

SENATE COMMITTEE ON  
ENVIRONMENT AND PUBLIC RESOURCES

MINUTES OF MEETING

Wednesday, May 14, 1975

A meeting of the Senate Environment and Public Resources Committee was held on Wednesday evening, May 14, 1975 at 7:15 p.m. in Room #213 of the Legislative Building.

Senator Thomas Wilson was in the Chair.

PRESENT: Chairman Thomas Wilson  
Senator Richard Bryan  
Senator Richard Blakemore  
Senator Gary Sheerin  
Senator Joe Neal  
Senator Mary Gojack\*  
Senator Carl Dodge\*

ALSO PRESENT: Brian Wright, Washoe County District Health  
Ernie Gregory, Bureau of Environmental Health  
Bill Young, Nevada Highway Department  
Ed Sutherland, Ryan Outdoor, Las Vegas  
Roger Trounday, Dept. Human Resources  
Allan Bruce, Associated General Contractors  
Barry Becker, So. Nev. Home Builders  
Lyn Aycluott, Education Dynamics  
Richard Serdoz, Air Quality, Env. Health  
James L. Viano, Carson Builders Association  
Assemblyman Virgil Getto

ACTION WAS THEN TAKEN ON THE FOLLOWING MEASURES:

AB 678 PROHIBITS CAMPING OR RECREATIONAL ACTIVITIES WITHIN CERTAIN DISTANCE OF WATER POCKET WHICH MAY BE USED BY BIRDS OR MAMMALS.

Ernie Gregory of the Bureau of Environmental Health gave testimony on this Bill. After a short discussion:

Senator Bryan moved to "INDEFINITELY POSTPONE"  
Senator Blakemore seconded the motion.  
Motion carried unanimously.

SB 599 MAKES VARIOUS CHANGES IN PROVISIONS RELATING TO SOLID WASTE DISPOSAL AND POLLUTION.

Ernie Gregory testified on the measure. He stated that if the original language is left in on Section 10, then there should be a change on Page 4, line 5, wherein it

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would then read the bureau of environmental health of the health division..... Also, the proposed language is to be stricken from line 8 through 21. The reason for the insertion of "bureau of environmental health" is to retain the identity of the bureau.

Section 11? Lines 34 through 37 was inserted because they wanted those regulations to stay intact because they were giving that authority to the Commission and needed this until the Commission revises them.

Line 39 is the conflict of interest provisions for the Director on the issuance of the discharge permits. It clarifies that he can't have any interest in the permittee under the federal act.

Section 13? Starting on line 23, the only authority that we have today is to take an action against a permittee or person who has failed to secure a permit, which only applies to point sources. They were agreeable on line 28 if you say "or livestock", then delete everything after that, and then add: "shall be guilty of a violation of the provisions of this chapter."

Senator Wilson asked what kind of regulatory structure they had right now for ongoing projects such as a construction project? Mr. Gregory answered that under the present statutes they have none.

Senator Wilson asked what was wrong with the regulatory approach that allows you to apply at the same time the permit is issued? Mr. Gregory said this was impossible because very often pollution of a stream is caused indirectly as an access road into a mine where slippage from that road enters a stream and very directly affects the fishing and camping areas down stream. They have no way of reaching the owners of the road to shore up the road under the present statute.

I believe there should be some alternative language used in paragraph 4 of this Section. Let's rewrite that paragraph vesting you the jurisdiction to issue orders, whenever necessary with standards and regulations as necessary so you can promulgate what you need. So you can step in stop something that is a clear danger to natural resources. We need some language which will vest the Commission to promulgate regulations in this area.

Section 14? Page 6, starting on line 9; this just clarifies the conflict of interest of the Commission members.

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Section 15? Line 27 -- the present wording in the statute says that we can only stack-test prior to the issuance of an operative permit. We would like the authority to go in at any reasonable time and stack-test for compliance. This would clarify that situation. Notification that we were going to have a stack-test would be given at least 24 hours in advance.

Section 16? Paragraph 4, with or without? Under the present situation, one of our inspectors will go out in the field and finds a source in violation, if he writes the specific instructions to correct the problem, then the Commission cannot impose a fine. If you get a habitual violator, where they refuse to take action after they have received these notices; have not taken corrective action after a certain number of days, on the order, then they cannot be fined. We would like the privilege to make them take corrective action or they would be fined.

Section 17? This is just qualifying language on line 11. It says the Federal Environmental Protection Agency is the proper terminology of the United States Environmental Protection Agency.

Line 13 says that any information received by the Commission can be certified as confidential by the owner. This is contrary to federal law. This is to protect processes in the trade itself, trade secrets, however, it is contrary to federal law, so to clarify this, the words "except information on emission data" which under the federal law has to be available to the public. We requested that that additional wording be included to clarify that particular subject.

Line 38? We feel now that since the Environmental Protection Agency has accepted our complex source regulations, this is superfluous wording. They are, in affect, federal regulations.

Section 19? That change was made by the Legislative Counsel Bureau. Changes on page 8 were also made by the Legislative Counsel Bureau.

Page 8, line 10? This was changed because when you fine a County it just reverts back to the general fund. So we thought it would be better if it went into the school fund, so that it wasn't just a paper exercise. We have fined counties for open burning in dumps and it seemed kind of ridiculous to fine them and then they would put it right back into their general fund.

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Section 20? Other sections within the statutes say that the Commission can designate certain areas in the State to initiate an auto emission control program. This particular section does not. This is the reason for this change.

There were no other witnesses present who wished to testify on SB 599.

Senator Wilson then informed Assemblyman Virgil Getto that his Bill, AB 678 had just been revived and did he wish to testify on same.

AB 678 (See page 1)

Mr. Getto then testified as to the purpose of the measure stating that it was a result of a resolution by the Cattlemen's Association (See Attachment.) It also has the support of the Fish and Game Department. What is happening, is that in the isolated areas where the water holes are some miles apart, the cattle have to travel long distances to drink and then someone gets around the water hole and the cattle will not come to the water. The same think with wildlife. This is drafted after an Arizona law. The Fish and Game do feel that they can develop regulations as they go along as the Bill is loosely worded. They will post some of the isolated water holes.

We are getting more and more desert lovers who are out backpacking and camping. We just want to keep them at least 100 yards back from the water holes. A lot of these desert cattle are wild and will not come near if there are people present.

Senator Blakemore moved "DO PASS"  
 Motion failed for lack of a second.

AB 749

EXTENDS CONTROL OF OUTDOOR ADVERTISING TO NONURBAN SIGNS BEYOND THE PREVIOUS 660-FOOT DISTANCE FROM THE RIGHT-OF-WAY OF CERTAIN HIGHWAYS, AND PROVIDES FOR THEIR REMOVAL.

After a very short discussion plus there was no further testimony on this measure:

Senator Bryan moved "DO PASS."  
 Senator Neal seconded the motion.  
 Motion carried with all voting aye except Senator Blakemore who voted nay.

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AB 556      PROHIBITS USE OF AEROSOL CONTAINERS IN THE STATE OF NEVADA AFTER CERTAIN DATE.

As there was no one present to testify on this bill, Chairman Wilson asked that no action be taken until they could have a hearing. The Committee agreed.

\*Senators Dodge and Gojack entered the meeting.

AB 480      CHANGES TERMINOLOGY RESPECTING CERTAIN AIR POLLUTION SOURCES AND MODIFIES REQUIREMENTS FOR THEIR REGULATION.

Roger Trounday of the Department of Human Resources testified as to the purpose of this measure.

Basically he directed his comments more generally toward the Committee about the attitude which seems somewhat prevalent among the Legislators during this Session. It has to do with the environmental issues and where we seem to be going with the State program, and the pressures that seem to be mounting to back the State standards all the way back to the federal standards. We are not that much more restrictive than the federal standards, but I would like to explain some of the reasons why I would really like to protect the State Standards in many of these cases and give you some examples of the flexibility it allows us to do this. I am concerned that every interest group that has concern, wants to back off the State standards to the federal standards. They keep saying that they agree with the standards in other areas, but in our area.....we'd like to back off to the federal standards, such as the power company did. If every interest group which is concerned wants to back off to the federal standards from the State standards, then we will be in the position as nothing more than people who are defending federal standards, per se. This does not give us the latitude that we need when we deal with these people in the State as well as when we deal with those people at the federal level. I would like to keep some degree of State latitude on this thing. If we in the State agency or on the local agency environmental enforcement people push too far, the very next day we get telephone calls calling us to task. We have to document that situation rather completely to show how we got to this certain point. If we are unrealistic in enforcing some of our standards then it should be that the Legislature or the State Executive Office can call us on the carpet. If we back up to the

point where we are nothing more than a rubber stamp for the federal standards, then we haven't got that type of flexibility.

We are currently in court backing Kennecott Copper on their stand because we think the federal government is being too restrictive. Now, if we were a sudo-federal government agency we wouldn't be in the position of having the necessary atonomy to go to the EPA and tell them we disagree with them. Then we have the latitude of going to the courts. If we rubber stamp and have totally federal standards in there, it is very difficult and ties our hands.

The best example I can give you is the case of the hotels at the Lake which were such a big issue. When the courts said they had to provide an environmental impact statement, we did a full review on these and we got these out in 30 to 45 days. The review that we did with them through there consultants as well as their architects and the people who designed the facilities; the new design up there at the Lake Thaoe as far as the drive ways and parking lots and some of the improvements they have made have reduced the pollution potential of those two hotels by 50%. This is prior to construction. Because we have been able to sit down with their architects in the environmental area, by the changes they have made to meet the standards of the State, they have made this large reduction in pollution potential.

If we don't do something to keep it on a State level then we are going to have to deal directly with the feds. It will tie th hands of the Environmental Commission. If these people have to deal directly with the EPA, who really don't have any concerns directly with our problems, then we will be lost. The Commission will not have any more say because the federal government will be standing there telling us what we have to do. There has not been one project within this State that has been denied by this indirect source application.

Senator Dodge said that this was not being done Legislatively; The Legislature had in fact declared a moratorium where they could take a better look at it. I don't believe that is the attitude of the Legislature.

Senator Sheerin stated that he felt if there are immediate problems with an industry, it seemed to him that the Commission must be able to give some immediate action to these immediate problems.

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Senator Dodge asked if Mr. Trounday didn't think that the Commission has some responsibility for continuing review of these things regardless of whether someone makes a request. I don't think that the tract record has been too good as far as the Commission or local boards making affirmative reviews of the utility companies, etc.

Mr. Trounday said that he didn't think that the Commission had had enough time yet to be put to the test as the standards had only been adopted within the last two years to 18 months.

Senator Dodge asked Mr. Trounday if he would have any objection in Section 1 if we were to reinstate the amendatory language of Section 1 except for the last phrase, which states "no such regulation may be stricter than the corresponding federal regulation."

Mr. Trounday answered that they have had public hearings on all our standards on the indirect sources that the State of Nevada has established. We submitted those to EPA. They have had their review on them and have accepted our standards. So, those, in effect, are an EPA standard within this State because they have accepted those standards. The EPA is supposed to have theirs out in July of 1975. I think we have protected the environment here in the State of Nevada as well as encouraging the economic development. I would like to strike Section 1, period, because I would like to continue to enforce the indirect source regulations as we have them. I don't think it has been punitive to industry in this State. We have tried to protect environment and still allow economic growth. I think we ought to keep what we have right now and continue forward from there.

Senator Bryan asked what kind of internal review criteria are you developing for on-going reviews of these review criteria, so that you can reexamine your own position internally?

Mr. Trounday answered "by receiving the complex sources. If we find that a simple review or that the project is not causing a problem, we recommend to the Commission that they amend the regulation."

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Senator Bryan asked what the cost of these reviews was to the industry? Mr. Trounday answered very low. As an example the K-Mart project here in Carson City cost approximately \$2,000. Also, from the time we receive the complete project we have 15 days to publish an intent to approve or deny. It's another 30 days which we have to give to the public to look our review over plus the developers comments or his environmental evaluation and then we have 30 days to pass on it.

Jack Kenny of the Southern Nevada Homebuilders then testified stating that he would suggest that in Section 1, line 6, is after the word "effective" insert the word "regionally".

He stated that their experience with the local or State EPA had not been good. Their problem is that they are afraid that the Commission can change the standards without any reliance on any technical input. They are not required to listen to the people who come before them regardless of whether they are speaking pro or con. They are appointed officials and can vote anyway the wish and can disregard the technical input. The time line has been so short we have not had a chance to use the State Commission. They have shown no evidence that the State standards should be stricter than the federal standards.

Senator Gojack asked how many were on the Commission and Mr. Kenny answered seven: Norman Glaser is the Chairman, Roland Westergard, the Water Engineer, Tom Ballow, Dr. Thorn Butler, George Zappatini, Bill Vincent, Ellen Shirley, Hank Tester and Glen Griffith of the Fish and Game.

Mr. Kenny went on to say that what he was concerned about is that if we put this bill in and what we thought would be a workable, fair solution, because what happens is if the federal regulations are never adopted it leaves the construction industry saddled with regulations when the EPA may never enact standards. Now, that we have the federal regulations why should we compound it with state regulations which are stricter than the federal regs? So what I would like to suggest is set up an amendment in the first section to spell out a procedure that is not in the Bill that the State Environmental Commission be given the power to enact changes in the federal regs, if they are enacted, but they have to have some ground rules on what they accept as testimony.



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Chairman Wilson then asked that the Committee go through the Bill and Make their decisions on the measure.

SECTION 1:

Senator Sheerin - Omit  
 Senator Gojack - Omit  
 Senator Blakemore - leave in  
 Senator Bryan - leave in  
 Senator Dodge - leave in  
 Senator Neal - Omit  
 Senator Wilson - Omit

First Section would therefore be omitted.

SECTION 2:

No problem. All in favor  
 Adopt with amendatory language.

SECTION 3:

Increase members on the board to 7.  
 Remove the brackets and delete amendment  
 of lines 17 thru 22.  
 Restore language in lines 28 and 29.  
 All agreed

SECTION 4:

Restore to "complex" source.  
 All agreed

SECTION 5

Retain as exists as amended.  
 All agreed except Senator Gojack voted no.

SECTION 6:

Agreed, Leave as is.

Senator Sheerin suggested that the Bill be amended that a Contractor be placed on the Environmental Commission. Chairman Wilson said that to do this they would have to open it up for public hearing again.

Senator Neal moved "DO PASS AS AMENDED."  
 Senator Bryan seconded the motion  
 Motion carried with all votiny aye except Senator  
 Blakemore who voted nay.

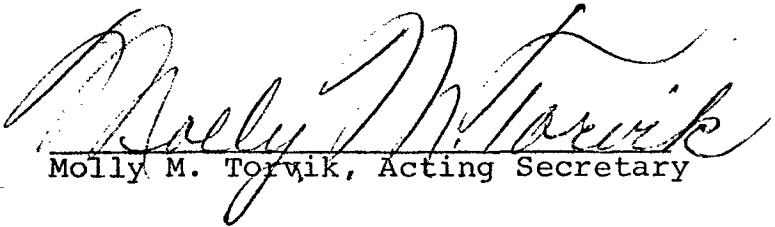
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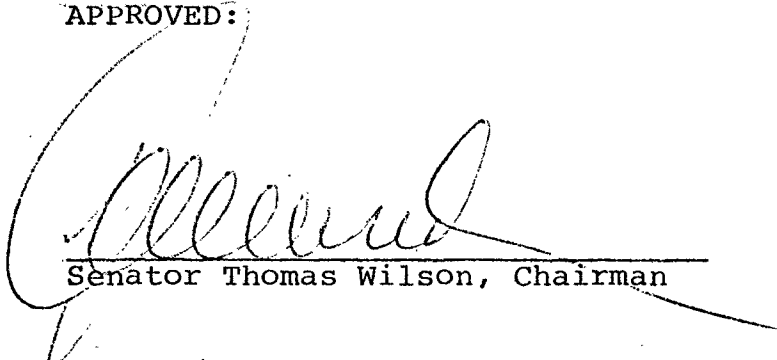
It was the consensus of the Committee that the  
Aerosol Bill - AB 556, be taken up at a later  
meeting.

There being no further business, the meeting was then adjourned  
until 1:00 p.m. the 15th day of May, 1975.

Respectfully submitted:

  
Molly M. Torvik, Acting Secretary

APPROVED:

  
Senator Thomas Wilson, Chairman

NEVADA CATTLEMEN'S ASSOCIATION AND  
NEVADA WOOLGROWERS ASSOCIATION  
JOINT CONVENTION  
SPARKS, NEVADA  
NOVEMBER 11, 1974

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RESOLUTION NUMBER 26 -- NCA Board of Directors

BE IT RESOLVED: The Nevada Cattlemen's Association does hereby approve and endorse the position of the Nevada Department of Fish and Game in regards to the use of isolated springs, seeps and waters as campgrounds thereby disturbing normal use by wildlife and domestic livestock.

DIRECTED TO: Nevada Department of Fish and Game

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Smart ①

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30.

**WATER CONTROLS; AIR POLLUTION . 445.224**

10. To certify all costs and expenditures for any facility, land, building, machinery, equipment, treatment works, sewerage or disposal systems which are acquired, constructed or installed in conformity with the purposes of NRS 445.131 to 445.354, inclusive;

11. To hold hearings, to issue notices of hearings, to issue subpoenas requiring the attendance of witnesses and the production of evidence, to administer oaths, and to take testimony as the director finds necessary to carry out the provisions of NRS 445.131 to 445.354, inclusive;

12. To exercise all incidental powers necessary to carry out the purposes of NRS 445.131 to 445.354, inclusive; and

13. To delegate any function or authority granted to him under NRS 445.131 to 445.354, inclusive.

(Added to NRS by 1973, 1710)

**445.217 Director disqualified to act in certain cases; action by commission.**

1. If the director receives or has during the previous 2 years received a significant portion of his income, as defined by any applicable state or federal law, directly or indirectly from one or more holders of or applicants for a permit required by NRS 445.131 to 445.354, inclusive, he is disqualified from taking action with respect to the permits or applications of such holders or applicants, but such disqualification shall not apply to his powers and duties with respect to other permits and applications for permits.

2. In the event the director is disqualified pursuant to subsection 1, the commission shall have authority to exercise the powers and duties of the director with respect to the permit or application for which the director is disqualified.

3. The disqualification provided in this section does not apply with respect to significant income received from the state or from any city, county or other public body which may be a holder of or an applicant for a permit required by NRS 445.131 to 445.354, inclusive.

(Added to NRS by 1973, 1711)

**445.221 Unlawful discharge of pollutant without permit.** Except as authorized by a permit issued by the department under the provisions of NRS 445.131 to 445.354, inclusive, and regulations promulgated under such sections by the commission, it is unlawful for any person to discharge from any point source any pollutant into any waters of the state or any treatment works.

(Added to NRS by 1973, 1711)

**445.224 Permits: Issuance prohibited in certain cases.** No permit may be issued which authorizes any discharge into any waters of the state:

1. Of any radiological, chemical or biological warfare agent or high-level radioactive waste;
2. Which would substantially impair anchorage and navigation in any waters of the state;

SENATE Environment COMMITTEE

ROOM # 213

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DAY Wednesday DATE May 14, 1975

NAME ORGANIZATION ADDRESS PHONE NUMBER

\*NOTE: PLEASE PRINT ALL THE INFORMATION CLEARLY.

Brian Wright	Washoe County Dist. Health Dept.	10 KIRKMAN AVE 1209 Johnson St Carson City	785-424
Ernie Gregory	Bur. Envi. Health	Carson City	885-4670
Bill Young	nev. Highway	Carson City	885-550
<del>Ed Sutherland</del>	Ryan outdoor	L. V.	209-368-864
ROGER TROUNDAY	DEPT HUMAN RESOURCES	CARSON	885-4730
Allan Bruce	Associated General Contractors	Las Vegas	457 6875
BARRY W BECKER	So Nev Home Builders	C. U.	878-190
Lyn Aylloft	EDUCATION DYNAMICS	Incline Village	831-1336
RICHARD SERDOZ	AIR QUALITY BU. of ENV. HEALTH	CARSON CITY	885-4670
James L. Viano	Carson Builders Ass.	1413-N-Carson City	882-940

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 678

ASSEMBLY BILL NO. 678—ASSEMBLYMEN GETTO, YOUNG,  
HOWARD, JACOBSEN, HAYES, MOODY, CHRISTENSEN,  
DREYER AND WITTENBERG

APRIL 18, 1975

Referred to Committee on Environment and Public Resources

SUMMARY—Prohibits camping or recreational activities within certain distance of water pocket which may be used by birds or mammals. Fiscal Note: No. (BDR 45-1689)

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

AN ACT relating to water sources for wildlife and domestic stock; prohibiting camping near certain water sources in a certain manner; providing a penalty; 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 503 of NRS is hereby amended by adding
- 2 thereto a new section which shall read as follows:
- 3 *It is unlawful for any person to camp within 100 yards of a small iso-*
- 4 *lated spring, seep, water pocket or waterhole in such a manner that wild-*
- 5 *life or domestic stock will be denied access to such spring, seep, water*
- 6 *pocket or waterhole.*

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 749

ASSEMBLY BILL NO. 749—COMMITTEE ON ENVIRONMENT  
AND PUBLIC RESOURCES

APRIL 29, 1975

Referred to Committee on Environment and Public Resources

SUMMARY—Extends control of outdoor advertising to nonurban signs beyond the previous 660-foot distance from the right-of-way of certain highways, and provides for their removal. Fiscal Note: No. (BDR 35-1917)

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

AN ACT relating to highway beautification; providing greater control over outdoor advertising signs by banning, in nonurban areas, signs beyond the previous 660-foot distance from the right-of-way of certain highways; providing for their removal; 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 410 of NRS is hereby amended by adding  
2 thereto a new section which shall read as follows:3 "*Urban area*" means an urbanized area, or in the case of an urbanized  
4 area encompassing more than one state, that part of the urbanized area in  
5 each such state, or an urban place, as designated by the Bureau of the  
6 Census of the United States Department of Commerce, having a popula-  
7 tion of 5,000 or more and not within any urbanized area, within bound-  
8 aries to be fixed by responsible state and local officials in cooperation with  
9 each other, subject to approval by the Secretary of Transportation of the  
10 United States. Such boundaries shall, as a minimum, encompass the entire  
11 urban place designated by the Bureau of the Census.

12 SEC. 2. NRS 410.320 is hereby amended to read as follows:

13 410.320 After the effective date of NRS 410.220 to 410.410, inclu-  
14 sive, no outdoor advertising shall be erected or maintained within 660 feet  
15 of the nearest edge of the right-of-way and visible from the main-traveled  
16 way of the interstate or primary highway systems in this state, and, out-  
17 side urban areas no outdoor advertising shall be erected or maintained  
18 beyond 660 feet from the nearest edge of the right-of-way of the interstate  
19 and primary highway systems which is visible and place with the purpose  
20 of having its message read from the main-traveled way of the interstate  
21 and primary highway systems in this state, except the following:

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 480

ASSEMBLY BILL NO. 480—ASSEMBLYMAN MAY

MARCH 25, 1975

Referred to Committee on Environment and Public Resources

SUMMARY—Changes terminology respecting certain air pollution sources and modifies requirements for their regulation. Fiscal Note: No. (BDR 40-1241)

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

AN ACT relating to air pollution control; revising definitions respecting certain sources of air pollution and modifying requirements for their regulation; making changes in the composition of local air pollution control hearing boards; 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 a new section which shall read as follows:

3 *No regulation adopted pursuant to any provision of NRS 445.401 to*  
4 *445.601, inclusive, may be enforced as to indirect sources until regula-*  
5 *tions of the United States Environmental Agency respecting indirect*  
6 *sources have become effective.*

7 SEC. 2. NRS 445.446 is hereby amended to read as follows:

8 445.446 1. "Source" means any property, real or personal, which  
9 *directly* emits or may emit any air contaminant.

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

- 16 (a) [Shopping centers;
- 17 (b) Sports complexes;
- 18 (c) Drive-in theaters;
- 19 (d) Parking lots and garages;
- 20 (e) Residential, commercial, industrial or institutional developments;
- 21 (f) Amusement parks and recreational areas;
- 22 (g) Highways;
- 23 (h) Sewer, water, power and gas lines,] *Highways and roads;*