

SENATE COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENTS  
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS

JOINT HEARING

Minutes of Meeting -- March 19, 1973

A Joint Hearing of the Senate Committee on Federal, State and Local Governments and the Assembly Committee on Government Affairs was held on March 19th, 1973.

Those in attendance were:

James I. Gibson, Chairman	)	
Coe Swobe	)	Senate Committee on Federal,
Lee Walker	)	State and Local Governments
Stan Drakulich	)	
Joseph Dini, Chairman	)	
Jean Ford	)	
Virgil Getto	)	Assembly Committee on Govern-
Paul May	)	ment Affairs
Eileen Brookman	)	
James Ullom	)	

Also present were:

Mr. Paul De Falco, Jr., Environmental Protection Agency  
Mr. Richard L. O'Connell, Environmental Protection Agency  
Press

Chairman Gibson: We will call our committee to order. We have a joint committee here to continue the consideration we have been giving the proposals concerning the Las Vegas Wash and the Master Water Agency and the various relationships involved. As I previously mentioned, we have been trying to work out a time when we could meet with representatives of the Environmental Protection Agency, and we were able to take advantage of Mr. DeFalco's being in the area and set this meeting for tonight.

We would like to have this meeting informal, and more or less a work session of the committee. Hopefully, we can have an interchange that will educate us more so that we can made a better evaluation of the legislation that is before us.

Chairman Gibson then introduced Mr. DeFalco and Mr. O'Connell from the Environmental Protection Agency.

Mr. DeFalco read the prepared statement attached herewith as Exhibit "A", and the "Resolution, Natural resources Regional Council," attached herewith as Exhibit "B".

Chairman Gibson: You mentioned certain standards that apply. Are these federal standards or locally developed standards?

Mr. DeFalco: Under the original Water Pollution Control Act and its new amendments of 1972, water quality standards are adopted locally by the state and then approved by the federal government as federal standards. They are in keeping with the various processes layed out in the act itself, but they are essentially both state and federal standards.

Chairman Gibson: Are the standards we have presently issued by the state, the basis for the 180-day notice that was issued on the ballot based on those standards?

Mr. O'Connell: The standards you are referring to are those state/federal standards for inter-state waters of Lake Mead and the Colorado River. There is a distinction here between the standards set for the Wash, which are only state standards at the present time because they are for intra-state waters. However, under the new amendments to the Federal Water Pollution Control Act, these standards will be reviewed by the federal government, and upon their approval will become state/federal standards even though they are on intra-state waters.

Mr. DeFalco: There is a distinction in the amendments in the act which was passed by the Congress, which adds large areas of intra-state waters to the standard process.

Chairman Gibson: Are these standards on which the abatement order was issued, are they specific standards?

Mr. O'Connell: The standards we are referring to are not numerical criteria -- in other words they are not numbers representing water quality, but rather are narrative criteria, which we consider equally valid and equally enforceable with those which are described by numerical criteria.

Chairman Gibson: Would you give an example of what you mean by numerical criteria?

Mr. O'Connell: The standards which specifically we are referring to contain the statement that "inter-state waters of Lake Mead and the Colorado River shall be free from materials attributable to domestic or industrial waste or other controllable sources in amounts sufficient to change the existing color teridity or other conditions in the receiving stream to such a degree as to create a public nuisance or in amounts sufficient to interfere with any beneficial use of the water." It was our

conclusion that materials attributable to these sources are present in amounts which caused the conditions described which interfere with beneficial use.

Chairman Gibson: Have there been any others along the Colorado River that have been given notices?

Mr. O'Connell: No, I'm not aware of any comparable action. The only comparable action was that the matter was considered by the enforcement conference. This was the state/federal conference that was called under the Federal Water Pollution Control Act a number of years ago, and this conference of seven states and the federal government considered a number of problems over the course of its existence -- most recently considered the salinity problems of the Colorado as the result of studies conducted by EPA under the direction of this state/federal group. The salinity problem was described and recommendations made for corrective action. Subsequently, the seven states and the federal government, all conferees, adopted recommendations which called for controlling salinity in the Colorado River in the lower main stem to the levels which presently exist. These series of recommendations were in accordance with the law furnished to the administrator of EPA in the Spring of last year. These recommendations were accepted by him and forwarded to the seven states for implementation. So in that sense all of the seven states have been directed through this process to impose controls wherever possible on pollutants which increase the salinity of the river.

The State of California has as a policy a prohibition on the direct discharge of any effluents to the Colorado River. This is effective all through California.

Chairman Gibson: What do they do there?

Mr. O'Connell: For the most part they're impounded on land and allowed to evaporate and percolate.

(Mr. May asked a question which was not audible on the tape.)

Mr. O'Connell: The concepts involved in the project that you have before you, we feel are sound ones. Because of the amount of water available to the State of Nevada, we feel it's essential that all of these waters be used to their maximum limit in order to stretch these resources as far as possible and waters which have been used for municipal purposes, treated in sewage treatment plants can be used subsequently for other purposes, such as irrigation or watering of golf courses, landscaping, other possible re-uses exist and the intent of that resolution was that these re-uses be engaged to the maximum possible so as to reduce the amount of water which must be diverted from the river for these purposes, and thereby stretch the resources.

(Mr. May asked another question which was not audible on the tape.)

Mr. O'Connell: No, that's not the case, The federal grant program applies to a term which is called "Treatment Works". As defined in the Act, it includes treatment facilities, interceptor sewers, export-outfall sewers, and all necessary appurtenances. The level of support would not be determined by which approach is taken.

Chairman Gibson: Have you been familiar with the development of the project that has been recommended to us and kept aware of that?

Mr. O'Connell: Yes, we have. We haven't taken objection to it. We've been consulted at regular intervals, we've participated in many of the work group sessions and the like, but we have not approved per se the project because this would essentially be a federal pre-emption of what we feel is a very important state and local decision that has to be made.

Question: Does the federal government get involved in setting standards for the use of water other than when the water goes back into the lake or into the inter-state system? Are you concerned about the use of the water other than the water . . .

Mr. O'Connell: No. You've got several problems here. You've got to appreciate that there's been a change in the statutes in the last year which change some of the rules, so to speak. Under the original statutes the federal government established criteria that had to be met and the states provided an implementation plan, if you will, a set of standards and the requirements necessary to meet those standards, which were subject to review by the federal government, if approved became state standards. Under the new law there are additional requirements now imposed that become almost overriding, in a sense, which the committee ought to be aware of. That is that the long-term goal for the legislation is the elimination of discharges per se.

Question: . . . . . concerned only with what goes back into the inter-state stream?

Mr. O'Connell: Not any more.

Question: You are concerned with waters that we keep and use within the state?

Mr. O'Connell: We are concerned with any waters going to what would be considered navigable waters or tributaries thereto now. Again, this is another change in the statutes in the last year. It is no longer inter-state alone, but inter-state, intra-state waters.

Question: The recommendation then was that we utilize all the waters except those that just can't be cleaned up for any use of any kind?

Mr. DeFalco: In that the residual export should not create a problem where it is exported to. Yes.

Chairman Gibson: This "no return" concept -- . . . .

Mr. DeFalco: Not in realistic fashion.

Mr. O'Connell: At the present time it is a goal in the statute -- it is not an enforceable requirement. There is an enforceable requirement for meeting water quality standards by July, 1977, for the municipal treatment works. There is an enforceable requirement for what is called "best practicable treatment for municipal plants by 1983." And there is a national goal for the elimination of the discharge pollutants by 1985, which is just that -- a national goal.

Mr. Smith: Our concern was first directed at cleaning up the Vegas Arm for body-contact sports. At this point in time nothing suggested here will indeed solve the pollution to that arm. The fact of the matter is that there will be no solution to it. One of the proposals that has been offered to us the past week is to transport effluent waters onto the main stream. You referred to it that that might possibly be a solution. The testimony we have heard at the present time even though we might extend our population to about a million people, the water returned to the Colorado system would have a very small effect on the total percentage of pollution. Have you done any evaluating in this area?

Mr. O'Connell: Your first statement that this proposed project would not solve the problem -- I'm sure what the basis of that is because as I understand it, this project would prevent the discharge except during periods of flood flow of any waste effluents to the Las Vegas Bay.

Mr. Smith: Has there been any demonstration that the waste effluents are in fact draining into water to a point below, or has the most serious effect on it?

Mr. O'Connell: Yes, I think so. Several people have made investigations of the problem there and it seems to be quite clear that the causative agent of the algal problems that exist is principally the phosphorous and to a lesser extent the nitrogen contained in waste water effluents.

Mr. Smith: (Question was not audible.)

Mr. O'Connell: I'm not familiar with those. The large addition of phosphorous is attributable to the municipal waste waters. I wasn't aware that was duplicated anywhere else in the system. It's a fairly significant addition which, as I said, I understand would be eliminated by the project that has been proposed.

Chairman Gibson: Does the government have -- is there any other planning effort being made on the river itself?

Mr. DeFalco: Yes, there are several other planning efforts. The Bureau of Reclamation is developing a program and I understand legislation has been introduced into the Congress to further the program for salinity control on the Colorado River as a major Bureau of Reclamation effort. There are a number of discussions going on at the moment trying to develop state programs and it will be in the context of the Bureau's program. There have been meetings of the states involved over the last six months to a year trying to develop it.

Mr. Walker: Are there any other states that are returning any amount of discharge back into the river?

Mr. DeFalco: A goodly number of the Upper Basin states, yes.

Mr. O'Connell: There aren't any really large metropolitan areas in the Upper Basin. Of course, there are agricultural waste waters returned in the Upper Basin.

Mr. DeFalco: The Bureau's program would speak to this to a great extent.

Mr. Walker: Are there any time periods established by EPA?

Mr. O'Connell: At this enforcement conference that I referred to earlier, the last session was held in two parts -- one in Las Vegas last February and one in Denver in April of last year. The Bureau presented their program to the conferees and the conferees endorsed the program and urged that it be accelerated as the Bureau has proposed, I believe, a 10-year program for constructing projects that would involve approximately \$500 million, in a variety of locations within the Upper Basin. The conferees had urged that the program be accelerated in time.

The only other planning effort that might be worth mentioning was the work that was done at the President's direction under the supervision of Mr. Brownell to direct it toward solving the problem at the International Border, and I'm not sure of the exact status of that at this time.

Mr. DeFalco: A draft program has been presented to the President.

Chairman Gibson: We tried to find out, but they told us it hadn't been approved.

Mr. DeFalco: We got the same answer.

Chairman Gibson: We have several specific questions that we asked in the telegram. Are there any of those that you could comment on? They did indicate some specific concerns that came out of our hearings and our discussions with the local people. One of the things that some of the people are insisting on is the standards that we're operating under are not final, are under modification, and apparently this would indicate a different direction. What we might have to do -- the standards indicated that our problem was caused by the content of one or more components in the effluent that could be handled by some known treatment method that might be easier to do that than to continue to return to the Lake than it would be for the project that has been suggested to us. Frankly, the committee is confused on this. One of the reasons we are trying to get some help from the federal authority was to find out what is the standard we are operating under? If you could help us there, we would appreciate it.

Mr. DeFalco: I don't see the standards being lowered under any circumstances. I can possibly see some of the standards being tightened up even more so. I think the engineering plans and reviews that have been made have been based upon the standards that exist. My staff advises me they have appeared to speak to the meeting of those standards reasonably well.

Mr. May: (Inaudible on tape.)

Mr. O'Connell: I'm not familiar with the Lake, but not to my knowledge, there are no comparable situations.

Mr. May: Could you give us some percentage which the Las Vegas Valley contributes to the pollution of the waters of the Colorado?

Mr. DeFalco: Let's put it this way -- in terms of municipal pollution, it's probably the major source on the river down to that point. In terms of industrial and municipal waste as opposed to agricultural pollution, there is agricultural drainage in the Upper Basin, but there are no communities of the size or scale of the Las Vegas area which discharge into the stream.

Mr. May: The contribution made by our discharges are major as compared to those made by the agricultural?

Mr. DeFalco: They are significant, yes sir.

Chairman Gibson: They are major on the salinity problem.

Mr. O'Connell: I think if you would look at something like phosphorous, you would find that it was barely significant. On salinity there are other more significant sources -- agricultural sources can be much more significant in terms of salinity.

Mrs. Ford: I don't know if you intend to try and go through the questions. There has not been any mention made of Question 11 -- I would like some comment on this.

Mr. DeFalco: If the power generation comes into being in the area, there are several considerations that would have to be involved. One, the power generating unit would have to meet both the air pollution and the water pollution standards and requirements. If the power generating facility were to use the effluent waters per se, we would like to see a reasonable payment schedule for the use of those waters, in that those waters are being made available from a treatment facility, and under the new act there is a requirement for pay back where there is value received.

Mr. Getto: I was going to ask a question here about No. 16. If the area fails to meet the plan what enforcement action will the EPA take?

Mr. DeFalco: Essentially we'll have to pursue the law. Take such actions as are required under the statutes.

Mr. Getto: Such as what?

Mr. DeFalco: What's the normal process, Dick?

Mr. O'Connell: At this point in time where we find ourselves right now, we believe that the cities or the state, for that matter, have proceeded in good faith and we certainly wouldn't contemplate any kind of enforcement action at this particular point in time. What enforcement action we might consider in the future, I think would have to depend on the particular circumstances that exist at that time. It is very difficult to say what is the usual process. If an action is not taken that is required, our usual recourse is to refer the matter to the department of justice.

Chairman Gibson: I think the thing that followed the abatement injunction was . . . . .

Mr. DeFalco: No, in the statutes it is left to the discretion of the U.S. Attorney and the courts, but there are enough precedents in the area and in the use of those statutes we essentially get to such terms as cessation of building permits and other actions of that sort. It's up to the courts really -- I wouldn't want to prejudge that situation.



Mr. Getto: You have talked about the federal standards applying also to the use of intra-state water and some people have talked about picking up this water, pumping it back and re-using it in the valley for irrigation purposes. Under your statement, this water would also have to meet the standards:

Mr. DeFalco: It would have to meet the standards for that given body of water -- the standards would be different for each body of water depending upon the uses of the body of water.

Mr. Getto: Well, if that water is picked up and used for, say sprinkling, would this water have to meet EPA standards?

Mr. DeFalco: No, not unless it was discharged to a stream, a flowing stream as such.

Mr. O'Connell: In that case I think the Department of Health's standards for use of various kinds of water and various kinds of crops and this kind of thing, would be the standards that would prevail, would be a state matter.

Question: Then I would go further on this, if that water eventually found its way back into the Wash and so forth, they would determine that this would have to meet the standards?

Mr. DeFalco: It's possible, but I wouldn't know how probable it is. It depends upon the re-use scheme that's involved.

Mr. O'Connell: That appears to me, from a personal point of view as being one of the attractions of the proposed project is that re-use can be practiced to its maximum possible extent without causing the residual waters that percolate to the Wash without allowing damage to the Lake, and I think this is one of the important values to the proposal.

Question: (Inaudible on tape.)

Mr. DeFalco: We attempt whenever possible to have some equity when we do apply sanctions, yes. But I couldn't give you a schedule at this point in time in an area of supposition, and I would repeat what Dick said, that we feel everybody has been moving ahead on a reasonable basis at this point in time. We are not contemplating action unless the thing just literally fell apart.

Mr. Smith: I think what we really meant is the rule in protecting the downstream user and I think we are willing to assume that responsibility. I don't think that we necessarily want to be the . . . voice for everybody else. In other words, let's get just as realistic as we can. We are told about our responsibility to the downstream user, we also have a responsibility to our own local citizens -- they don't necessarily recognize the downstream user -- they recognize their own use of the water. Of course, the potable water we're getting is not the best. So, if we can't in fact, assure our residents

we are going to clean up that Bay, we are going to be in a dilemma -- spend \$65 million or more of their money. Is the technical knowledge that you presently have going to be of such trustworthiness to say that we should spend \$65 million to do this and in a year or two years from now we will be able to use that water of pristine quality?

Mr. DeFalco: To the best of our ability, our valuation indicates that yes we can do something about it. The engineering plans that have been published appear to meet those requirements and you have the better part of 3-1/2 years of engineering studies to come up with a solution. We think they have done a reasonable task of looking at the series of alternatives and they've used all of the latest information that is available. We've counseled with them at regular intervals.

Mr. Smith: (Inaudible on tape) . . . Dam has changed the quality of the Lake.

Mr. DeFalco: To my knowledge they will recognize and consider the evaluations that were made.

(end of tape)

Chairman Gibson: What was the effect of the President's budgetary proposals since the first of the year. Apparently you approve the money for the state and the state has to set the priority...

Mr. DeFalco: The state essentially will be receiving an allocation for fiscal '73 of \$5.7 million and for '74 of \$8.6 million. The '75 allocation does not exist because there is a new need study underway now to re-asses the needs as of the present date, and at that point in time the '75 figure will be developed, which will properly apportion it between the states. Now, of those monies, essentially 75% matching monies, the federal government under the new legislation puts up 75% of the funds for the projects it finances. These projects must be certified by the state. The priority establishment is by the state as to which projects get the money first.

Chairman Gibson: Even though the project might be accomplished as part of this federal land EPA act designated.....

Mr. DeFalco: In terms of reimbursement as such? The new statutes eliminate reimbursement completely as a possibility.

Chairman Gibson: So what we are talking about, if this level persists and the duration of the project were two or three years the most you would be good for would be \$14 or \$15 million dollars.

Mr. DeFalco: Something on that order at the present funding level. I think the picture will be changing in the next year. At the present time we are under severe strictures because of the problems of inflation. I would hope that this will change over the next year and we will be in a better position to see more adequate funding. If the project were staged in a sense the units and the sections of it were built in stages as such, the funding might be stretched out more equitably as opposed to a single project per se in its submission to EPA. This is more of an administrative handling chore that the state would have to recognize.

Question: (Inaudible)

Mr. DeFalco: Well, you have to establish a state plan. You have to have a priority scheme which is approved. Right now some of these elements go into effect at various dates in the schedule. Right now we are running against that clock. By March 31st, any grant after March 31st must have a pay-back system for all industrial uses. By June 30th you have to have a detailed plan.

Mr. O'Connell: Perhaps you are referring to the annual program plan of the State of Nevada which is a requirement for them to obtain financial support of their water pollution program which is in turn a prerequisite for any construction grant monies for that year, and Nevada has been submitting one each year and I believe that they will submit one this year.

Mr. Getto: Did I understand you correctly, that by 1985 there will be no water return in the effluent area, and as I understood it these are all federal standards?

Mr. DeFalco: That's the goal of the legislation that is to be reviewed by the Congress in 1977 to '78, to see whether it's obtainable and reasonable. But it's been established basically as a policy goal of Congress.

Mr. Smith: If we were to proceed in establishing our agencies in our regional areas and were to withhold future progress on the no-return situation for the export system for the next two years, do you think you would be able to, at that point in time, tell us what the time schedule was for the Colorado system so we could fit our program into an overall river program? If we were to do the administrative things that were indicated.

Mr. O'Connell: The Basin-wide salinity control program that you are referring to is in legislation that has been, or shortly will be submitted to Congress, and I really couldn't predict what action Congress may take on that in this session or in subsequent session. It would be a little difficult to predict.

Mr. Smith: You are saying then that at this point in time you really don't know the time schedule for the river system?

Mr. DeFalco: I know what has been proposed or will be proposed to Congress for reasonably immediate implementation.

Mr. Smith: I presume that there would be something passed during this session that will give us some direction.

Mr. DeFalco: I never presume upon a legislative body.

Mr. Smith: Presuming they do pass something . . .

Mr. DeFalco: Presuming they do pass it, it's for the rather immediate implementation.

Mr. Smith: Presuming it will be a reasonable time before we meet again, we would have an opportunity to take the appropriate action as the result of their action. Can we be excused from further progress at this point in time until we know what direction they are going to take?

Mr. DeFalco: Your question has many implications. One of them would be funding - you would be foregoing the funding for the next two years and losing a considerable start on the system.

Mr. Smith: You say we are losing funding. There are other projects in the state that are equally important that we might be proceeding with once we can get the funding.

Mr. DeFalco: As I understand the needs for the State of Nevada I don't think that that project would actually be using all of the money.

Mr. Smith: We have to think about priorities and know where we are going . . .

Mrs. Ford: This discussion raises a question in my mind -- the 14.4 million is not ours to spend the way we ought to be able to spend it. We had the same program which Mr. Gregory sent to you, but if we choose priority No. 1, or . . .

Mr. DeFalco: The priority scheme must be a reasonable scheme. It must not place anyone above or below anyone else in an arbitrary or capricious manner. Once set it should be funded from the top down. Otherwise, there is no sensible priority scheme, if anyone can by-pass the priority.

Mrs. Ford: (Question inaudible.)

Mr. DeFalco: We would have some real problems funding. Under the statute . . . Now, I'm not saying what the priority scheme is, or

how you choose it. The basic consideration we have is that it not be arbitrary or capricious.

Mr. Smith: If we were to choose Lake Tahoe and the Truckee River as priority No. 1, the problem is . . . . the . . . Are you saying that you would second-guess and we should have established it some place else?

Mr. DeFalco: No, I didn't say that. I just said in answer to the question that, could we go to priority No. 2 instead of No. 1, I say no. The priority scheme is to be on it. As long as there is a reasonable scheme behind it.

Mr. Smith: Have we established priorities on Tahoe, Truckee, Humboldt?

Mr. DeFalco: Ernie, wasn't Tahoe funded?

Mr. Gregory: (Answer inaudible. Mr. Gregory indicated that the Lake Mead problem is 15th on the list of state priorities.)

Chairman Gibson: The other practical thing we face is -- say we agree and try to implement a program, but have a problem with our local funding and this would be based on what is anticipated with federal funding. Now the legislature has been reluctant in the past to approve projects of this magnitude and you have to have people who are going to be responsible for retaining the money -- in other words, bond issues and that sort of thing. That's a hazardous route right now because we've seen in other places . . . What happens, you might get in a situation where we take leadership on a project of this sort and find ourselves out there by ourselves -- we are faced with a federal order or abatement order from the federal agency and the people don't support the local funding, what do you do?

Mr. O'Connell: As I recall a comparable situation like you described occurred back in a city along the Missouri River and the judge ordered the matter to be placed back on the bond issue and on the ballot. And it was placed back on the ballot and again defeated. I think the third or fourth time it passed.

Chairman Gibson: That judge was under the Missouri plan. Any other questions the committee wants to ask?

Mr. May: This 65 million dollars we have been kicking back and forth -- that's again, based on export improvement and the question posed in the previous meeting -- if they do create a new lake up there through export and secondary treatment, is there a chance EPA would come in there and impose requirements as to the quality of that particular body of water?

Mr. O'Connell: The water quality standard process that is used to set standards for bodies of water, first of all establishes

what uses are to be protected. I think in that particular body of water the uses you would seek to protect there would be pretty limited and perhaps it might develop as a wildlife habitat or something, but I wouldn't foresee that the stringent requirements on quality of water -- I wouldn't see us, or anyone doing it.

Mr. Smith: (Inaudible on tape -- suggesting that Mr. DeFalco have a copy of the proposal for evaluation.)

Chairman Gibson: I think the presentation they made to us was this water could be emptied out into the mainstream of the lake and then by the pollution process you would never find it in the analysis of the water, even though in itself it would have the high amount of phosphate contained in the river flow.

Mr. DeFalco: Under the new amendments to the water pollution control act, we would have to treat it as an effluent discharge. We would have to evaluate the quality as an effluent in terms of its diluted material. The new act essentially eliminates dilution as the solution of pollution.

Mr. May: (Inaudible -- referring to Utah.)

Chairman Gibson: Do you monitor the effluents on the River? What method do you have?

Mr. O'Connell: There is a monitoring program going on on a very large scale along the river, but we don't have any monitoring of our own at the present time in the Las Vegas Wash or the Las Vegas Bay.

Mr. Smith: Have you established the amount of water that is acceptable to flow down that . . .

Mr. O'Connell: We haven't studied that problem. I believe the design report that has been submitted to you, that there are some calculations about what the up-take of water by pheratyphites would be and how much would have to be released to maintain the same greenbelt area. This has, I think received some study by the design engineers.

Chairman Gibson: Can we go back to your abatement order. If I understand the 180-day order requires that those who serve come up at that time with a practical program to clean up the situation. That would satisfy what you are after, but is there a time limit on that program? So many years to do it, or months.

Mr. O'Connell: We would ask that programs be presented which would lead to the abatement of the violations in the shortest reasonable period of time. We made some suggestions in some cases it was possible for the discharges to act within the time period. We suggested in other cases a proposed program which took more time than we had suggested but examining what they had submitted to us, that what they were proposing would accomplish it in the shortest reasonable period of time, so on that basis we accepted the proposals that were submitted to us at the end of the 180-day period.

Chairman Gibson: Have all those people involved responded by now?

Mr. O'Connell: Yes.

Chairman Gibson: Are they all tied in with this single project or are there other side projects?

Mr. O'Connell: No. The industries all proposed individual solutions, with the exception of the two Nevada power plants which discharge cooling water tower blow-down and the Titanium Metals Corporation -- both of those two said that they want to participate in the regional system and so we accepted that commitment on the grounds that if they failed to do so they would then correct the problem on their own. But, the other industries all developed solutions which they could implement on their own.

Chairman Gibson: What is the frame we are operating in . . . . .

Mr. O'Connell: Well, some of them, the smaller discharges, a couple of them have already stopped discharging. The largest one, Stauffer Chemical proposed a plan that would lead to elimination of all discharges by, I believe, '75, and the others were within that range of time. Insofar as I know, everyone of them are pretty much following the schedule they submitted to us.

Chairman Gibson: Do you have progress reports from them?

Mr. O'Connell: Yes, periodically they provide progress reports to us, and we go down and consult with them and see how they are doing.

Mr. Broadbent: (Question inaudible.)

Mr. O'Connell: This is the Clark County Sanitation District. As I recall there was a condition of the grant which was accepted by the district which did, I don't remember the exact language, but it did refer to the submission of an acceptable schedule and the payment of funds would be conditioned upon making satisfactory progress in accordance with that schedule. So it would seem to me that the question answers itself.

Mr. Broadbent: (Question inaudible.)

Mr. DeFalco: That's a possibility in terms of the pollution control structures. Now, several elements of the plan, I understand, might be eligible for Bureau of Reclamation participation, particularly as part of the salinity control program.

(There was some interchange here among members of the audience present.)

Mr. DeFalco: I would urge whenever possible that everyone concerned commit themselves to a reasonably prompt solution. Stretching

this out over time is not going to solve the problem. It's going to create a bigger one. Construction costs are going up at the rate of 12% a year, and all you're doing is not stretching out the time, but stretching out the bill. The longer you wait, the more expensive it's going to get, and that's a very important consideration.

Chairman Gibson: We've got a practical problem in the City of Henderson. We have to find a way of accomplishing what has to be done . . .

Dr. Butler: Mr. DeFalco, if you take all projects proposed in the state, exclusive of this Lake Mead project it totals up to about 9-1/2 million dollars. You are leaving behind a residual to the state of about . . . . could part of that 4-1/2 million dollars be used at this time to help fund some of the detailed planning that is going on now and being funded by local monies . . . . .

Mr. DeFalco: No, it could be used for construction and some preliminary planning, but it would depend upon the kind of planning. Basically design engineering plans.

Mr. O'Connell: Once a decision is made upon a particular project, the project is approved by the state and approved by EPA, it can be funded as it progresses.

Mr. DeFalco: That is what I meant by staging, and one of the very first stages is basically plans and specs, designs. The next phase would be a "unit", if you will, construction and a second and third unit and the like.

There were further comments by Mr. Paff of the Colorado River Commission, Dr. Butler of the Las Vegas Valley Water District, and Mr. Jim Parrott.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Mary Jean Fondi  
Committee Secretary

*N.B. Additional notes on the Joint Hearing in separate folder (in con) for Affairs Int. Hearings Las Vegas Water Problems.*



STATEMENT BY PAUL DE FALCO, JR., REGIONAL ADMINISTRATOR  
ENVIRONMENTAL PROTECTION AGENCY, REGION IX  
BEFORE JOINT SESSION OF THE  
NEVADA LEGISLATURE

I am pleased to appear here today to discuss water pollution control programs for Southern Nevada.

EPA and its predecessor agencies have been involved in cooperative efforts to identify and control water pollution problems of the Las Vegas Valley for nearly a decade. We have provided technical assistance; we have awarded planning, research and construction grants; and we have used our enforcement authority in this effort.

A recent action was to issue notices of violation of water quality standards to 13 municipal and industrial entities discharging wastewaters to the Las Vegas Wash drainage basin. In response to these notices the affected dischargers developed pollution abatement plans and compliance schedules which were subsequently accepted by EPA.

A regional wastewater management system has been proposed to control municipal and non-point source discharge of pollutants. This proposal is now before you for your

consideration. Insofar as this proposal is concerned, there are a number of procedural requirements that have not been met. These procedures are fundamental to maintenance of a proper State role in the decision-making process. An essential requirement for EPA to participate financially in any local solution to the pollution problem is that it also be acceptable to the State water pollution control agency, and if possible, to affected local entities as well. At this point, the project has not been cleared by the local clearinghouse; it calls for an amendment to the state water quality standards for the intrastate waters of Las Vegas Wash; and it has not as yet been formally certified as to priority for Federal funding over other projects by the Nevada State Department of Public Health.

We have been assured that these matters are procedural and that actions are underway to resolve them. However, critical issues are involved, and we prefer to proceed in close concert with the State in order to assure that these issues are given proper consideration. EPA has carefully avoided taking an independent "Federal" position on the relative merits of proposed alternative regional wastewater management systems to avoid interfering with the state-local decision-making process.

The 180-day notice issued by EPA directed local interests to develop a plan which would meet water quality standards. Water quality standards, in turn, are established at levels sufficient to reasonably protect existing water uses. An acceptable plan will therefore be one which provides assurance that these uses will be protected.

In the Las Vegas Wash, we are concerned with the sanitary quality of the water because of the heavy use for recreational purposes, and we are concerned with maintenance of the habitat.

In Lake Mead, we are concerned about recreation , drinking water and general esthetic quality. Organic loading and the levels of nutrients such as nitrogen and phosphorous must be maintained below values which would result in prolific algae growth which cause depletion of oxygen, thereby effecting fish life; taste and odor problems in drinking water supplies (Henderson and the Southern Nevada Water Supply Project); and cause interfere with recreation uses. Water quality standards are based upon the best available information concerning the potential for these nutrient constituents to cause prolific algae growth.

The Las Vegas Wash flows are one of many sources of pollution effecting water quality of the Lower Colorado River. We are presently developing programs, in cooperation with the states involved, to control all such controllable sources of pollution.

We are not considering lowering of federal standards. It should be clear that we have no recourse but to seek the attainment of applicable federal standards. Each community or industrial discharger would be expected to meet the requirements of federal law. However, communities could act either individually or collectively.

Because of the complex nature of this problem, and the clear relationship to management of the states water resource, we favor the designation of a single agency with a strong state charter to deal with this problem on a metropolitan wide basis.

We support the concepts of the proposed regional system, and will work with State and local officials to provide federal financial assistance. In this regard, federal funding from the Environmental Protection Agency flows through the state. The amount which we expect to

be available to Nevada in sewage treatment plant construction funds through FY 1974 is \$14.4 million. We expect that the state will make part of this money available to Las Vegas; although we have had no formal indication to this effect.

We are presently working with other federal agencies to determine their interest in, and ability to support the proposed project.

This project or a suitable alternative is needed, and we urge your timely action to provide for appropriate state involvement in its implementation.

RESOLUTION

Natural Resources Regional Council

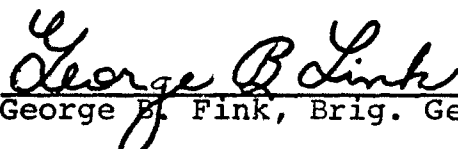
The Natural Resources Regional Council finds there is an opportunity to develop a program for water pollution control in the Las Vegas Wash area based on ecologically sound principals of wastewater reclamation and reuse. The Council supports the following concept:

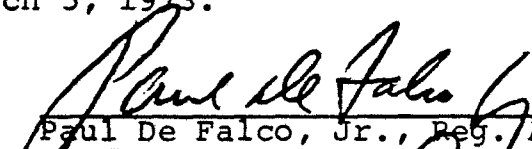
1. The pollution control plan should be regional in concept and should direct its attention to all sources of pollution in Las Vegas Wash.
2. The plan should have as an integral portion, a program for water reclamation to include both advanced waste treatment and a pilot desalinization plant.
3. Sufficient flows should be maintained in Las Vegas Wash to maintain the area's recreational potential and wildlife habitat.
4. In-valley uses of the effluent from secondary and advanced wastewater treatment plants, and desalinization plants, should be encouraged. Where the degree of treatment produces a suitable quality of effluent for reuse, the effluent should be utilized for multiple in-valley uses for total enhancement of the Wash environment.
5. Only residual waters should be exported.

The Council finds there are important Federal interests to be considered, including flood control, in the development of this project. Therefore, the Council encourages member agencies to work with State and local agencies to:

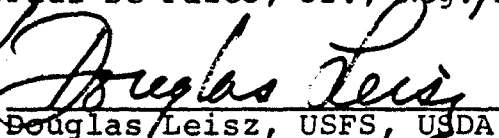
- a. describe the Federal interests,
- b. identify actions which must be taken to protect them, and,
- c. identify the potential Federal role in developing and implementing the control program.

Agreed to in this final form on March 5, 1973.

  
George B. Fink, Brig. Gen., COE

  
Paul De Falco, Jr., Reg. Adm., EPA

  
Webster Otis, Field Rep., USDI

  
Douglas Leisz, USFS, USDA