

SUB-COMMITTEE MEETING OF:

Assemblyman Coulter
Assemblyman Prengaman
Assemblyman Polish
Assemblyman Bedrosian
Assemblyman Rhoads

Chairman Coulter brought this meeting to order at 2:00 p.m.

AB 699 - Requires deer hunters to wear fluorescent material of "hunter orange".

Mr. Fred W. Welden, Senior Research Analyst, with the Legislative Counsel Bureau, was asked by Assemblyman Horn to advise this committee on some background for this sort of legislation. A copy of his remarks are attached hereto and marked as Exhibit "A".

Mr. Glen Griffith of the Department of Fish and Game was next to testify before the committee. He stated that they do have a very comprehensive hunter safety program where they teach firearm safety, handling, conservation ethics, etc. Mr. Griffith stated that he believes the objective of AB 699, although admirable in that objective, would be counter-productive. They don't want to create a situation where a hunter would see a movement, he would see no "hunter-orange", so it must be a deer. Additionally, he stated that running concurrent with deer season, they have more chukar hunters in the field than they have deer hunters. They also have rock hunters, back packers, people mending fences, etc. To require only one segment of that mass of people to wear the "hunter-orange" would be counter-productive. They oppose this bill.

Mr. Al Uhart, Nevada Bowhunters Association, next testified in opposition to this bill. He stated that they need to be camouflaged when hunting due to the fact that they shoot from within thirty yards.

AB 541 - Requires standards and licensing to regulate "package" plants for sewage treatment.

Assemblyman Bedrosian testified before the committee explaining the intent of this bill. The bill has been drastically changed by the attached proposed amendments to AB 541. These amendments are attached hereto and marked as Exhibit "B". The intent is to set high standards and qualifications for personnel maintaining package sewer plants. Package sewer plants are pretty much discouraged in southern Nevada, he explained, but they are a growing phenomenon in northern Nevada where the municipal sewer allocation has been taxed to its highest limit. So developers, as a method

of continuing to build, are looking forward to package sewer plants. This legislation attempts to ingrain some language into the existing water control legislation that will cover package sewer plants because they are a relatively new phenomenon in water treatment. The local governments in northern Nevada, at least, are just now getting into the business of trying to control them. Assemblyman Bedrosian detailed for the committee the amendments set forth in Exhibit "B" and analyzed them along with a copy of the statutes as they now read. A copy of said statutes are attached as Exhibit "C". Assemblyman Bedrosian made reference to page three of a letter from David J. Minedew wherein he proposed certain amendments, which Assemblyman Bedrosian is in agreement with. A copy of this page is attached as Exhibit "D".

Mr. Ernie Gregery, Division of Environmental Protection, testified before the committee. He stated that there is a provision on construction grants for Reno's Early Start program. One of the conditions is that any package that is approved cannot lower the quantity of the water in the Truckee River. Mr. Gregery supports this bill as amended.

Mr. David J. Minedew, Director of Environmental Services, Washoe County District Health Department, testified in support of this bill with a few technical changes. He made reference to his letter which has been exhibited as Exhibit "D".

Edward Dannan of the Washoe County District Attorney's office testified on this bill. He is concerned about involving local governments in continued operation of the plants. He wasn't sure how the County Commissioners would feel about that, but if that is the case, he stated, when we are talking about the funding, he feels it would be a better idea to have one large fund consisting of all of the money that has been gathered from each plant, gathering interest, to take care of repairs wherever needed. He would favor this plan as opposed to thirty to thirty-five trust funds. Mr. Dannan suggested some wording to the effect that "it must be placed with the County Treasurer" or something like that, that would insure that the money was never used for anything else but repairing these plants if necessary.

Mr. Sam Mamet, Clark County, testified on this bill. He stated that their representatives from the Clark County Sanitation District met with Mr. Bedrosian and they do understand the problems in Washoe County, but they must oppose the suggested language on page three that makes the local government responsible if the builder faults. They envision some serious liability problems. Not sure if it would be possible, but he suggested that perhaps the Public Service Commission could have some oversight in this area.

Ms. Debbie Sheltra, Virginia Foothills Property Owners and Franktown Hills Association, testified on this bill. She mentioned that they had originally wanted on this bill, Public Service Commission approval and direction as to the initial setting up of package sewer treatment plants. She noted that they have experience in Washoe County of Washoe County Commissioners being very willing to bring new subdivisions into being under weak situations as far as package sewer plants are concerned. She supports the amendments as she reads them especially the section where the governing body being responsible. Ms. Sheltra showed the committee a newspaper clipping regarding a proposed sewage treatment plant which is attached hereto and entered as Exhibit "F".

Mr. David Hoy, an attorney representing the DH Development Company who owns land in Washoe County. He outlined the past problems in Washoe County with respect to package sewer plants, plus the housing problem. He doesn't feel that the people he represents are opposed in any fashion to the gains of AB 541, i.e. to make sure that we get treated effluent and that the plants operate properly. He stated that he doesn't believe that AB 541 serves the need in the current context. Mr. Hoy then detailed his reasons for the committee. To sum up his complaint, he feels that we do not need this legislation in view of what the counties are doing presently, along with the state. Assemblyman Bedrosian explained to Mr. Hoy that all we are doing by this legislation is adding package sewage plants to the existing statutes, as they are now only doing this for on-site municipal plants. Mr. Hoy stated what they object to is to have both the county and the state approve the plants. What appeared to rectify all of Mr. Hoy's problems is the realization that through Mr. Bedrosian's amendments, the entire page two is being deleted.

Mr. Ron Jack, City of Las Vegas, was next to testify on this bill. The attached prepared statement is entered as Exhibit "F".

W.E. "Bill" Adams, PE, Nevada State Board of Reg. Professional Engineers, testified next on this bill. He stated that their main concern was that "board member" was removed from the second page and that did happen through Mr. Bedrosian's amendments. There were some other items that also concerned them that have been now cleared by these amendments. He advised the committee that with regard to page two of Mr. Bedrosian's proposed amendments (Exhibit "B") regarding the definition, he supports "a", but he is opposed to "b". He explained that he doesn't feel that that should fall into the category of the definition of package plant. Mr. Bedrosian suggested language such as "industrial" sewerage or something to that effect to resolve at least part of the problem.

AB 680 - Allows district boards of health to adopt certain regulations governing systems of sewage disposal.

Mr. David J. Minedew, Director of Environmental Protection, District Health Department, testified on AB 680 stating that this is merely an administrative bill. He stated that in the event that they never developed some sewage disposal regulations which did not come under the State Board of Health, they would like to have those regulations reviewed by the State Environmental Commission. He explained the unique situation in Washoe County, that being serving two departments, not only the Board of Health, but also the State Environmental Commission.

There being no further business at hand, Chairman Coulter adjourned this sub-committee meeting at 3:30 p.m.

Respectfully submitted,

Anne M. Peirce
Anne M. Peirce

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710



ARTHUR J. PALMER, Director
(702) 885-5627

LEGISLATIVE COMMISSION (702) 885-5627
DONALD R. MELLO, Assemblyman, Chairman
Arthur J. Palmer, Director, Secretary
INTERIM FINANCE COMMITTEE (702) 885-
FLOYD R. LAMB, Senator, Chairman
Ronald W. Sparks, Senate Fiscal Analyst
William A. Bible, Assembly Fiscal Analyst

FRANK W. DAYKIN, Legislative Counsel (702) 885-5627
JOHN R. CROSSLEY, Legislative Auditor (702) 885-5620
ANDREW P. GROSE, Research Director (702) 885-5637

February 14, 1979

M E M O R A N D U M

TO:

FROM: Fred W. Welden, Senior Research Analyst *FW*

SUBJECT: Bright Colored Clothing for Deer Hunters

Nevada has no law or regulation that requires hunters to wear bright colored clothing. Twenty-seven other states have programs that require varying degrees of colored clothing. Most of these states establish their requirements by regulation, but a few are by statute. The variety in requirements is substantial. Five typical examples are as follows:

1. Tennessee (by statute) requires that hunters "wear on the upper portion of the body and head outer garments of daylight fluorescent orange color of not less than 500 square inches and visible from the front and back." The optical qualities are used to define daylight fluorescent orange color in the statute (enclosed).
2. Michigan (by statute) requires certain hunters to "wear either a vest, jacket or cap of a highly visible color commonly referred to as hunter orange, fluorescent orange, blaze orange, flame orange or fluorescent blaze orange." The statute also specifies that "The failure of a person to comply with this section shall not be treated as evidence of contributory negligence in a civil action for injury to the person or for the person's wrongful death" (statute enclosed).
3. Utah (by regulation) requires that "Every person, except as specified below, while hunting deer shall wear a minimum of 400 square inches of (hunter orange)

fluorescent material on his head, chest and back. Other red or yellow colors do not comply with this regulation." The exceptions are bow hunters during bow season and muzzle loaders during their special season.

4. Kentucky (by regulation) requires that "No one may hunt deer with a gun without wearing visible vest, coat, coveralls or cap or hat of hunter orange color. The entire vest, coat, coveralls or cap or hat must be of hunter orange color. Any one of these items may be worn to comply with this regulation."
5. Mississippi (by regulation) requires that deer hunters wear a vest or hat of hunter orange color.

FWW/jld

- Encl.

TENNESSEE CODE

Annotated

The Official Tennessee Code as Enacted by the Seventy-ninth
General Assembly, Chapter 6, Public Acts 1955,
With Supplemental Enactments, Amendments and New Laws

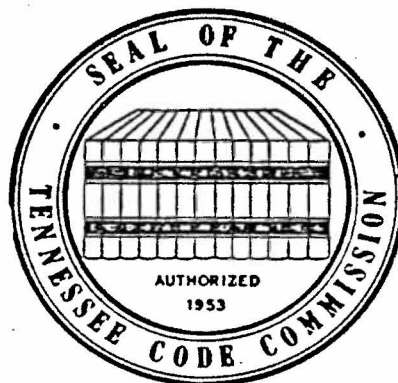
Completely Annotated

SAM B. GILREATH, Lebanon, Tennessee
Editorial Consultant to Original Code

VOLUME 9A

1977 Replacement

Prepared under the Supervision of the
Tennessee Code Commission



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1977

EXHIBIT A 114

51-444. Fishing restrictions in Watauga Lake. — It shall be unlawful for anyone to take largemouth or smallmouth bass under twelve (12) inches in length from Watauga Lake.

Any violation of this section shall be a misdemeanor and punishable by a fine of not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00). [Acts 1972 (Adj. S.), ch. 861, § 1.]

51-445. Wearing daylight fluorescent orange color while hunting big game required — Penalty — Application. — Every person hunting big game during the gun hunts proclaimed by the commission shall wear on the upper portion of their body and head outer garments of daylight fluorescent orange color of not less than five hundred (500) square inches and visible from the front and back.

Daylight fluorescent orange color is defined as having a dominant wave length between five hundred ninety-five thousandths (.595) and six hundred five thousandths (.605) nanometers, excitation purity of not less than eighty-five per cent (85%) and a luminance factor of not less than forty per cent (40%).

A violation of this section is a misdemeanor punishable by a fine of not more than twenty-five dollars (\$25.00).

This section shall not apply to a person hunting on his own property. [Acts 1975, ch. 178, §§ 1-3.]

CHAPTER 5

MISCELLANEOUS PROVISIONS FOR THE REGULATION AND PROTECTION OF WILDLIFE

SECTION.	SECTION.
51-501. Possession of or traffic in protected wildlife illegal — Exception — Penalty.	as to fish purchased outside the state a misdemeanor — Penalty.
51-502. Use or possession of wildlife, hides or parts thereof illegally taken unlawful — Penalty.	51-509. Use of state-owned water areas and lands bordering thereon regulated.
51-503. Transportation of protected game or fish out of the state regulated.	51-510. Dams — Regulations for building — Exceptions.
51-504. Duty of persons shipping or transporting wildlife — Penalty.	51-511. Pollution of waters a misdemeanor — Penalty — Each day's violation a separate offense — Seven days' violation a nuisance.
51-505. Cold storage of wildlife regulated — Penalty for violation.	51-512. Putting refuse in or polluting Reelfoot Lake — Penalty.
51-506. Purchase of certain game fish outside the state permitted — Regulations.	51-513. Defacing and destroying notice of commission unlawful — Penalty.
51-507. Eating places may serve certain game fish purchased outside the state — Regulations.	51-514. Importation of skunks a misdemeanor — Penalty.
51-508. Failure to give notice or keep records	

DO NOT REMOVE
MICHIGAN
COMPILED LAWS

Annotated

*Under Arrangement of the Official
Compiled Laws of Michigan*
Nevada Supreme Court

Volume 15

JUN 6 1978

Sections

289.1 to 322.End

Cumulative Annual Pocket Part

For Use In 1978-1979

Replacing prior Pocket Part in back of volume

Includes laws through the
1977 Regular Session

St. Paul, Minn.

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17

EXHIBIT A 146

(3) Nothing contained in this section shall be construed to deprive a riparian owner or his lessee or permittee on inland waters of his exclusive right to hunt over his subaqueous lands, nor shall the posting of the name and address of the person erecting a blind or other structure attached to the bottomlands of the Great Lakes and lake St. Clair, used or to be used in the hunting of waterfowl, be deemed to constitute the exclusive privilege of hunting therefrom, or to reserve or preempt a shooting location for such person. An unoccupied blind attached to the bottomlands of the Great Lakes or lake St. Clair may be used for hunting by the first person to occupy the same.

As amended P.A.1967, No. 20, § 1, Eff. Nov. 2.

1967 Amendment. Added the provisions relating to the name and address of person erecting the blind or other structure, to the removal of structures by the director of conservation, to the use of structures, and to other hunting rights.

312.10b Safety zone; persons permitted to shoot or discharge firearm in safety zone; application of law

Sec. 10b. (1) For the purpose of this section, "safety zone" means any area within 150 yards of any occupied dwelling house, residence, or any other building, cabin, camp or cottage when occupied by human beings or any barn or other building used in connection therewith.

(2) No person, other than the owner, tenant or occupant, shall shoot or discharge any firearm or other dangerous weapon, or hunt for or shoot any wild bird or wild animal while it is within such safety zone, without the specific permission of the owner, tenant or occupant thereof.

(3) The provisions of this section shall not apply to any landowner, tenant or occupant thereof or their invited guest while hunting on their own property, or to any riparian owner or their tenant or guest while shooting waterfowl lakeward over water from their upland or lakeyard from a boat or blind over their submerged soil.

P.A.1929, No. 286, § 10b, added by P.A.1968, No. 61, § 1, Imd. Eff. May 28, 1968.

Cross References

Deaths or injuries from firearms, see § 752.841 et seq.
Firearms, see § 752.861 et seq.

Library References

Game ↪7. C.I.S. Game § 10 et seq.

312.10c Hunting vests; color; persons required to wear; failure to comply as evidence of contributory negligence

Sec. 10c. (1) A person shall not hunt a wild game bird or game animal with firearms during the established daylight shooting hours from September 15 through March 31 on lands open to public hunting unless the person wears either a vest, jacket or cap of a highly visible color commonly referred to as hunter orange, fluorescent orange, blaze orange, flame orange or fluorescent blaze orange. This section shall not apply to any person engaged in waterfowl hunting from within a blind or from a boat, hunting of bobcat, crow or wild turkey.

(2) The failure of a person to comply with this section shall not be treated as evidence of contributory negligence in a civil action for injury to the person or for the person's wrongful death.

(3) This section shall not take effect until October 1, 1977.
P.A.1929, No. 286, § 10c, added by P.A.1977, No. 68, § 1, Eff. Oct. 1, 1977.

Library References

Game ↪34. C.I.S. Game § 7.

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AMENDMENTS TO AB 541

Section 1. Chapter 445 of NRS is hereby amended by adding thereto a new section which shall read as follows:

To Chapter 445.201 is added: "4. The Commission shall develop and promulgate qualifications and duties of the supervisors and technicians responsible for the operation and maintenance of package sewage plants.

To Chapter 445.227 is added: "A permit to operate a package sewage plant may be issued for 5 years, but must be reviewed annually by the division."

To Chapter 445.231 is added: "4. Added to but not excluding other conditions of this section for a permit for a package sewage permit are:

a. The builder of the plant must furnish the local governing body in an amount sufficient to ensure operation of the plant. This bond or cash amount shall be retained by the local governing body in an account of their choice until the amount of this bond or cash account is equalled by a performance trust fund referred to in paragraph b.) of this section.

b. In the case of a subdivision, a declaration of conditions, binding upon the original grantee and successors in interest of each lot or parcel to be served by the plant, is recorded and provides that each lot or parcel may be assessed by the local governing body a proportionate share of the cost of operating

the plant if the private operator fails to maintain and operate the plant in compliance with the standards of the commission. Any such assessment is a debt of the owner of the lot or parcel until paid and may be enforced by the local governing body as an equitable servitude.

The assessments upon the lots and parcels must be placed in an account at the discretion of the local governing body. These funds may also be used to replace the plant in the case of malfunction or the natural life of the plant demands replacement.

When and if this assessment account equals the amount of the original builder's bond or cash equivalent referred to in paragraph a.) of this section, the builder's original bond or cash equivalent will be released to the builder.

Amend 445.186 to:

"1. Any devices and systems used in the storage, treatment, recycling and reclamation of [municipal] sewage or industrial wastes of a liquid nature, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment and their appurtenances.

Add 445.187: "Package plant for sewage treatment" means a plant which:

- a.) Consists of manufactured units or modules designed for assembly, connection and installation at the site of treatment;
- b.) Is privately owned and will be operated to treat domestic

sewage for a group of users in a limited area but will not be available for use by the general public.

The planning commission or the governing body of a city or county shall not approve any subdivision on which owners of the divided lots or parcels will use a privately owned and operated plant for sewage treatment which will discharge effluent into any water situated within or bordering upon this state unless the approval is contingent upon the issuance by the division of environmental protection of the state department of conservation and natural resources of permits for construction and operation of the facility, if it is to be constructed, or a permit for operation of the facility if an additional use is to be made of an existing private facility.

The discharge permit must not be issued by the division unless the appropriate local governing body signs jointly on the discharge permit and therefore accepts equal responsibility with the builder applicant. The local government must assume responsibility for the operation, maintenance and potential replacement of the plant in the case the builder or the homeowners' association defaults. This provision shall not be interpreted to prevent the local governments from converting plant hookups to municipal sewer lines when the local governments desire.

Amend 445.214 (paragraphs 3. and 7.)

3.) to examine and approve or disapprove plans, specifications for the construction and operation [by a political subdivision] of new sewage systems and treatment works and extensions, modifications

of or additions to new or existing sewage systems or treatment works;

7.) To maintain and to require supervisors and operators of municipal and private treatment works to maintain records, monitoring devices and procedures for making inspections and obtaining samples necessary to prepare reports;

445.191 "Waters of the state" defined. "Waters of the state" means all waters situated wholly or partly within or bordering upon this state, including but not limited to:

1. All streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems and drainage systems; and

2. All bodies or accumulations of water, surface and underground, natural or artificial.

(Added to NRS by 1973, 1709)

445.196 "Water quality standard or limitation" defined. "Water quality standard or limitation" means any applicable state and federal water quality standard or limitation, including but not limited to water quality criteria, water use classifications, implementation plans and compliance schedules, effluent standards and limitations, prohibitions, standards of performance and pretreatment standards.

(Added to NRS by 1973, 1709)

445.201 Commission powers and duties.

1. Except as specifically provided in NRS 445.287 to 445.301, inclusive, the commission shall:

(a) Develop, propose, promulgate and amend from time to time, after notice and public hearing, rules and regulations implementing and furthering the provisions of NRS 445.131 to 445.354, inclusive, including standards of water quality and waste discharge.

(b) Advise, consult and cooperate with other agencies of the state, the Federal Government, other states, interstate agencies and other persons in furthering the provisions of NRS 445.131 to 445.354, inclusive.

2. In promulgating regulations, water quality standards and effluent limitations pursuant to NRS 445.131 to 445.254, inclusive, the commission shall recognize the historical irrigation practices in the respective river basins of this state, and the economy thereof, and their effects.

3. The commission may hold hearings, issue notices of hearings, issue subpoenas requiring the attendance of witnesses and the production of evidence, administer oaths, and take testimony as it deems necessary to carry out the provisions of subsections 1 and 2 and for the purpose of reviewing water quality standards.

(Added to NRS by 1973, 1709)

445.207 Commission regulations: Public hearing; notice of hearing. Before adopting any regulation, the commission shall hold a public hearing. If the regulation provides a standard of water quality or waste discharge, notice of the hearing shall be published at least once in a newspaper of general circulation in the area to which the standard, if adopted, will apply.

(Added to NRS by 1973, 1710; A 1977, 69)

445.211 Department designated as state water pollution control agency. The department is:

1. Designated as the state water pollution control agency for this state

(1977)

15573

EXHIBIT

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152

445.214 WATER CONTROLS; AIR POLLUTION

for all purposes of federal water pollution control legislation except that the commission has the exclusive power to promulgate rules and regulations as provided in NRS 445.201; and

2. Authorized to take all action necessary and appropriate to secure all the benefits of any federal legislation provided in subsection 1.

(Added to NRS by 1973, 1710)

445.214 Powers and duties of director. The director has the following powers and duties:

1. To perform any acts consistent with the requirements of state and federal water pollution control legislation and conditions thereof relating to participation in and administration by this state of the National Pollutant Discharge Elimination System;

2. To administer and enforce the provisions of NRS 445.131 to 445.354, inclusive, and all rules, regulations and standards promulgated by the commission, and all orders and permits promulgated or issued by the department;

* 3. To examine and approve or disapprove plans and specifications for the construction and operation by a political subdivision of new sewerage systems and treatment works and extensions, modifications of or additions to new or existing sewerage systems or treatment works;

4. To advise, consult and cooperate with other agencies of the state, the Federal Government, other states, interstate agencies and with other persons in furthering the purposes of NRS 445.131 to 445.354, inclusive;

5. To qualify for, accept and administer loans and grants from the Federal Government and from other sources, public or private, for carrying out any functions under NRS 445.131 to 445.354, inclusive;

6. To encourage, request, participate in or conduct studies, surveys, investigations, research, experiments, demonstrations and pilot programs by contract, grant or other means;

7. To maintain and to require (others) to maintain records, monitoring devices and procedures for making inspections and obtaining samples necessary to prepare reports;

8. To collect and disseminate information to the public as the director deems advisable and necessary for the discharge of his duties under NRS 445.131 to 445.354, inclusive;

9. To develop comprehensive plans and programs for preventing, reducing or eliminating pollution, with due regard to the improvements which are necessary to conserve such waters for the protection and propagation of fish and aquatic life, wildlife, recreational purposes, public water supply, agricultural, industrial and other purposes;

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;

(1977)

15574

445.176 WATER CONTROLS; AIR POLLUTION

2. "Person" includes the United States, to the extent authorized by federal law.

(Added to NRS by 1973, 1708)

445.176 "Point source" defined. "Point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

(Added to NRS by 1973, 1708)

445.178 "Pollutant" defined. "Pollutant":

1. Means dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water;

2. Does not mean water, gas or other material which is injected into a well to facilitate production of oil or gas, or water derived in association with oil or gas production and disposed of in a well, if the well is used either for facilitating production or for disposal purposes and if the department determines that such injection or disposal will not result in the degradation of ground or surface water resources.

(Added to NRS by 1973, 1708)

445.181 "Pollution" defined. "Pollution" means the manmade or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

(Added to NRS by 1973, 1709)

445.186 "Treatment works" defined. "Treatment works" means:

1. Any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other equipment, and their appurtenances;

2. Extensions, improvements, remodeling, additions, and alterations of any device or system mentioned in subsection 1;

3. Units essential to provide a reliable recycled supply such as standby treatment units and clear well facilities;

4. Any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment; and

5. Any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste, including storm water runoff, industrial waste or waste in combined storm water and sanitary sewer systems.

(Added to NRS by 1973, 1709)

(1977)

15572

445.227 WATER CONTROLS; AIR POLLUTION

3. Which is inconsistent with an applicable areawide waste treatment management plan; or

4. Which the director determines is inconsistent with rules, regulations and guidelines promulgated by the commission pursuant to NRS 445.131 to 445.354, inclusive, including those relating to water quality standards or limitations.

(Added to NRS by 1973, 1711)

445.227 Permits: Term; renewal. The department may issue permits for fixed terms not to exceed 5 years. In compliance with such rules and regulations as the commission shall prescribe, the department may issue a new permit upon expiration of an existing permit if:

1. The permit holder is in compliance with or has substantially complied with all the terms, conditions, requirements and schedules of compliance of the expired permit;

2. The department has current information on the nature, contents and frequency of the permit holder's discharge, either pursuant to the submission of new forms and applications or pursuant to monitoring records and reports submitted to the department by the permit holder; and

3. The discharge is consistent with applicable effluent standards and limitations, water quality standards and other legally applicable requirements set forth in NRS 445.244 to 445.257, inclusive.

(Added to NRS by 1973, 1712)

445.231 Permits: Conditions.

1. Each permit issued by the department shall apply and ensure compliance with the following factors whenever applicable to the discharge for which the permit is sought pursuant to the rules, regulations and guidelines promulgated by the commission:

(a) Effluent limitations;

(b) Standards of performance for new sources;

(c) Effluent standards, effluent prohibitions and pretreatment standards; and

(d) Any more stringent limitations, including any necessary to meet or implement water quality standards, treatment standards or schedules of compliance developed by the department as part of a continuing planning process or areawide waste treatment management plan under NRS 445.257, or in furthering the purposes and goals of NRS 445.131 to 445.354, inclusive.

2. Each permit shall specify average and maximum daily or other appropriate quantitative limitations for the level of pollutants in the authorized discharge.

(Added to NRS by 1973, 1712)

445.234 Permits: Reports by permit holders of new, increased discharges; reapplication for new permit. The commission shall by regulation require that:

1. Notification be made and information supplied to the department

(1977)

15576

Assembly Bill 541
Page Three
March 27, 1979

Because in Washoe County a package plant review committee has been established I would want to be assured that this bill as now worded does not exclude local jurisdictions from prescribing more stringent requirements on package plant proposals. Therefore, language such as:

"Nothing in this regulation shall prevent local health districts or the governing body, of a city or county to impose more stringent requirements for the approval of a package plant for sewage treatment within their area of jurisdiction," would alleviate this problem.

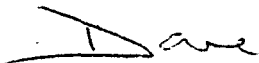
George Oshima, Public Works Director for Washoe County and a member of the package plant review committee suggested that the following statement be included in the bill.

"This regulation does not preclude the review and recommendation pertaining to the approval of package plants for sewage treatment by package plant review committees established by local governing bodies."

I hope these ideas will be helpful in your redraft of this bill. As I mentioned during our phone conversation, Edward Dannen of the Civil Division of the Washoe County District Attorney's Office, might be helpful in regards to reviewing financial requirements and addressing Section 4. c in regards to liens against properties.

If I can be of any further help on this matter please feel free to call me.

Very truly yours,



DAVID J. MINEDEW
Director

DJM:llr
cc: George Oshima
Ed Dannen
Lew Dodgion

Satellite sewage treatment plant wins 'in concept' okay

A privately owned "satellite" sewage treatment plant that would allow construction of 10,000 Reno-area homes was approved "in concept" Monday by the Reno City Council.

Those 10,000 homes likely would mean another 28,000 local residents, according to Joe Latimore, the former Reno city manager who is a consultant to the Wastewater Technology Corp., builders of the "ant-little," or "package" sewage treatment plant.

The council followed a city administrative recommendation and voted to endorse the idea of the privately owned plant despite earlier rejection of the project plans by an area-wide package plant review committee.

The review committee, in its first meeting after being formed by local governments, turned down plans for the \$14 million plant after members were dissatisfied with design plans submitted on the facility.

Attached to the Reno council's approval of the package plant concept is a list of conditions, including:

- Signing of an agreement protecting Reno citizens from possible problems at the plant and provisions that the plant be operated for at least 90 days to prove it can work effectively;
- Engineering review of the plant designs;

- Detailed estimates of construction, operation and maintenance costs;

- Guarantee by builders subscribing to the plant that the plant will satisfy all federal, state and local regulations and

- An agreement that builders backing the plant will operate it for a minimum of three years after the plant is completed.

Wastewater Technology is a group of local builders and developers who joined to form the package plant proposal to try to provide enough extra sewage treatment capacity to get housing projects under way.

Detailing the plans for the City Council, Latimore said developers behind the plant have filed letters of credit with Valley Bank guaranteeing the almost \$6 million needed to build the plant and to operate it for the first year.

And the MGM Grand Hotel-Reno and Lincoln Properties have pledged money to cover yet another portion of the costs so that developers on the city's sewer allocation waiting list can join in the package plant project, he said.

The mention of the MGM irked Councilman Marcel Durant, who asked Latimore if the MGM would then be able to add more rooms to its existing hotel complex.

"This agreement would in no way grant them per-

mission to build," Latimore explained. "They feel that if there are more residential units in the city, they would be in a better position to ask the council for more rooms.

"I've heard — read in the paper — they're looking at 1,000 rooms," he said in response to questioning from Durant. But he added that before the MGM can add more hotel rooms, hotel representatives will have to seek council permission.

But Durant, still concerned about the potential of more rooms for the MGM, said the City Council should "pause and think — what do we need to do besides grow larger and larger?"

"I'm concerned that in the last three years the city has been growing so fast that we're not keeping up," he said, adding that his concern is about the "quality of life."

Latimore again explained that the MGM backing is intended to provide a share in the package plant project for developers on the city's sewer waiting lists.

"What you're going to create is another surge of rapid development," Durant said, adding that expected legislative tax reform could mean even less city funds for city services.

But other councilmen said they liked the idea of the package plant.

"I in general concept think this is a great idea," said Councilman Bill Wallace, and Councilman Ed Spoon said he agrees that "the overall concept appears sound."

Councilman Clyde Biglieri, expressing concern that the city might find itself saddled with problems should it have to take over the plant after it is built, moved that the city require Wastewater Technology to operate the plant for at least three years after it is constructed.

Mayor Bruno Menicucci, explaining that he has a conflict of interest because one of the persons involved in the package plant project is his insurance client, abstained from voting and the remaining six council members wound up in a 3-3 tie over Biglieri's motion.

Again explaining his conflict, Menicucci said he would vote to break the tie, prompting Durant to ask: "Who is your client?"

"The client is . . . none of your business," said a peeved Menicucci.

Durant protested that he has been forced in the past by other councilmen to reveal conflicts, but Menicucci called for another vote and cast the deciding vote in favor of Biglieri's motion. Also voting for the three-year clause were Wallace, Biglieri and Councilman Ed Oaks.

Condominium projects rejected

Two controversial condominium developments — one on a horseshoe bend in the Truckee River near Idlewild Park, the other on the Jones Ranch property near Hidden Valley — were rejected Monday night by the Reno City Council.

The Reno council voted 6-1 to deny development plans of the 228-unit River Front Condominiums next to the Riverside Convalescent Center. The council also voted 6-1 to deny 771-unit condominium-housing development on 110 acres near Mira Loma Road and Hidden Valley Drive.

Reno Mayor Bruno Menicucci voted in favor of both projects.

Both projects had been before the council several times before trying to win approval. Developers of

project, he said, they can stop it when he applies for a special use permit for construction.

Hoy added that the zoning raised questions about the city's integrity.

"The issue is the integrity of the city of Reno," he said. "It's a matter of whether the council will apply the law equally. A developer buys a piece of property that is zoned in city records for a certain development, and then he is told later, after the purchase, that he can't develop the land. The council is legally bound to approve the map."

Councilman Bill Wallace shot back. "Why don't we just plug in a computer and give out punch tickets for developers. We're here to exercise judgement. I may be wrong, but I am. I better get

Dead End . . . first reading

EXHIBIT E

TESTIMONY ON AB 541

The City of Las Vegas is opposed to the use of package sewage plants anywhere in urban areas. To the extent that this bill tightens the restrictions on those plants, we favor it.

We have several objections to package plants. First, package plants can and do aid in creating urban "sprawls". They enable unscrupulous land developers and builders to obtain land more cheaply several miles from existing sewer lines and serve such areas with "package plants". Until very recently, the City of Jacksonville, Florida permitted subdivisions to be constructed utilizing "package plants". These subdivisions started some three miles from the end of the City sewer lines. After developing the land and building the plants, the developers got out, leaving the plants unmaintained, and it got to be a serious health problem. Eventually, after there were some fifty of these things, the City of Jacksonville had to go out and build a large city wastewater treatment plant well south of the existing city system. This was a case of the public in Jacksonville having to go and bail out the area while the land developers simply took off with their profits.

The second objection is related to the first. These plants are supposed to operate without maintenance, but I don't care what they say -- no plant operates without maintenance. When they are not connected to city systems they get no maintenance and the quality of the product deteriorates. This is what happened in Jacksonville and it happens wherever they are used. In Clark County, before the County Sanitation District was set up, the Sands Hotel used a package plant. It pooled its effluent out back and it stank and created quite a mosquito problem.

Third, we think that private plants and private operator/developers should not be in competition with established wastewater collection and

treatment systems such as the Clark County Sanitation District, the City of North Las Vegas, and the City of Las Vegas. Municipal systems can do the job right -- private operators over the long haul cannot or will not. Their use serves only selfish interests, not the public interest. We feel strongly that even in areas where wastewater collection and treatment facilities are overloaded or limited, such as the Reno-Sparks area, the use of "package plants" is not the realistic solution, but instead creates serious environmental and other problems created with growth. I understand that in Reno-Sparks there is already one problem with this. The Feds have said on the one hand that no treatment method may be used that reduces the amount of water returned to the Truckee, and on the other that the quality of water in the Truckee may not be degraded. So, the effluent for these plants cannot be percolated into the ground, but it is not good enough to be returned to the river. So is the city going to have to reprocess it?

In areas where there are now no wastewater facilities, the quality of and the ultimate disposal of the discharged effluent can lead to serious health problems in spite of stringent Environmental Commission and Division of Environmental Protection regulations. The State and the counties do not have the manpower to monitor these plants regularly in such areas, so they deteriorate.

The City of Las Vegas, then, supports all efforts, like this bill, to tighten controls over these plants. We would like to build still more stringent requirements into this bill, and for that reason we now propose the amendments shown on the attached sheet.

The first amendment is to require a beneficial use, such as lawn or golf course sprinkling, for the effluent. We think that requiring a beneficial use for the sewage would best ensure that the

product of the package plant be of a high standard.

Next, since we believe that sound planning dictates that package plants not be in competition with municipal sewer systems where municipal systems are available, we think that permits for package plants should not be issued where municipal sewers are available and that the package sewage plants should be required to hook into municipal sewer lines when those become available. Our second amendment would require this and would require that it be made clear to those purchasing houses in developments with package sewage plants.

We think that this should be in the law, not left up to local ordinance, because the state and other local entities have a legitimate interest in what any local entity does about this problem. It should certainly not be left only up to a county to decide where there are incorporated cities close to proposed plants. Here is an example of why we feel this way. We could foresee a problem in the northwest part of Las Vegas. There the county, or the district health department could approve these plants for operation, and then, a couple of years down the line when the plants have gone sour, the residents will be demanding sewer service. The county can't provide it in that area. The only available lines are in Las Vegas. So the city could be forced to extend its lines to where ever the plants are, or build additional capacity, and then who will pay for them? This is the problem they got into in Jacksonville Florida. There is nothing in this bill as written or amended that would prevent this problem.

We also think that local planning authorities should have the authority to regulate the kind of development that may necessitate package sewage plants, and, therefore, local planning authorities should be able to restrict the granting of permits for these plants.

We therefore ask that the Division of Environmental Protection not be authorized to issue permits for these plants unless local planning authorities have approved the installation of the plants. We realize that the Division now routinely consults local officials before approving any sewer system discharge permits, but we would like to see this included as a requirement in this proposed law.

Finally, we would like these regulations to apply to all package plants, whether or not they discharge effluent into the waters of the state.

Our proposed amendments are intended to address these concerns.

AMENDMENT TO AB 541

Amend Section 1, page 1 by inserting between lines 7 and 8:

(c) Provisions for the beneficial use of the effluent.

Amend Section 1, page 1, lines 8 to 11 by renumbering paragraph (c) as paragraph (d), and paragraph (d) as paragraph (e).

Amend Section 1, page 2, by inserting between lines 16 and 17:

(d) Municipal sewer service is not available;

(e) In the case of a subdivision, a declaration of conditions, binding upon the original grantee and successors in interest of each lot or parcel to be served by the plant, is recorded and provides that at such time as municipal sewer service should become available, the municipality providing such service may require those using package sewage treatment plants to connect to the available sewer lines, and that each lot or parcel may be assessed by the municipality a proportionate share of the cost of connecting to the available municipal sewer lines.

Amend Section 1, page 2, by inserting between lines 18 and 19:

6. The division must not issue any permit for the operation of a package sewage treatment plant unless the governing body of the city in which the plant will be located, or the board of county commissioners if the plant is not to be located in any incorporated city, and the designated areawide wastewater management body, if there is one, have approved the installation of the plant.

Amend Section 1, page 2, line 19 by renumbering subsection 6 as subsection 7.

Amend Section 1, page 2, line 28 by deleting paragraph (d).

