

MINUTES

ENVIRONMENT AND PUBLIC RESOURCES COMMITTEE  
April 30, 1977

Members Present: Chairman Moody  
Mr. Coulter  
Mr. Ross  
Mr. Chaney  
Mr. Polish  
Mr. Serpa  
Mr. Rhoads  
Mr. Jeffrey

Members Absent: Mr. Kissam

Guests Present: Bob Stewart, Governor's Office  
John Meder, State Parks  
Tom Young, Sierra Pacific Power Company

The meeting was called to order by Chairman Moody. The first item being considered was S.B. 266.

SENATE BILL 266

A short general discussion was held by the committee and Bob Stewart and John Meder concerning the three proposed amendments to S.B. 266. Mr. Stewart said that the Governor had no real objections to the proposed amendments.

A motion was made by Mr. Serpa and seconded by Mr. Rhoads that the committee recommend adoption of Amendment No. 1222 to S.B. 266. The motion was carried unanimously.

A motion was made by Mr. Serpa and seconded by Mr. Rhoads that the committee recommend adoption of Amendment No. 1221 to S.B. 266. The motion was carried unanimously.

A motion was made by Mr. Polish and seconded by Mr. Jeffrey that the committee recommend adoption of Amendment No. 1224 to S.B. 266. The motion was carried unanimously.

A motion was made by Mr. Serpa and seconded by Mr. Jeffrey that the committee give a Do Pass as Amended recommendation to S.B. 266. The motion was carried by a vote of 7 to 1, with Mr. Rhoads voting against the motion.

Chairman Moody called for testimony on S.B. 378.

SENATE BILL 378 - Adds variance and appeals procedures to Nevada Water Pollution Control Law.

April 30, 1977

Tom Young, of Sierra Pacific Power Company, explained that presently there is no appeals process when a person or party goes in and applies for a permit for water or waste discharge. The permit may be issued, and if it creates a problem, there is no avenue of appealing that permit. This bill would allow for the appeal. You could take a permit back to the Director and discuss it with him and try to solve it that way. If a decision or agreement could not be reached with the Director of the Department, it would then go before the State Environmental Commission to see if a decision could be reached. There are problems with trying to meet deadlines for pollution control devices and things of this nature, and presently there is no way to appeal any type of decision handed down by the Commission or Director. All this does is create that avenue. There is an existing avenue for doing this for air pollution and this is basically the same type of appeals process, only for water pollution. He presented a letter which Matt Feiertag, Deputy Attorney General, Environmental Division, had sent to Senator Sheerin stating that they are in agreement on the bill as amended, a copy of which is attached hereto and marked Exhibit A, along with a copy of remarks and a copy of the amendment.

A motion was made by Mr. Serpa and seconded by Mr. Polish that the committee give a Do Pass recommendation to S.B. 378, as amended by the Senate. The motion was carried unanimously.

The meeting was adjourned by Chairman Moody.

Respectfully submitted,



Ruth Olguin  
Assembly Attache



*Delivered to Sheerin on  
4-11-77 - he will  
have an amendment drawn  
up.*

STATE OF NEVADA  
OFFICE OF THE ATTORNEY GENERAL  
ENVIRONMENTAL DIVISION  
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EXHIBIT A  
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ROBERT LIST  
ATTORNEY GENERAL

MATTHEW H. FEIERTAG  
DEPUTY ATTORNEY GENERAL  
(702) 885-4670

April 6, 1977

MEMORANDUM

TO: Senator Gary Sheerin  
Chairman, Senate Natural Resources Committee

FROM: Matt Feiertag, Deputy Attorney General  
Environmental Division

SUBJECT: S.B. 378

The power company representatives and I have agreed that there is no acceptable method of placing a "variance" procedure in our statutes. However, we both feel that a very minor change to NRS 445.271 would be mutually beneficial. We wrote up the change, as #4 in italics on the attached sheet. We would like it to be substituted for the present S.B. 378. Any help you can give us on this would be greatly appreciated.

tb

SB 378

THIS BILL AS AMENDED AND PRINTED IN THE FIRST REPRINT IS THE RESULT OF A COMPROMISE REACHED BETWEEN SIERRA PACIFIC POWER CO. AND MATTHEW FEIRTAG, DEPUTY ATTORNEY GENERAL FOR THE NEVADA STATE ENVIRONMENTAL COMMISSION.

" SEE ATTACHED LETTER ".

IT IS THE STATUTORY DUTY OF THE COMMISSION TO "DEVELOP, PROPOSE, PROMULGATE, AND AMEND..." RULES AND REGULATIONS GOVERNING STANDARDS OF WATER AND WASTE DISCHARGES. ( N.R.S. 445.201.1 (a) ).

THE IMPLEMENTATION AND ENFORCEMENT OF ADMINISTRATIVE REGULATION CANNOT HELP BUT RESULT IN CONFLICTS BETWEEN PRIVATE PARTIES AND THE ADMINISTRATIVE STAFF FROM TIME TO TIME. CONSEQUENTLY, IT IS ENTIRELY NECESSARY THAT AN AGGRIEVED PARTY BE ALLOWED THE OPPORTUNITY TO APPEAL DECISIONS OF THE ADMINISTRATIVE STAFF TO THE RULE-MAKING BODY---THAT BEING THE COMMISSION.

SB 378 ACHIEVES THAT PURPOSE. AFTER AN APPLICATION IS SUBMITTED TO THE ~~STATE ENVIRONMENTAL COMMISSION~~ <sup>DEPT. OF HUMAN Resources</sup> AND THEY HAVE CONSIDERED THE APPLICATION, A PERMIT IS ISSUED. SHOULD THE APPLICANT RECEIVING THE PERMIT HAVE PROBLEMS WITH THE REQUIREMENTS OF THE PERMIT, SB 378 WOULD ALLOW THE APPLICANT TO REQUEST MODIFICATION OF THE PERMIT TO THE DIRECTOR OF THE STATE ENVIRONMENTAL COMMISSION.

SHOULD THESE TWO PARTIES NOT BE ABLE TO REACH AN  
AGREEMENT FOR THE MODIFICATION OF THE PERMIT THEN  
THE APPLICANT CAN APPEAL TO THE COMMISSION FOR MODI-  
FICATION OF THE PERMIT.

WE WOULD URGE A " DO PASS " FROM THE COMMITTEE.

NRS 445.271 is hereby amended to read as follows:

445.271. Any permit issued under NRS 445.227 to 445.237, inclusive, may be revoked, modified or suspended in whole or in part during its term for cause including but not limited to the following:

1. Violating any terms or conditions of the permit;
2. Obtaining a permit by misrepresentation or failure to disclose fully all relevant facts; or
3. A change in conditions, or the existence of a condition, which requires either a temporary or permanent reduction or an elimination of the permitted activity.
4. *Upon request of the permitholder, by petition, to the director for modification of an issued permit.*

Any such revocation, modification or suspension is effective no later than 30 days after the permitholder receives written notice, issued by the director, of the facts or conduct warranting such action.