

SENATE ECOLOGY COMMITTEE

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Minutes of Meeting --- February 9, 1971

Committee members present:

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

Also present were:

Richard G. Miller	Wahhoe Valley Resident
Ray Kniseley	Nevada Farm Bureau
Dr. Andrew Burnett	Nevada Wildlife Federation
Richard G. Campbell	Sierra Pacific Power Co.
Rowland Oakes	Associated General Contractors
Ray	Tahoe Regional Planning Comm.
Gwen LeVasseur	Students To Oppose Pollution
Denise Daily	" " " "
Tom Jesch	" " " "
Fula Forst	League of Women Voters
Joan Reid	" " " "
Mildred Pressman	" " " "
Len Harris	State Senator
Dr. John Homer	State Assemblyman
Carl Dodge	State Senator
Tony Victoria	Audubon Society
Robin Taresch	Sierra Club
Dallis J. Pierson	Nevada T.B. & Health Assn.
R.S. Leighton	Sierra Pacific Power Co.
Joe Midmore	
E.J. Francy	Henderson
Gordon Nicholson	Sparks High School
Louis Lol	" " "
Irene Renucci	" " "
Janet Ladd	" " "
Barbara Gruenwald	Sparks Resident
Roy M. Whitacre	" "
Tod Bedrosian	University of Nevada
Wallie Warren	Reno Resident
Roberta Bristol	" "
J.W. Potts	" "
Lance VanLydegraf	" "
Betty Victoria	Sierra Club
Mrs. Alpha Fifer	D.K.G. Teacher

Members of the News Media

Chairman Wilson announced at 1:45 p.m. that there was lack of a quorum due to conflicting meeting schedules of other committee members and therefore the hearings were rescheduled to follow adjournment of the Senate.

Chairman Wilson called the meeting to order at 2:28 p.m. Several bills were under consideration:

SCR-8 Proposed by Senators Swobe, Dodge, Drakulich, Young, Harris, Wilson and Hug.
Directs Legislative commission to study Truckee River Basin.

39

Senator Swobe moved Do Pass, and amended the motion to the effect the bill be referred to the Legislative Functions Committee, seconded by Senator Titlow. Vote for passage was unanimous.

SB-118 Proposed by Senators Young, Hecht and Wilson.
Requires registration of manufacturing products; production materials and waste products where certain wastes discharged; provides for surveillance fees upon discharges.

SB-20 Proposed by Senators Young, Hecht, Swobe and Wilson.
Enacts Environmental Act of 1971.

Chairman Wilson directed attention to SB-20, noting previous hearings held on the bill on February 2nd and 4th were continuing.

Mr. Richard G. Miller of Washoe Valley informed the members that he was greatly interest in Nevada's environment and proposed various language changes for SB-20. (copy attached)

He also made reference to a 1969-70 study on litter problems in the State of Oregon and submitted a summary of conclusions and remedies of the problems in that state that might be applicable to ones in Nevada. (copy attached)

Mr. Rowland Oakes also spoke in regards to SB-20 and stressed his primary concern about the bill was that the language was too broad. He urged the members to reword the bill because he felt its terms could be misconstrued and adversely affect the operations of building contractors.

Chairman Wilson agreed that there was an apparent need to clarify the language of this bill and after various changes were discussed by the members, counsel was directed to re-draft the bill. Consideration of the bill was continued to February 11th.

Mr. Miller also suggested changes should be made in the wordage of SB-118 and submitted copies of his proposal to the members. (Copy attached.)

Mr. Ray Knisely, representing the Nevada Farm Bureau; Dr. Andrew Burnett, representing the Nevada Wildlife Federation; and Mr. Richard Campbell, representing the Sierra Pacific Power Co., also spoke in regards to SB-118.

Chairman Wilson deferred action on this bill until February 11th.

SENATE BILL NO. 20—SENATORS YOUNG, HECHT,
SWOBÉ AND WILSON

JANUARY 20, 1971

Referred to Committee on Ecology

SUMMARY—Enacts Environmental Quality Act of 1971.
Fiscal Note: No. (BDR 40-254)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is
material to be omitted.

AN ACT relating to ecology; enacting the Environmental Quality Act of 1971;
requiring state and local officials to examine environmental effects of certain
programs; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. Chapter 445 of NRS is hereby amended by adding
- 2 thereto the provisions set forth as sections 2 to 9, inclusive, of this act.
- 3 SEC. 2. *Sections 2 to 9, inclusive, of this act may be cited as the*
- 4 *Environmental Quality Act of 1971.*
- 5 SEC. 3. *It is the policy of this state to:*
- 6 1. *Develop and maintain a high quality environment now and in the*
- 7 *future, and take all action necessary to protect, rehabilitate and enhance*
- 8 *the quality of the state's environment.*
- 9 2. *Take all action necessary to provide the people of this state with*
- 10 *clean air and water, enjoyment of esthetic, natural, scenic and historic*
- 11 *environmental qualities, and freedom from excessive noise.*
- 12 3. *Prevent the elimination of fish or wildlife species due to man's*
- 13 *activities, keep all fish and wildlife populations at a self-perpetuating level,*
- 14 *and preserve for future generations representations of all plant and animal*
- 15 *communities,*
- 16 4. *Insure that the long-term protection of the environment shall be*
- 17 *the guiding criterion in public decisions.*
- 18 5. *Create and maintain conditions under which man and nature can*
- 19 *exist in productive harmony to fulfill the social and economic require-*
- 20 *ments of present and future generations.*
- 21 6. *Require governmental agencies at all levels to develop standards*
- 22 *and procedures necessary to protect the quality of the environment.*
- 23 7. *Require governmental agencies at all levels to consider qualitative*
- 24 *factors as well as economic and technical factors and long-term benefits*

and enhancement
for support of life

and confusion, and
or visual intrusions (searchlights a
or reasonable carrying capacity of the habitat
and provide natural conditions of habitat
and natural areas in which they
can thrive and be sustained
and its life-support qualities
perpetuation of
each govt agency to develop such standards
practice performance in its work that no
adverse effects on the environment result from
functions.

[Strike qualitative phrase.]

1 and costs, in addition to short-term benefits and costs, and to consider
2 alternatives to proposed actions affecting the environment.

3 SEC. 4. Each agency, board and commission of the State of Nevada
4 shall include in any report of a proposed program ~~which could have a~~
5 ~~significant effect on the environment of the state~~ a detailed statement by
6 the chief officer of such agency, board or commission, setting forth:

- 7 1. The environment impact of the proposed action.
- 8 2. Any adverse environmental effects which cannot be avoided if the
9 program is implemented.
- 10 3. Mitigation measures proposed to minimize the impact.
- 11 4. Alternatives to the proposed action.
- 12 5. The relationships between local short-term uses of the environment
13 and enhancement of long-term productivity.
- 14 6. Any irreversible environmental changes which would be involved
15 in the proposed action if it is implemented.

16 SEC. 5. Whenever any state official is required to report on any proposed
17 federal project in this state which may have a significant effect on
18 the environment, such report shall contain a detailed statement concern-
19 ing those matters set forth in section 4 of this act.

20 SEC. 6. No agency, board or commission of the state shall request
21 funds for any project, unless such project involves only planning, which
22 could have a significant effect on the environment unless such request is
23 accompanied by a detailed statement concerning those matters set forth in
24 section 4 of this act.

25 SEC. 7. Each agency, board or commission of the state shall review
26 all statutes, regulations, rules, policies and procedures which affect its
27 function and which appear to be contrary to the policy of sections 2 to 9,
28 inclusive, of this act, and shall propose to the governor and the legislature
29 prior to January 1, 1973, any changes required to enable such agency,
30 board or commission to comply with such policy.

31 SEC. 8. Any agency, board or commission responsible for allocating
32 state or federal funds to local governments for any program, unless such
33 program involves only planning, shall not allocate such funds until such
34 local government submits a detailed statement concerning those matters
35 set forth in section 4 of this act.

36 SEC. 9. Each local government shall conduct necessary environmental
37 impact studies and shall consider alternative methods for any program
38 carried out by it which may have a significant effect on the quality of the
39 environment.

Ecological (impact of the action or resultant devel-
opments
(2nd or 3rd stage) on environments protected
by statute.
2. & other

and show clearly what surrender of natural
values (in kinds and numbers of animals,
plants, amounts of habitat converted and
degree of change on streams, lakes
landscapes and other aspects of the
natural countryside, are required.

Projects involving only planning shall show
in the plans, and at the planning stage, what
aspects of change contrary to the policy
of Section 5 the subject plans will
require in effect.

or ecological
whether or not it currently appears to have
environmental concern.

Public hearings required and notice made there

No ordinance shall restrict the notice to property owners
affected to only those whose property lies within 300 ft
of site subject of the application or request but shall be
addressed to any party residing within sight or sound of the
proposed zoning change, special use permit, building permit
or variance, or in cases affecting flow of air or water,
any party or parties affected or who deem themselves affected

1 4. A certified copy of any rules or regulations specified in subsection
2 3 shall be received by all courts and administrative hearing bodies in this
3 state as prima facie evidence of such rules and regulations.

4 SEC. 2. This act shall become effective upon passage and approval.

LITTER IN OREGON

A 1969-70 STUDY

Summary of Conclusions:

1. There is a wide-spread problem of litter in the State of Oregon.
2. That abandoned automobiles do constitute part of the litter problem.
3. Antiquated solid waste disposal programs as practiced in many areas of the state contribute to the litter problem.
4. That solid waste disposal as a utility is inadequately funded.
5. That the magnitude of solid waste and litter result from a proliferation of packaging.
6. That neither government nor private enterprise is making a full effort to keep the environment clean.
7. That the private citizen is concerned with environmental problems and wants action and not promises.

Summary of Remedies:

1. Make it mandatory that all roadside abandoned vehicles will be picked up and impounded. Said vehicles to be disposed of as soon as possible, giving full consideration to the rights of ownership.
2. Require a deposit on all malt beverage and soft drink bottles and cans which are sold for off-premises consumption.
3. Make littering a bailable offense with a minimum fine in the same manner as certain motor vehicle violations are now bailable.
4. Provide revenue to local governments to partially pay the costs of pick-up and disposal of abandoned vehicles.
5. Provide a new source of revenue to assist local governments in solid waste disposal programs.

1 the department only for purposes of water pollution control. The depart-
2 ment shall provide proper and adequate facilities and procedures to safe-
3 guard the confidentiality of such information, except that confidentiality
4 shall not extend to waste products discharged into the waters of this state
5 or into any sewer system in this state.

6 SEC. 5. Operations of a business or industry which violate section 2
7 of this act may be enjoined on petition of the attorney general, upon the
8 recommendation of the department of health, welfare and rehabilitation,
9 to a court of proper jurisdiction.

10 SEC. 6. The department of health, welfare and rehabilitation shall
11 adopt rules and regulations as it deems necessary to effectuate the admin-
12 istration of sections 2 to 15, inclusive, of this act.

13 SEC. 7. A person requiring a new or substantial increase over and
14 above the present use now made of the waters of the state for sewage or
15 waste disposal purposes shall file with the department of health, welfare
16 and rehabilitation a written statement setting forth:

- 17 1. The nature of the enterprise or development contemplated;
- 18 2. The amount of water required to be used;
- 19 3. The source of such water;
- 20 4. The proposed point of discharge of the wastes into the waters of
- 21 the state or into a sewer system in the state;
- 22 5. The estimated amount of waste to be so discharged; and
- 23 6. A fair statement of the expected bacterial, chemical and other
- 24 known characteristics of the wastes.

25 Within 60 days of receipt of such statement the department shall issue a
26 statement setting forth such minimum restrictions as in the judgment of
27 the department may be necessary to guard adequately against violations
28 of the law as set out in NRS 445.010.

29 SEC. 8. Any person who complies with and conforms to any state-
30 ment issued by the department of health, welfare and rehabilitation under
31 section 7 of this act shall not be subject to the penalties of NRS 445.010.

32 SEC. 9. In order to provide for increased surveillance, monitoring,
33 investigation and other activities necessary to provide greater protection
34 of the quality of the waters of this state, an annual surveillance fee is
35 payable by a person, company, corporation, but not a municipality, dis-
36 charging wastes directly or indirectly into any waters of this state from
37 any manufacturing or other facility or any establishment. In any year, the
38 total surveillance fees assessed on discharges shall not exceed the total
39 amount appropriated to the department of health, welfare and rehabili-
40 tation and other appropriate state agencies for the surveillance, monitoring
41 and related activities necessary adequately to assess the impact of com-
42 mercial and industrial waste water discharges into waters of and sewers in
43 this state.

44 SEC. 10. The cost of necessary surveillance of municipal discharges
45 shall not be financed from revenues derived from surveillance fees but
46 may be provided otherwise by law.

47 SEC. 11. The annual surveillance fee shall be based upon an admin-
48 istrative fee of \$50 and an additional fee set by the department of health,
49 welfare and rehabilitation. The amount of the additional fee shall be

or incursion into existing levels of health
water condition or use in the community
not specifically protected by statute.

Why not: from fines for violation of this act.
define "indirectly"

1 determined on a graduated basis using the volume of discharge to deter-
2 mine a base fee, which shall be multiplied by a factor dependent upon the
3 strength of organic and inorganic waste constituents. The maximum
4 annual fee assessed upon any discharge which conforms to the standards
5 authorized in NRS 445.031 shall not exceed \$9,000 per manufacturing
6 location.

7 SEC. 12. Discharges into a municipal sewage system shall be assessed
8 only the \$50 administrative fee unless such discharge, after municipal
9 treatment, is or may become injurious to the waters of the state as set
10 forth in NRS 445.010, in which event the assessment will be based upon
11 the same considerations as if the discharge after treatment were being
12 discharged by the manufacturing facility or commercial establishment
13 directly into the waters of the state. The department of health, welfare
14 and rehabilitation shall adopt such rules as are necessary to implement
15 sections 11 and 12 of this act.

16 SEC. 13. On or before February 1 of each year the department of
17 health, welfare and rehabilitation shall inform each commercial and indus-
18 trial waste water discharger and the state treasurer of the annual surveil-
19 lance fee due from each plant location or major manufacturing component
20 and commercial enterprise as provided by department rules.

21 SEC. 14. On or before March 1 of each year a waste water discharger
22 shall pay to the state treasurer the amount of surveillance fee due and such
23 fee shall be deposited in the general fund of the state treasury. The state
24 treasurer shall annually report the total annual amount collected to the
25 governor and the legislative commission, which shall report such amount
26 to the legislature.

27 SEC. 15. Any person, except a municipality, who fails to comply with
28 the provisions of section 9, section 11 or section 12 of this act is guilty of
29 a misdemeanor and upon conviction thereof shall be punished by a fine
30 of not less than \$500.

operators of closed system recirculation
water coolant or other non dis-
charging nonconsumptive use shall
be relieved of fees on a pro rata
basis defined by ^{agency} regulation.
in such a way as to encourage
use of such nonconsumptive systems

(volume-based fees will cause
agency to encourage volume
increase. Is this a desirable
outcome?)

① Operators of closed system recirculation water coolant or other
nondischarging nonconsumptive use shall be relieved of fees on
a pro rata basis defined by agency regulation, in such a way
as to encourage use of such nonconsumptive systems

② (Volume-based fees will cause agency to encourage volume
increase. Is this a desirable outcome?)