

Senate

PUBLIC RESOURCES AND ECOLOGY COMMITTEE

March 23, 1973

Senator Wilson in the chair.

Committee members present:                    Senator Blakemore  
    Senator Young  
    Senator Bryan  
    Senator Dodge  
    Senator Echols

List of interested citizens is attached hereto and marked Exhibit "A".

A.B. 141:     Restricts removal of flora.

George Zappettini, Div. of Forestry, stated that they need these regulations. There are commercial firms that are gathering cactus, etc. and selling it. Mr. Zappettini affirmed Senator Blakemore's question - stating that it would also put restrictions on gathering wood.

Senator Young moved "Do Pass", seconded by Senator Bryan, Senator Blakemore voted No.

A.B. 466:     Permits Nevada fish and game department to protect property threatened by any wildlife species.

Frank W. Groves, Nev. Dept. Fish & Game, stated that this is strictly a housekeeping measure. If damage is being done, they would like to have the authority to go in and help.

Senator Young moved "Do Pass", seconded by Senator Bryan, unanimously carried.

A.B. 480:     Streamlines administration of state outdoor recreation and historic preservation plans.

Eric Cronkhite, State Parks, stated that this bill takes the responsibility from the Administrator and places it under the division of State Parks.

Senator Bryan moved "Do Pass", seconded by Senator Young, unanimously carried.

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S.B. 489: Changes and clarifies administrative responsibilities for control of air pollution.

Thorne Butler, State Board of Health, stated that they should have within the HRW, an Environmental Protection Division which would set rules and regulations with regard to environmental problems. An Appeals Board would be created within the Department and would have the responsibility of hearing any appeals against the regulations. Suggest that these be put into one department. The Director of HRW would enforce regulations.

Elmo DeRicco, Nev. Dept. of Conservation, stated that on February 11, 1971 the Governor created a Governor's Environmental Council. Also stricter organization was approved by the Governor. Mr. DeRicco offered the committee a sketch of the structure as it presently is and also what the proposed structure would consist of, and stated that the amendment would take some of the load off of DeRicco, Bastian and Gregory. Mr. DeRicco further stated that the Dept. of Health and Welfare will arrange for Appeals Board. (See Exh. "B" for amendments).

Don Arkell, Clark County Health, stated that he is speaking on the original bill and proposed the following changes:

- a) Section 21, Page 4, Line 23 - change "shall" to "may" perform...
- b) Section 21, 22 and 23 should not be in statute.
- c) Section 25, Page 5, new definition of "air contaminant" be taken out and previous definition be put in.
- d) Section 36, Page 10, Line 27 - add "by the commission" after the word "collected".

Daisy Tolbotty suggested the following changes:

- a) Section 47, Page 15, Line 6, 7 and 8 to read ...evaluation a concise statement of the effects on air quality standards by complex sources as may be required by the Environmental Protection Agency.
- b) Sections 46 & 47, Page 15 - questioned the use of "confidential information". Mr. Gregory he will respond after conferring with Mr. Clawson.
- c) Section 30, Page 6, Line 14 - the word "may" should be left in rather than change to "shall".
- d) Section 29, Page 7 - do not delete Lines 6 and 7
- e) Section 19, Page 4, Line 19 - change "shall" to "may" - same change on Line 23.
- f) try to re-write what is being deleted on Page 8, Lines 31-45, to Page 4, Sections 17, 18, 19 & 20.
- g) Section 34, Page 8, Line 40 - questioned the chairman issuing subpoenas. Mr. Gregory will check into this matter.

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Being no further business at this time, Senator Wilson adjourned the meeting at 6:00 p.m.

Respectfully submitted,

Sharon W. Maher, Secretary

Thomas R.C. Wilson  
Chairman

P L E A S E P R I N T  
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NAME	REPRESENTING	TESTIFY		ADDRESS
		YES	NO	
JOE F. DEWITT	Inter State Com. 11/2/71	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Carson City
ERNEST		AB141	<input type="checkbox"/>	Carson City
FRANK W. GROVES	NEW DEPT OF CONS	SB487	<input type="checkbox"/>	Carson City
ELMO DERICCO	NEW DEPT OF CONS	SB487	<input type="checkbox"/>	CARSON CITY
ERVIS DEWITT	UNIVERSAL Oil Products Inc	<input type="checkbox"/>	<input checked="" type="checkbox"/>	925 L ST #1180 SACRAMENTO, CA
JERRY L. Joseph	UNIVERSAL Oil Products	<input type="checkbox"/>	<input type="checkbox"/>	DES PLAINES, IL

Suggested Amendments to S.B. 489

Section 1. Change Chapter [339] to Chapter 439

Section 2. 1. There is hereby created the health division appeals board.

2. The health division appeals board shall consist of five members to be appointed by the governor, one of whom shall be a member of the state board of health, one of whom shall be a member of the state commission of environmental protection environmental commission, one of whom shall be an attorney licensed to practice law in the State of Nevada, one of whom shall be a representative of industry and one two of whom shall be a private citizens representing consumer interests.

7. Any person who receives or has during the previous 2 years received a significant portion of his income directly or indirectly from one or more holders of or applicants for any permit required by Chapter 445 of NRS shall be disqualified from serving as a member of the appeals board.

Section 10. 1. "Director" means the director of the department of health, welfare and rehabilitation, or his designee.

2. "Department" means the department of health, welfare and rehabilitation.

3. "Health division" means the health division of the department of health, welfare and rehabilitation.

Section 11. The health division department shall:

9. Institute proceedings to prevent continued violation of any order issued by the control officer director and to enforce the provisions of NRS 445.401 to 445.601, inclusive.

Section 12. Page 3, lines 13, 17 and 22: delete health division and replace with director.

Section 13. Page 3, lines 27 and 39: delete health division and replace with department.

Section 14. Page 3, line 48; page 4, lines 5-6: delete health division and replace with department.

Section 15. Within 20 days after receipt by the state health officer of the notice of appeal by the state health officer provided for in section 14(2) of this act, the health division appeals board shall hold a hearing.

Section 22. 1. Existing or new stationary sources which can emit, before any air cleaning device is attached, greater than 1,000 tons per year of an air contaminant which has an ambient air quality standard are required to be continuously monitored and a copy of the data [will] shall be furnished to the [control officer] director once every month. The equipment used in monitoring the air contaminant [will] shall be in accordance with recognized methods and as approved by the [control officer] director.

2. In the absence of an approved or recognized method for continuously monitoring the specific air contaminant from a stack emission, the person responsible for the source shall perform a source emission test once every 6 months. The source tests [will] shall be performed in accordance with the procedures approved by the [control officer] director. A copy of these test results [will] shall be filed with the [control officer] director and these tests [will] shall be continued until a continuous monitoring method becomes available and is approved by the [control officer] director.

Section 23. 1. All new stationary sources which can emit, before any air cleaning device is attached, more than 25 tons per year of air contaminants which have an ambient air quality standard shall be given a stack source emission test in accordance with the procedures approved by the [control officer] director, before the issuance of an operating permit.

Section 25 A. NRS 445.421 is hereby amended to read as follows:

445.421 "Commission" means the state [commission of] environmental [protection] commission.

Section 26. NRS 445.426 is hereby amended to read as follows:

NRS 445.426. ∟"Control officer" means the chief of the bureau of environmental health of the health division of the department of health, welfare and rehabilitation ∟ "State health officer" means the state health officer or his designee or person designated by or pursuant to a county or city ordinance or regional agreement or regulation to enforce local air pollution control ordinances and regulations. ∟

Section 27. NRS 445.446 is hereby amended to read as follows:

445.446. 1. "Source" means any property, real or personal, which emits or may emit any air contaminant.

2. "Complex source" means any property or facility that has or solicits secondary or adjunctive activity which emits or may emit any air contaminant for which there is an ambient air quality standard, notwithstanding that such property or facility may not itself possess the capability of emitting such air contaminants. Complex sources include, but are not limited to:

- (a) shopping centers;
- (b) sports complexes;
- (c) drive-in theaters;
- (d) Parking lots and garages;
- (e) Residential, commercial, industrial, or institutional developments;
- (f) Amusement parks and recreational areas;
- (g) Highways
- (h) sewer, water, power, and gas lines;

and other such property or facilities which will result in increased air contaminant emissions from motor vehicles or other stationary sources.

Section 28. NRS 445.451 is hereby amended to read as follows:

445.451. 1. The state [commission of] environmental [protectio  
commission is hereby created [.] as a division of the state depart-  
ment of conservation and natural resources. The commission shall  
consist of:

- (a) The director of the Nevada department of fish and game.
- (b) The state forester firewarden.
- (c) The state engineer.
- (d) The executive director of the state department of agricultu
- (e) [The state health officer.] One member of the state board  
of health to be designated by that board.
  
- (g) [Two gubernatorial appointees with knowledge and expertise,  
one from the area of industry and one from the area of  
conservation.] Three members appointed by the governor  
from the general public.
  
- (h) [One gubernatorial appointee from the public at large.]

Section 29. Page 6, line 8: delete [health division] and replace  
with department.

Section 33. Page 8, line 10: delete [health division] and replace  
with department.

Section 36. Page 10, lines 1,2,6,&15:delete [control officer] and  
replace with director.

Section 37. NRS 445.496 is hereby amended to read as follows:

445.496 1. The commission shall require, with respect to all  
sources of air contaminant, including complex sources, that plans,  
specifications and such other information as the commission may

(cont. p. 5)



direct be submitted to the control officer director not later than a specified interval prior to the construction or alteration of a building or other structure if such construction or alteration includes the establishment or alteration of a source or complex source of air contaminant.

Section 38., p. 10, line 48; page 11, line 2:

delete control officer and replace with director.

page 11, line 6-7: 4. Any decision or order of the appeals board may be appealed as provided in NRS 445.591 233B.

Section 41A. NRS 445.521 is hereby amended to read as follows:

445.521. 1. No applicant is entitled to the granting or renewal of a variance as of right.

2. Judicial review may be had of the granting or denial of a variance as provided in NRS 445.591 NRS 233 B. 130.

Section 42. page 12, lines 6, 19 and 25:

delete control officer and replace with director.

Section 44. NRS 445.546 (4) is hereby amended to read as follows:

445.546. 4. Powers and responsibilities provided for in NRS 445.461, 445.476 to 445.536 445.526, inclusive, 445.571 to 445.581, inclusive, and 445.601 shall be binding upon and shall inure to the benefit of local air pollution control authorities within their jurisdiction.

Section 44. Section 44 A. NRS 445.556 is hereby amended to read as follows:

445.556. 1. If a county required to establish or participate

in an air pollution control program fails to do so, or if the commission believes that a program previously approved is inadequate, it shall hold a public hearing. If it finds that an adequate program has not been adopted or that a program has become inadequate, it shall fix a time within which necessary corrective measures are to be taken.

2. If the prescribed measures are not so taken, the commission shall direct the [health division] department to administer an adequate air pollution control program within the county, which shall be a charge on the county, and may supersede any existing county air pollution control program.

Section 45. Page 13, lines 30, 33-35, 38, 42, 45-46; Page 14, lines 2 and 6:

delete [control officer] and replace with director.

(line 13, P. 14) 5. If the local ordinance so provides a local [control officer] air pollution control board or its authorized officers may exercise the power conferred by subsection 3 within the territorial jurisdiction of the local government. If [he] it does so, [his] its order shall expire by limitation 24 hours after it takes effect, unless sooner affirmed, modified or set aside by the appeals board.

Section 46. Page 14, line 31:

delete [any control officer] and replace with the the director.

Section 46 A. NRS 445.581 is hereby amended to read as follows:

445.581 1. It is a condition of the issuance of any operating permit or any registration required by the commission or pursuant to any local air pollution control ordinance that the registrant or holder of the operating permit agrees to permit inspection of the premises to which the permit or registration relates by [the control officer] any authorized officer of the department at any time during the registrant's or holder's hours of operating without prior notice. This condition shall be stated on each registration or application form and operating permit.

Section 47. Page 15, line 5: delete [health division] and replace with department.

Section 49. NRS 445.601 is hereby amended to read as follows:

445.601 1. Any person who violates any provision of NRS 445.401 to [445.536] 445.526, inclusive, and 445.546 to 445.601,

inclusive, or any rule or regulation in force pursuant thereto, other than NRS 445.576 on confidential information, is guilty of a civil offense and shall pay an administrative fine levied by the appeals board of not more than \$5,000. Each day of violation constitutes a separate offense.

2. All by regulation establish a schedule of administrative fines not exceeding \$500 for lesser violations of any provision of NRS 445.401 to ~~445.536~~ 445.526, inclusive, and 445.546 to 445.601, inclusive, or any rule or regulation in force pursuant thereto.

3. Action pursuant to subsection 1 or 2 shall not be a bar to enforcement of the provisions of NRS 445.401 to ~~445.536~~ 445.526, inclusive, and 445.546 to 445.601, inclusive, rules and regulations in force pursuant thereto, and orders made pursuant to NRS 445.401 to ~~445.536~~ 445.526, inclusive, and 445.546 to 445.601, inclusive, by injunction or other appropriate remedy, and the appeals board or the director has power to institute and maintain in the name of the State of Nevada any and all such enforcement proceedings.

4. All administrative fines collected by the appeals board pursuant to this section shall be deposited in the general fund of the county where the violation occurred.

5. Any person aggrieved by an order issued pursuant to this section is entitled to review as provided in ~~NRS 445.591~~ NRS 233 B.

Section 53. Section 28 of this act shall not become effective if section 20 of Assembly Bill 472 is enacted into law.

Section 54. Section 41 A of this act shall not become effective if section 29 of Senate Bill 488 is enacted into law.

Section 55. Sections 1 to 7, inclusive, of this act shall not become effective if sections 1 to 13, inclusive, of Senate Bill 488 are enacted into law.

*Section 55. Sections 1 to 7, inclusive, of this act shall not become effective if sections 1 to 13, inclusive, of Senate Bill 488 are enacted into law.*

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*Sections 1 to 7, inclusive, of this act shall not become effective if sections 1 to 13, inclusive, of Senate Bill 488 are enacted into law. This act shall remain in effect until the same time as revised by the state engineer of conservation.*