

M I N U T E S -- 57th Session**Assembly**

ENVIRONMENT &amp; PUBLIC RESOURCES &amp; FISH AND GAME COMMITTEE-Room 131

February 7, 1973

|                  |                        |           |
|------------------|------------------------|-----------|
| Members Present: | Chairman Bremner       | Broadbent |
|                  | Vice-Chairman Crawford | Jacobsen  |
|                  | Ford                   | Lowman    |
|                  | Gojack                 | Smalley   |
|                  | Banner                 |           |

Members Absent: None

Guests: SEE ATTACHED LIST

The meeting was called to order at 8:05 a.m. by Chairman Bremner. This was the first public hearing held by the Environment and Public Resources Committee, which was held in room number 131. This hearing concerned Assembly Bill #98, which removes the provision prohibiting county-regulated, personal garbage hauling. \*

The chairman asked those who wanted to testify, to raise their hands and the committee secretary took their names and their position on A.B. 98.

Mr. Lew Dodgion, from the Nevada Health Division, testified for this bill, and confronted the committee first. His testimony is attached.

Donald Wiggin, a Sun Valley resident, was next to stand, and he just wanted to ask a question to Mr. Roy Pagni, who was representing county commissioners. Mr. Wiggin asked Mr. Pagni if he and the other commissioners had had time to study this bill and asked if they were opposed to it. Mr. Pagni answered that they did study it and he had a letter from the Board of County Commissioners, which contained unanimous vote opposing A.B. 98. That was all Mr. Wiggin had to say and then Mr. Roy Pagni presented this letter from the Board of County Commissioners to Chairman Bremner. He said that it is their feeling this bill is discriminatory against the people in this area. He said that they have enough laws in the books already about this type of situation and the Health Department has the power to cite those who cause health hazards. Mr. Pagni went on to say that the cost to enforce this was never taken into consideration and they are now over ten million dollars in the budget for wages for county employees. Mr. Pagni concluded in saying that we need more service and less laws.

Mr. John Meder was then called to testify. Mr. Meder, Executive Director of the County Commissioner's Association, testified against the bill.

\* see Ex. I

He had talked with the majority of the commissioners and they all agreed that if the intent of this bill is to make it optional for mandatory garbage service collection in unincorporated areas, then the bill should be reworded to specifically show this intention. If this is the intent, then Mr. Meder said that he has no objection to the bill - but only if this bill intends to make this optional and shows it in the bill. The definition of garbage and trash was brought up. He went on to say if the intent of this bill is to stop people from dumping in the streets or on his neighbors' yards, then this should also be reworded in the bill's statements. Over-all, he said, if this is not the intent of AB-98, then the Association is opposed.

Mr. William Bickerstaff, Assemblyman from Sun Valley, confronted the Committee with his testimony. He had comment on Mr. Dodgion's testimony about prevention of disease and health hazards caused by wastes. He said that in Sun Valley there is no disease, no litter or garbage alongside or on the roads. He did not feel that this bill shows the best interest in the public. He felt that a small portion of people made this law but a large amount of people will be affected by it. He felt that the cost of this garbage hauling service would be too much of a burden on most of the people of Sun Valley with low income. Mr. Bickerstaff mentioned that the passing of this bill will only cause more littering and indiscriminate garbage dumping. He concluded that when he toured the town, he found no disease or litter, or any indiscriminate dumping and health hazards, and went on to say that such a bill will cause law-abiding citizens to become unlaw-abiding.

Chairman Bremner requested someone from the Health Department to define the difference between garbage and trash since there seems to be misinterpretation of these two words. Mr. Lou Dodgion once again confronted the Committee and defined the two words. Definition as provided by the Statute of Solid Waste Act of Regulations and adopted by the State Board of Health on January 17, 1973 stated: Garbage is animal and vegetable waste resulting from the handling, storage, sale and preparation in cooking and serving of food. Trash would be papers, boxes and such. Mrs. Ford had a question about Mr. Meder's comment on the definition of garbage and trash. Mr. Dodgion answered that this Statute does not mean for garbage only and thought that if the people were forced to subscribe to the garbage hauling service, then there should be trash service provided also. This did not go over too well with the listeners.

Mr. Howard Clodfelter from the Washoe County District of Health Department spoke. He was for the bill, yet his Commission was unanimously against it, so he wanted to testify on his behalf. He talked about the Comprehensive Solid Waste Management Plan. This bill was not mandatory unless the county shows it needs it. This Plan, he said, was economical and was approved by the Board of Health. It can be changed from voluntary to mandatory only when a county feels this bill should be amended and only if the Commissioner decides it should be amended, which may be four years from now.

Mrs. Wilcox took the floor after Mr. Clodfelter. She mentioned that her trash only accumulates over a 6-week period and then she takes it to Mustang Dump. If this bill comes through, then she will have to lift garbage cans 100 feet to the roadside so it will be picked up. For a 65-year-old woman, that is hard. Also, she lives on social security - \$125 a month - which goes fast without having to pay for garbage collection.

Bob Bivin had a petition of 433 people's signatures opposing this bill. He said the bill was wrong in summary and that, in itself, is wrong and it shouldn't even go any further until corrected, or it should be thrown out and started over again.

Dr. Broadbent asked if Mr. Bivin dumped at Lockwood or Mustang. Mr. Bivin answered "both," and Dr. Broadbent proceeded to ask how much it cost him to dump at Lockwood in Storey County. Mr. Bivin stated a load from a 3/4 ton flat bed truck could be dumped for \$1.50. At the Mustang dump, it costs about \$1.00, but varies with the load.

Dr. Broadbent then directed a question to Mr. Clodfelter about the privately owned dumps and Mr. Clodfelter didn't see any reason why they couldn't be used, also. He was asked about regulations concerning the use of certain dumps from the county by Jean Ford. He answered that permits are required at times to be able to use a dump not in one's own county.

Edith Bivin came forth and presented Dr. Broadbent a letter. She stated that if the bill passes she thinks we will have more garbage in the hills, with mattresses, chairs, etc. She concluded that someone will have to pay for the hauling of the garbage in the hills eventually and it is going to end up being paid by the taxpayer.

Priscilla McBride was next to testify. Her main topic was Enforcement of the laws already in the books.

The next testimony was by Mr. Campbell, a Washoe Valley Landowner, speaking for a majority of the landowners out in Washoe Valley, who were opposed to the bill.

Mr. Robert Fink, Chairman of the Sun Valley Mobile Home and Property Owners Association, and speaking as a realtor also, felt that this bill has taken away an individual's right to keep his property clean and haul off his garbage in order to keep his property this way. He also brought up that there are regulations about covering one's garbage when hauling to the dump. Those who do not use covers over the garbage cause the garbage to blow out and litter the roads. He goes on record as opposed to the bill.

Another person opposed to the bill is Sarah Madden from Sun Valley, who is a retired woman with a small income. She testified that the passing of this bill would bring her to a decision whether she will pay the taxes and continue to live there or leave.

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Mrs. Christensen next had the floor and wanted to correct Mr. Pangi's said rates for hauling from \$4.50 to \$5.50.

With this previous price rate, Jean Ford asked the Commissioner if the franchises have the right to raise the rates like this, and was answered that they do have the right. (Monopoly is the word for it.)

Mrs. Christensen again rose and said that the commissioners have no control over this at all.

Wilma Sinfellow testified that a lot of the litter alongside the roads is caused by those from Reno and Sparks.

Toward the end of the hearing, Mrs. Ford asked about the Sanitary Land Fill in the dumps.

The meeting was adjourned at 9:05 A.M. by Chairman Bremner until the next meeting at 9:00 A.M. Friday, February 9, 1973.

Respectfully submitted,

Geanie Armstrong  
Assembly Attache

STATE OF NEVADA

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## ENVIRONMENT &amp; PUBLIC RESOURCES COMMITTEE

GUEST REGISTERDATE: February 7, 1973PLEASE PRINT

| NAME                 | REPRESENTING                              |
|----------------------|---|
| ERNIE GREGORY        | NEVADA DIVISION OF HEALTH                 |
| L.H. DODGION         | NEVADA DIVISION OF HEALTH                 |
| GENE CLOCK           | WASHOE VALLEY DISTRICT HEALTH DEPT.       |
| G. CLODFELTER        | WASHOE VALLEY DISTRICT HEALTH DEPT.       |
| D. WIGGIN            | SUN VALLEY RESIDENT                       |
| EDWARD E. INGALLS    | SUN VALLEY RESIDENT                       |
| JACK PECK            | SUN VALLEY RESIDENT                       |
| W.W. DAVIS           | CANYON LAND FILL AND SALVAGE              |
| JOHN MEDER           | EXECUTIVE SEC. OF N.A.C.C. (COMMISSIONER) |
| DAVID E. CAMPBELL    | WASHOE VALLEY LAND OWNER                  |
| JOSEPH GALLARDO      | (SAME)                                    |
| REGINA WEIMAR        | (SAME)                                    |
| LORRAINE TREVINO     | (SAME)                                    |
| MRS. JOSEPH GALLARDO | (SAME)                                    |
| GEORGINA JENSEN      | RESIDENT                                  |
| VIRGINIA TADSEN      | WASHOE VALLEY RESIDENT                    |
| LYLE JENSEN          | WASHOE VALLEY RESIDENT                    |
| JOHN HELM            | RESIDENT                                  |
| PRISCILLA MCBRIDE    |   |
| BLANCE IRENE BROWN   |   |
| W.H. BROWN           |   |
| EDITH BIVIN          |   |
| BOB BIVIN            |   |
| ROY PAGNI            | WASHOE COUNTY COMMISSIONER                |
| ROBERT FINK          | CHAIRMAN: SUN VALLEY MOBILE HOMES, REALTY |
| HELEN SILCOX         |   |
| MRS. CHRISTIANSON    | WASHOE VALLEY LAND OWNER                  |
| MR. BIEKERSTAFF      | ASSEMBLYMAN                               |
| SARAH MADDEN         |   |





Assembly Bill 98 requests the deletion of Section 6 of NRS 244.187.

The deletion of this section does not automatically preclude an individual from hauling his own trash and garbage. It would, however, enable a board of county commissioners to pass an ordinance which would prohibit individual garbage hauling in areas where such action may be indicated or desirable.

NRS 444.510 requires the governing body of every municipality in the State to develop a plan for a solid waste management system which shall adequately provide for the disposal of solid waste generated within the boundaries of the area to be served by the system. Municipality is defined by NRS 444.470 as any county and any city or town, whether incorporated or unincorporated and Carson City.

The statutory guarantee provided by Section 6 of NRS 244.187 of an individuals right to haul his own garbage in unincorporated areas, regardless of population density and other factors, is felt to be in conflict with the aforementioned requirement for solid waste systems and with the state policy pertaining to the regulation of Solid Waste collection and disposal.

State policy is presented by NRS 444.440 which states:

"It is hereby declared to be the policy of this state to regulate the collection and disposal of solid waste in a manner that will:

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

In many areas of the State, the self hauling of trash and garbage leads to the violation of at least four of the five stated policies.

The removal of solid wastes on a self-haul basis is inefficient, irregular, and unsanitary.



That is, garbage and trash may be allowed to accumulate on an individuals property until the putrescible materials putrefy and attract flies, rodents and other disease vectors, thus promoting the spread of disease and the creation on nuisances and posing a threat to the public health and welfare.

In many cases the self-hauling of garbage leads to indiscriminate and illegal dumping and littering on our public lands and along our roadways. This type of dumping and littering is familiar to everyone and contributes to the pollution of water and air. In addition, it clearly does nothing to "enhance the beauty and quality of the environment".

Factors which may lead to promiscuous dumping are:

1. Location of the legal disposal site. Proper operation of solid waste disposal sites is costly and precludes the possibility of establishing enough sites to be convenient to everyone.
2. Funds for disposal site operations are sometimes collected from the self hauler at the site.
3. Nevada has vast areas of open land where an individual who is so inclined can dump his garbage and trash unobserved, cheaper, and more conveniently than at a legal disposal site.

Where these factors exist and where indiscriminate dumping and littering flourish individuals should, at the discretion of the board of county commissioners, be forced to use a county provided collection service.

It should be recognized that any board of county commissioners, choosing to grant an exclusive franchise for solid waste collection services, is responsible to the inhabitants of the service area to assure that such service is necessary, adequate, and compatible with the state's policy regarding the regulations of solid waste collection and disposal.

In conclusion, I would like to re-emphasize that the repeal of Section 6<sup>1/2</sup> of NRS 244.187 does not in itself prohibit an individual in an unincorporated franchised area from hauling his own garbage, but would enable county government to prohibit self hauling in areas where such a practice is creating problems.