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Senate

ENVIRONMENT AND PUBLIC RESOURCES COMMITTEE

May 12, 1975

The meeting was called to order in Room #213 on Monday, May 12, 1975, at 4:20 p.m., with Senator Thomas Wilson in the chair.

PRESENT: Senator Thomas Wilson
Senator Richard Blakemore
Senator Gary Sheerin
Senator Richard Bryan

OTHERS PRESENT: See EXHIBIT A.

S.J.R. 30: Memorializes Congress to recognize the rights and responsibilities of the states in the area of federal emission control standards.

Senator Sheerin moved to indefinitely postpone.
Senator Blakemore seconded the motion.
The vote was unanimous with Senators Dodge, Gojack and Neal absent.

S.J.R. 31: Memorializes Congress to establish a scientific study panel to examine emission control systems and all the ramifications of such systems.

Senator Bryan moved to indefinitely postpone.
Senator Blakemore seconded the motion.
The vote was unanimous with Senators Dodge, Gojack and Neal absent.

A.B. 644: Authorizes Public Service Commission to increase assessment on public utilities and general improvement districts.

Senator Bryan moved to do pass.
Senator Blakemore seconded the motion.
The vote was unanimous with Senators Dodge, Gojack and Neal absent.

A.B. 142: Adjusts fees for hunting and fishing licenses, tags and permits.

The amendments to the bill were discussed and are as follows: Line 22, Page 1, change \$8.50 to \$10. Line 15, Page 2, change \$15 to \$20. Line 2, Page 1, bracket out July 1 to June 30. Line 12, Page 1, bracket out entire sentence beginning with any.

Senator Blakemore moved to amend and do pass.
Senator Sheerin seconded the motion.
The vote was unanimous with Senators Dodge, Gojack and Neal absent.

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A.B. 143: Changes manner of compensating fish and game license agents and provides for revoking license agent's authority for breach of regulations.

Senator Blakemore moved to do pass.
Senator Sheerin seconded the motion.
The vote was unanimous with Senators Dodge, Gojack and Neal absent.

A.B. 552: Provides free hunting and fishing licenses for disabled veterans.

Fred Wright, Nevada Department of Fish and Game, testified. He stated that the fiscal impact would be practically nothing because there are only about three disabled veterans who have applied in the past for these licenses.

Senator Bryan moved to amend and do pass deleting the residence requirement.
Senator Blakemore seconded the motion.
The vote was unanimous with Senators Dodge, Gojack and Neal absent.

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A.B. 590: Makes completion of Nevada Department of Fish and Game's course in safe firearm handling a prerequisite to obtaining a hunting license in certain circumstances.

Senator Sheerin moved do pass.
Senator Blakemore seconded the motion.
The vote was unanimous with Senators Dodge, Gojack and Neal absent.

A.B. 589: Increases penalties for certain fish and game violations.

Senator Sheerin moved do pass.
Senator Blakemore seconded the motion.
The vote was unanimous with Senators Dodge and Gojack absent.

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Environment and Public Resources Committee

S.B. 600: Reduces notice period required before Fish and Game regulations relating to open and closed seasons and bag limits may be adopted.

Glen Griffith and Fred Wright, Nevada Department of Fish and Game, testified. This would establish a shorter period for filing a notice of season regulations. Apparently they are required to file them 30 days in advance, along with text of the proposed regulations. This works fine until they get into the big game season and some of the small game seasons where some of their survey data is not built up until about a week or two before the actual Commission meeting. They are recommending that the limitation be shortened in their case from 30 days down to 7 days, as it relates to seasons. Committee discussion followed about the bill.

It was decided to have Mr. Griffith and Mr. Wright return the next day with further testimony after seeking advice from their legal council.

A.B. 716: Requires adoption of minimum insulation standards for all public and private buildings constructed in Nevada.

Senator Bryan moved do pass.
Seantor Blakemore seconded the motion.
The vote was unanimous with Senators Gojack and Dodge absent.

S.B. 599: Makes various changes in provisions relating to solid waste disposal and pollution.

Ernie Gregory, Department of Human Resources, testified. His written testimony is attached and will be labeled EXHIBIT B.

Questions from the committee as follows:

SEnator Wilson asked about Page 4, Lines 8-21. He asked if this was existing regulation. Mr. Gregory said yes, it is existing regulation, but not existing statute. Senator Wilson asked why they wanted to cast this into statutory language. Mr. Gregory said it was just a suggestion, but it is not necessary to be in there. He also said this would make it comparable to the California statutes. Senator Wilson asked if they had a jurisdictional problem. Mr. Gregory said no. Senator Wilson asked how much of the regulation pertaining to sewage were they talking about statutizing. Mr. Gregory said very little. Senator Wilson asked if they really needed the language at the top of page 4. Mr. Gregory indicated there were no problems and if the committee wanted to amend, they would have no objection.

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The legal council for the Department came forward and answered questions about the language on Page 4. He stated he was not party to the drafting of the legislation so the language there was not there. He said he would have to agree with Mr. Gregory that it is not necessary. Senator Wilson and Senator Sheerin both suggested removing Section 10 of the bill. Mr. Feiertag agreed with that.

Page 5, Line 27, Senator Wilson asked if there was a difference between "substance" and "pollutant." Mr. Feiertag said there could definitely be a difference. He explained that a pollutant is a term of art that is specifically defined in the statutes. Senator Wilson asked if the Environmental Commission had jurisdiction currently to promulgate regulations on water pollution. Mr. Feiertag said yes. Senator Wilson asked if they had jurisdiction to impose penalties for violation of the regulations. Mr. Feiertag said yes.

After further discussion, it was decided to defer S.B. 599 until the next day.

A.B. 480: Changes terminology respecting certain air pollution sources and modifies requirements for their regulation.

Senator Wilson said they should strike Section 1 of the bill. Senator Sheerin said Section 2 was all right. Senator Blakemore said they should eliminate Line 23. Senator Wilson said there was another question before that - whether or not you are going to limit the meaning of indirect source to carbon monoxide. Senator Wilson said he didn't think they wanted to do that.

Line 13 - take out the brackets before "air contaminant."

Line 14 - take out the bracket after the word "that", and strike the new language "carbon monoxide, even though."

Line 16 - Strike the bracket before "such" and put in another bracket before "complex." and strike "carbon monoxide."

Mrs. Talvitie stated the italicized "laundry list" is the same as in the federal law.

Section 3 - Senator Sheerin stated he thought construction should be given a seat on the board. Senator Wilson said they could expand the board to seven. Senator Bryan agreed

with this. Senator Dodge said he felt this had something to do with what they did with the language on page three dealing with line 5. Senator Dodge said if you don't make them any stricter, he isn't sure how important that representation is.

Senator Wilson said that in Las Vegas there is presently a contractor on the board. He also said he hadn't heard any complaints about the board in Washoe County. Discussion followed about the Las Vegas board. They all agreed that the board should serve by term.

Senator Wilson said they would retain the present language in Lines 15 through 17, making it seven members on Line 16. You would eliminate the brackets and strike the new language on Lines 17, 18, 19, and 20. Senators Bryan and Gojack said it should also be stipulated that one member of the board is a contractor. Discussion followed about this member of the board.

Page 3, Lines 5 through 8 - Senator Dodge said if you allow the stricter standards, the board definitely comes into play. Roland Oakes was asked what he thought about Page 3, lines 1-7. Mr. Oakes stated that was the meat of the bill and the only part industry is interested in. They are satisfied with the language.

Senator Wilson said according to previous testimony, it was not that the standards were higher, but that the review criteria was higher. Senator Wilson asked Mr. Oakes if he was aware of a case where the standards on emission control are tougher than the federal standards. Mr. Oakes stated he thought there was sufficient evidence at the hearing to show it is much tougher. Senator Wilson said on the contrary, the evidence was limited to review criteria not the standard. Mr. Oakes said he would be glad to submit documents indicating the standards are much stricter. Senator Bryan said he would agree with Senator Wilson. Much discussion followed about this. Mr. Oakes said he would supply the committee with the evidence he had indicated above.

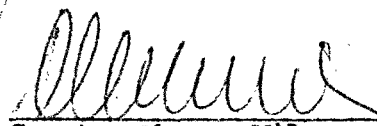
It was decided to hold the bill for further deliberation and to wait for Mr. Oakes' evidence.

There being no further business, the meeting was adjourned at 5:30 p.m.

Respectfully submitted:


Kristine Zohner, Committee Secretary

APPROVED BY:


Senator Thomas Wilson, Committee Chairman

ROOM # 213
DAY Monday

DATE May 12, 1975

Exhibit A

<u>NAME</u>	<u>ORGANIZATION</u>	<u>ADDRESS</u>
JOHN MADOLE	ASSOC. GEN. CONTRACTORS	RENO
Ernie Gregory	Bur. of Env. Health	Carson City
W. H. Parsons	New Fish & Game	Reno
Ann Zorn	League Women Voters	Las Vegas
Dorothy Esmering	League of Women Voters	Las Vegas
John M. Collins	Sierra Environmental Monitoring	Reno
Matthew H. Fairley	Dep. Atty Genl - Bur. of Env. Health	C.C.



Exhibit B

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STATE OF NEVADA
DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH
BUREAU OF ENVIRONMENTAL HEALTH
CAPITOL COMPLEX
1209 JOHNSON STREET
CARSON CITY, NEVADA 89701

May 8, 1975

MEMORANDUM

TO: Thomas R.C. Wilson, Senator
Nevada State Legislature
FROM: E.G. Gregory, Chief
Bureau of Environmental Health
SUBJECT: Senate Bill 599

Senate Bill 599 is a clean-up Bill containing changes requested by the U.S. Environmental Protection Agency, weaknesses found by the Department of Human Resources, Bureau of Environmental Health in the administration of the air and water pollution control statutes and for statutory changes in the Solid Waste Program which have been initiated administratively to improve the environmental programs in the Department of Human Resources.

Sections 1 through 8, pages 1,2, and 3 of SB 599 would transfer the Solid Waste Program from the State Board of Health and the State Health Officer to the State Environmental Commission and the Director of the Department of Human Resources. This requested administrative change would be the same organizational structure as is set forth by NRS for the air and water pollution control programs.

The change is desirable because of the relationship of the air, water, and solid waste programs in the areas of planning, management, and enforcement. It is also desirable administratively because all three program activities are funded in part by the U.S. Environmental Protection Agency. The change would eliminate the duplication of effort in dealing with that Agency.

Sections 9 through 11, pages 3 and 4 of SB 599 would transfer the water pollution control functions at Lake Tahoe from the Division of Health to the Department of Human Resources.

Presently, both the Division of Health and the Department of Human Resources have water pollution control responsibilities in the Tahoe Basin, but these responsibilities are not clearly identified nor implemented. The requested amendment would eliminate this problem by putting the program in a single agency.

Section 12, page 4, clarifies provisions for conflict of interests of the Director of Human Resources in the issuance of permits under the Federal National Pollution Discharge Elimination System. (Requested by EPA.)

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Section 13, subsection 4, page 5, under existing statutes water pollution control enforcement actions can only be taken for violation of a condition of a waste water discharge permit for a point source or for failure to have a permit for a point source. There are no provisions for control of other sources of water pollution such as disposal of garbage or other wastes, accidental spills from non-point sources such as train or truck wrecks or the removal of dead livestock from watercourses.

This amendment provides for control of these non-point water pollution problems.

Section 14, subsection 6, page 6. Clarifies conflict of interest provisions for Environmental Commission.

Section 15, page 6. Current statutes provide only for stack source emission testing on air pollution sources prior to approval of an operating permit. The amendment would permit stack testing at any time to determine compliance.

Section 16, subsection 4. Under existing statutes, a notice is issued to correct air pollution no further action may be taken unless there is a failure to comply with the notice. In many instances, a continual violator e.g., it is desirable to issue a notice to cease and desist as well as impose a fine. This amendment would permit both such actions.

Section 17, subsection 2, page 7. Clarifying the EPA title.

Section 17, subsection 3, page 7. Amendment strengthens confidentiality of information for permittees.

Section 19, subsection 4, page 8. Fines imposed on county governments for air pollution violations, with the fines going back into the county's general fund, is just a paper exercise. Putting the fines in the school district's fund would be more meaningful.

Section 20, page 8. During Commission hearings on implementation of the auto emission control program in Clark County, it was brought out the Commission could not selectively implement such programs in localized areas. The amendment would clarify this and enable the Commission to initiate such programs where they deem them necessary.

EGG/dp