years after the date of enactment of the Resource Recovery Act of 1970, a comprehensive report and plan for the creation of a system of national disposal sites for the storage and disposal of hazardous wastes, including radioactive, toxic chemical, biological, and other wastes which may endanger public health or welfare. Such report shall include: (1) a list of materials which should be subject to disposal in any such site; (2) current methods of disposal of such materials; (3) recommended methods of reduction, neutralization, recovery, or disposal of such materials; (4) an inventory of possible sites including existing land or water disposal sites operated or licensed by Federal agencies; (5) an estimate of the cost of developing and maintaining sites including consideration of means for distributing the short- and long-term costs of operating such sites among the users thereof; and (6) such other information as may be appropriate."

Report to Congress.

(c) Section 215 of the Solid Waste Disposal Act (as so redesignated by subsection (b) of this section) is amended by striking out the heading thereof and inserting in lieu thereof "GENERAL PROVISIONS"; by inserting "(a)" before "Payments"; and by adding at the end thereof the following:

Ante, p. 1229.

84 STAT. 1233
84 STAT. 1234

"(b) No grant may be made under this Act to any private profit-making organization."

Grants, prohibition.
Appropriation.

Sec. 105. Section 216 of the Solid Waste Disposal Act (as so redesignated by section 104 of this Act) is amended to read as follows:

"Sec. 216. (a) (1) There are authorized to be appropriated to the Secretary of Health, Education, and Welfare for carrying out the provisions of this Act (including, but not limited to, section 208), not to exceed \$41,500,000 for the fiscal year ending June 30, 1971.

"(2) There are authorized to be appropriated to the Secretary of Health, Education, and Welfare to carry out the provisions of this Act, other than section 208, not to exceed \$72,000,000 for the fiscal year ending June 30, 1972, and not to exceed \$76,000,000 for the fiscal year ending June 30, 1973.

"(3) There are authorized to be appropriated to the Secretary of Health, Education, and Welfare to carry out section 208 of this Act not to exceed \$80,000,000 for the fiscal year ending June 30, 1972, and not to exceed \$140,000,000 for the fiscal year ending June 30, 1973.

"(b) There are authorized to be appropriated to the Secretary of the Interior to carry out this Act not to exceed \$8,750,000 for the fiscal year ending June 30, 1971, not to exceed \$20,000,000 for the fiscal year ending June 30, 1972, and not to exceed \$22,500,000 for the fiscal year ending June 30, 1973. Prior to expending any funds authorized to be appropriated by this subsection, the Secretary of the Interior shall consult with the Secretary of Health, Education, and Welfare to assure that the expenditure of such funds will be consistent with the purposes of this Act.

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Program
evaluation.

"(c) Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation for grants, contracts, or other payments under any provision of this Act for any fiscal year beginning after June 30, 1970, shall be available for evaluation (directly, or by grants or contracts) of any program authorized by this Act.

Funds,
availability.

"(d) Sums appropriated under this section shall remain available until expended."

TITLE II—NATIONAL MATERIALS POLICY

Citation
of title.

SEC. 201. This title may be cited as the "National Materials Policy Act of 1970".

SEC. 202. It is the purpose of this title to enhance environmental quality and conserve materials by developing a national materials policy to utilize present resources and technology more efficiently, to anticipate the future materials requirements of the Nation and the world, and to make recommendations on the supply, use, recovery, and disposal of materials.

National
Commission
on Materials
Policy.
Establishment.
Membership.

SEC. 203. (a) There is hereby created the National Commission on Materials Policy (hereafter referred to as the "Commission") which shall be composed of seven members chosen from Government service and the private sector for their outstanding qualifications and demonstrated competence with regard to matters related to materials policy, to be appointed by the President with the advice and consent of the Senate, one of whom he shall designate as Chairman.

Travel
expenses, etc.
84 STAT. 1234
84 STAT. 1235
Study.

(b) The members of the Commission shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Commission.

SEC. 204. The Commission shall make a full and complete investigation and study for the purpose of developing a national materials policy which shall include, without being limited to, a determination of—

(1) national and international materials requirements, priorities, and objectives, both current and future, including economic projections;

(2) the relationship of materials policy to (A) national and international population size and (B) the enhancement of environmental quality;

(3) recommended means for the extraction, development, and use of materials which are susceptible to recycling, reuse, or self-destruction, in order to enhance environmental quality and conserve materials;

(4) means of exploiting existing scientific knowledge in the supply, use, recovery, and disposal of materials and encouraging further research and education in this field;

(5) means to enhance coordination and cooperation among Federal departments and agencies in materials usage so that such usage might best serve the national materials policy;

(6) the feasibility and desirability of establishing computer inventories of national and international materials requirements, supplies, and alternatives; and

(7) which Federal agency or agencies shall be assigned continuing responsibility for the implementation of the national materials policy.

(b) In order to carry out the purposes of this title, the Commission is authorized—

October 26, 1970

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Pub. Law 91-512

84 STAT., 1235

(1) to request the cooperation and assistance of such other Federal departments and agencies as may be appropriate;

Agency
cooperation.

(2) to appoint and fix the compensation of such staff personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of such title relating to classification and General Schedule pay rates; and

Personnel.

(3) to obtain the services of experts and consultants, in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed \$100 per diem.

80 Stat. 443,
467.
5 USC 5101,
5331.

(c) The Commission shall submit to the President and to the Congress a report with respect to its findings and recommendations no later than June 30, 1973, and shall terminate not later than ninety days after submission of such report.

Experts and
consultants.
80 Stat. 416.
Report to
President and
Congress.
Termination.
Agency
assistance.

(d) Upon request by the Commission, each Federal department and agency is authorized and directed to furnish, to the greatest extent practicable, such information and assistance as the Commission may request.

SEC. 205. When used in this title, the term "materials" means natural resources intended to be utilized by industry for the production of goods, with the exclusion of food.

"Materials."

SEC. 206. There is hereby authorized to be appropriated the sum of \$2,000,000 to carry out the provisions of this title.

Appropriation.

Approved October 26, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-1155 (Comm. on Interstate and Foreign Commerce) and No. 91-1579 (Comm. of Conference).

SENATE REPORT No. 91-1034 accompanying S. 2005 (Comm. on Public Works). CONGRESSIONAL RECORD, Vol. 116 (1970):

June 23, considered and passed House.

July 31, Aug. 3, considered and passed Senate, amended in lieu of S. 2005.

Oct. 7, Senate agreed to conference report.

Oct. 13, House agreed to conference report.



STATE OF NEVADA
DEPARTMENT OF HEALTH, WELFARE, AND REHABILITATION
DIVISION OF HEALTH
CARSON CITY, NEVADA 89701

February 4, 1971

MEMORANDUM

TO: Spike Wilson
FROM: E. G. Gregory
SUBJECT: Solid Waste Legislation

Attached are copies of the State Health Division's proposal
for solid waste legislation.

EGG/gm

Attachments

SECTION 1. STATEMENT OF POLICY AND PURPOSES

- 1) The high level of production required to meet the varied needs of an expanding population and high standard of living has resulted in a sharp rise in the amount of waste materials discarded annually.
- 2) Inefficient and improper methods of waste disposal have caused an ever increasing pollution of our vital air, land and water resources threatening the utility of our resources and the quality of the environment in which we live. The problems of waste disposal endanger the public health, safety and welfare, create public nuisances, result in scenic blight and adversely affect land values.
- 3) The close interrelationship of air, land and water pollution requires concerted action to prevent the worsening of these problems. A problem in solid waste disposal will not be solved by creating air pollution, nor will a problem in air pollution be solved by intensifying the problems of water pollution. Immediate remedial action is needed to protect our valuable resources.
- 4) It is the purpose of this act to grant the necessary powers to organize a comprehensive program to enhance the quality, management and protection of the state's air and land resources. This will include the development of a statewide master plan for solid waste management.

SECTION 2. DEFINITIONS

- 1) "Solid Waste" means garbage, refuse and other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations, and from domestic use and public service activities, but does not include solids or dissolved material in waste water effluents or other common water pollutants.
- 2) "Garbage" means discarded materials resulting from the handling, processing, storage and consumption of food.
- 3) "Refuse" means combustible and noncombustible rubbish, including, but not limited to, paper, wood, metal, glass, cloth and products thereof; litter and street rubbish, ashes; and lumber, concrete and other debris resulting from the construction or demolition of structures.

- 4) "Solid Waste Disposal" means the collection, storage treatment, utilization, processing or final disposal of solid waste.
- 5) "Solid Waste Disposal Sites and Facilities" includes commercial and municipal establishments such as, without limitation because of enumeration, dumps, incinerator sites, auto junkyards and scrap metal salvage yards.
- 6) "Environmental Pollution" means the contaminating or rendering unclean or impure the air, land or waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal, or plant life.

SECTION 3. POWERS AND DUTIES

1) The Health Division or Health Authority shall:

a) Prepare, adopt and revise from time to time minimum standards for location, design, construction, sanitation operation, maintenance and discontinuance of the operation of solid waste disposal sites and facilities.

b) Adopt such rules and regulations relating to the operation, maintenance and discontinuance of the operation of solid waste disposal sites and facilities as it considers necessary to implement this statute.

c) Adopt such rules and regulations necessary to control littering on public and private lands.

2) The Health Division or Health Authority may:

a) Hold hearings relating to any aspect of the administration of this section and, in connection therewith compel the attendance of witnesses and the production of evidence.

b) Issue orders to effectuate the purposes of this section and enforce the same by all appropriate administrative and judicial proceedings.

c) Secure necessary scientific, technical, administrative and operational services including laboratory facilities, advise, consult, contract and cooperate with other agencies of state, local governments, industries and with interested persons or groups.

SECTION 4. REGISTRATION

- 1) No person, firm or corporation whether public or private may establish, maintain, conduct or operate a solid waste disposal site or facility without first registering the site or facility with the health authority.
- 2) No person, firm or corporation may discontinue operation of a solid waste disposal site or facility unless it notifies the health authority of the intent to do so.
- 3) Original applications for registration must be made on forms supplied by the health authority. No subsequent registration is required unless a new site or facility is established in which case a new application must be made.

SECTION 5. PERMITS

No person, firm or corporation shall construct, establish or operate a solid waste disposal operation without first obtaining a permit from the health division or health authority.

SECTION 6. INSPECTIONS

Any duly authorized officer, employee or representative of the health authority may enter and inspect any property, premise or place on or at which a solid waste disposal site or facility is located or is being constructed or installed, at any reasonable time in order to ensure compliance with the minimum standards, rules and regulations established under this statute.

SECTION 7. VIOLATIONS: Notice of violation of regulation: Contents; service on violator; reasonable time for compliance

1) When the county board of health, the district board of health or the state board of health has reasonable cause to believe that a person is violating any rule or regulation adopted pursuant to this statute, a notice of violation shall be served upon such person by registered or certified mail or personally. The notice of violation shall state:

a) With particularity, the act being done that constitutes the violation.

b) In its entirety, the certain rule or regulation being violated.

2) A reasonable time for compliance shall be allowed if a person receiving a notice of violation provides a written response within 10 days after receipt of the notice of violation setting forth the nature of and time needed for corrective action and makes such periodic reports as may be necessary to demonstrate reasonable progress toward final compliance.

SECTION 8. HEARINGS AND ORDERS: Request for hearing; determinations; cease and desist orders

1) Any person believing himself aggrieved by action of the state board of health, any county or district board of health may request, in writing, that the hearing board of the state, county or health district hold a hearing. Such hearing board, within 30 days after receipt of such request, shall hold a hearing to determine whether:

a) The act set forth in the notice of violation constitutes a violation of the rules or regulations adopted pursuant to this statute.

b) A variance is justified; and

c) A reasonable time has been allowed for compliance.

2) Upon making the determinations required by subsection 1, the hearing board may issue a cease and desist order. The order may be conditional and require a person to refrain from the particular act unless certain conditions are met.

Hearing boards: Meetings when requested by boards of health

A hearing board shall meet within 30 days after receipt of a request by the state board of health or the board of health of such county or health district.

Subpenas

The chairman or in his absence, the vice chairman of the environmental health hearing board or of a county or district environmental health hearing board may issue subpenas to compel attendance of any person at a hearing and require the production of books, records and other documents material to a hearing.

Decisions of hearing boards: Majority concurrence required; effective date

- 1) A majority of the total membership must concur in all decisions of any hearing board, and all decisions shall be in writing and of public record.
- 2) All decisions of a hearing board shall become effective not less than 30 days after they are issued unless:
 - a) A rehearing is granted which will have the effect of staying the decisions.
 - b) It is determined that an emergency exists which justifies an earlier effective date.

Cease and desist orders, variances: Revocation, modification only after hearing

A hearing board may revoke or modify a cease and desist order or a variance only after first holding a hearing of which at least 30 days' public notice has been given.

Injunctive relief upon failure to comply with cease and desist order

Upon the failure or refusal of a person to comply with a cease and desist order of a hearing board, an action may be filed in the district court of the county concerned to restrain and enjoin the person from engaging in further acts violating such order. The court shall proceed as in other actions for injunctions.

SECTION 9. JUDICIAL REVIEW: Judicial review of hearing board's decision; trial de novo; precedence

- 1) Any person aggrieved by a decision of a hearing board may, at any time within 30 days after the filing of the decision, petition the district court in and for a county involved in such decision or where such person resides or does business for review of the hearing board's decision. The review shall be by trial de novo.
- 2) Any hearing had in a district court pursuant to subsection 1 shall take precedence over all other matters in the court, with the exception of criminal matters.

SECTION 10. PENALTIES: Penalties for violation of regulations, enjoining, abatement of public nuisances; cumulative remedies

- 1) Any person, association, partnership or corporation that violates or fails to comply with any rule or regulation adopted pursuant to this statute is guilty of a misdemeanor. Each day of any such violation shall constitute a separate offense.
- 2) A violation of a rule or regulation adopted pursuant to this statute constitutes a public nuisance and may be enjoined or abated as provided by NRS 40.140.
- 3) All remedies provided for the enforcement of the rules and regulations adopted pursuant to this statute are cumulative and not exclusive.

SECTION 1. Chapter 445 of NRS is hereby amended by adding thereto the provisions set forth as section 2 to 13, inclusive, of this act.

SECTION 2. PURPOSE. It is the purpose of this act and it is hereby declared to be the policy of this state to regulate the collection and disposal of solid wastes in a manner that will (a) protect the public health and welfare; (b) prevent water pollution or air pollution; (c) prevent the spread of disease and the creation of nuisances; (d) conserve natural resources; and (e) enhance the beauty and quality of the environment.

SECTION 3. DEFINITIONS. As used in this act, unless the context otherwise requires:

- (1) "Board" means the State Board of Health;
- (2) "Department" means the State Department of Health, Welfare and Rehabilitation;
- (3) "Division" means the Health Division of the State Department of Health, Welfare and Rehabilitation;
- (4) "Health authority" means the officers and agents of the Health Division of the Department of Health, Welfare and Rehabilitation, or the officers and agents of the local boards of health;
- (5) The term "person" means any individual, corporation, company, firm, partnership, association, trust, state agency, government instrumentality or agency, institution, county, city, town or municipal authority or trust, venture, or other legal entity however organized;

(6) "Solid waste" means all putrescible and non-putrescible refuse in solid or semisolid form including, but not limited to, garbage, rubbish, ashes or incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid or semisolid commercial and industrial wastes and hazardous wastes including explosives, pathological wastes, chemical wastes, herbicide and pesticide wastes;

(7) "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;

(8) "Solid waste management system" means the entire process of storage, collection, transportation, processing, and disposal of solid wastes by any person engaging in such process as a business or by any municipality, authority, trust, county or by any combination thereof.

SECTION 4. ILLEGAL DUMPING OF SOLID WASTES. It shall be unlawful for any person to dump, deposit, throw or in any manner leave or abandon any solid waste, including but not limited to, garbage, tin cans, bottles, rubbish, refuse or trash on property owned by another person without the written permission of the owner or occupant of such property or on any public highway, street or road, upon public parks or recreation areas, or upon any other public property except that designated for such use.

SECTION 5. DEPARTMENT OF HEALTH, WELFARE AND REHABILITATION DESIGNATED STATE AGENCY FOR PARTICIPATION IN FEDERAL PROGRAM. The State Department Health, Welfare, and Rehabilitation is hereby designated the agency for all State purposes of the Federal Solid Waste Disposal Act (Public Law 89-272) as it exists or may be amended.

SECTION 6. RULES AND REGULATIONS. The Board of Health is directed and empowered to adopt and promulgate rules and regulations for the transportation of solid waste and disposal sites including, but not limited to, the disposal site location, construction, operation, and maintenance of the disposal site or disposal process as necessary to implement the purposes and intent of this act.

SECTION 7. POWERS AND DUTIES OF THE STATE HEALTH DIVISION.

The Division of Health shall have the following powers and duties:

(1) To advise, consult and cooperate with other agencies and instrumentalities of the state, other states and the Federal Government and with affected groups and industries in the formulation of plans and the implementation of the solid wastes disposal program.

(2) To accept and administer such loans and grants from the Federal Government and from other sources as may be available to the department for the planning, construction, and operation of solid wastes disposal facilities.

(3) Develop a statewide solid wastes management plant in cooperation with city and county governments. When feasible, emphasis shall be given to area-wide planning.

(4) To examine and approve plans and specifications for solid wastes disposal facilities and inspect construction and operation of solid wastes disposal sites and facilities.

(5) To issue, continue in effect, revoke, modify, or deny, under rules and regulations of the Board permits for the establishment, construction and the operation or maintenance of solid wastes disposal sites and facilities.

SECTION 8. MUNICIPAL SOLID WASTES MANAGEMENT SYSTEMS.

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(a) All incorporated cities may develop a plan to provide a solid wastes management system and shall adequately provide for the disposal of solid wastes generated or existing within the incorporated limits of such city or in the area to be served thereby. The governing body of a city may enter into agreements with a county or counties, with one or more cities, with private persons or trusts, or with any combination thereof, to provide a disposal site for a solid wastes management system for the city.

(b) The governing body of a city shall have the authority to levy and collect such fees and charges and require such licenses as may be appropriate to discharge their responsibility, and such fees, charges and licenses shall be based on a fee schedule as set forth in an ordinance.

(c) Cities may accept and disburse funds derived from grants from the Federal or State Governments or from private sources or from monies that may be appropriated from the General Fund, for the installation and operation of a solid waste management system, or any part thereof.

SECTION 9. COUNTY SOLID WASTES MANAGEMENT SYSTEMS.

(a) The Board of County Commissioners in each county of the state is authorized to provide a solid wastes management system to handle adequately solid wastes generated or existing within the boundaries of such county. By agreement or contractual arrangement the Board of County Commissioners may assume responsibility for solid wastes generated within incorporated cities or towns whether within their counties or other counties. The Board of County Commissioners of a county may enter into agreements with other counties, one or more towns or cities, governmental agencies, with private persons, trusts or with any combination thereof to provide a solid wastes management system for the county or any portion thereof.

(b) The county commissioners shall have the authority to levy and collect such fees, charges and require such licenses as may be appropriate to discharge their responsibility for a solid wastes management system or any portion thereof. Such fees, charges and licenses shall be based on a fee schedule contained in an official resolution of the Board of County Commissioners.

(c) The Board of County Commissioners may accept and disburse funds derived from Federal or State grants or from private sources or from monies that may be appropriated from the General Fund for the installation and operation of a solid wastes management system.

(d) The Board of County Commissioners is authorized to contract for the lease or purchase of land, facilities and vehicles for the operation of a solid wastes management system either for the county or as a party to regional solid wastes authority.

(e) The Board of County Commissioners of a county shall have the right to establish policies for the operation of a solid waste management system including hours of operation, character and kind of wastes accepted at the disposal site, and such other rules as may be necessary for the safety of the operating personnel.

SECTION 10. PERMIT REQUIRED. After adoption of the rules and regulations as provided in Section 6 hereof and a reasonable time fixed by the Board of Health for compliance therewith, no person shall dispose of solid wastes at any site or facility other than a site or facility for which a permit for solid waste disposal has been issued by a Health Authority, except that no provision of this act shall be construed so as to prevent a person from disposing of solid waste from his own household or farmstead upon his own land provided such disposal does not create

a nuisance or a hazard to the public health or does not violate a city ordinance.

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SECTION 11. INJUNCTION. In addition to any other remedies provided in this act, the State Health Officer may institute proceedings in the District Court having jurisdiction in the area where the alleged violation occurs seeking an injunction to restrain a violation of this act or the rules, regulations or standards adopted thereunder and to restrain the maintenance of a public nuisance.

SECTION 12. PENALTIES. Any person who violates any of the provisions of this act or the rules, regulations or standards promulgated by the Board of Health shall be guilty of a misdemeanor and upon conviction thereof shall be subject to imprisonment in the county jail for not more than thirty (30) days, or a fine of not more than Two Hundred Dollars (\$200.00), or by both such fine and imprisonment. Each day or part of a day during which such violation is continued or repeated shall constitute a separate offense.

SECTION 13. SEVERABILITY. The provisions of this act are severable and if any part or provision hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.