

MINUTES

WAYS AND MEANS COMMITTEE

NEVADA STATE LEGISLATURE - 60th SESSION

January 30, 1979

Chairman Mello called the meeting to order at 8:00 a.m.

PRESENT: Chairman Mello, Vice-Chairman Bremner, Mr. Barengo, Mrs. Cavnar, Mr. Glover, Mr. Hickey, Mr. Mann, Mr. Rhoads, Mr. Vergiels, Mrs. Wagner, and Mr. Webb.

ALSO PRESENT: Bill Bible, Fiscal Analyst; Judy Matteucci, Deputy Fiscal Analyst; Mike Alastuey, Deputy Budget Director; Ken Boyer, Environmental Commission; Ernie Gregory, Environmental Protection; Bill Newman, Water Resources; Roland Westergard, Director, Department of Conservation; Jim Hawke, Water Planning; V. Peterson, Conservation Districts; Ted Bendure, Conservation Districts. (See attached Guest List.)

ENVIRONMENTAL COMMISSION

Chairman Mello introduced Ken Boyer, Executive Secretary of the Environmental Commission Division.

Mr. Boyer stated that the Environmental Commission is a regulatory and policy-setting board for promulgating rules, regulations, and standards for the control of air and water pollution and solid waste control in the State. Additionally, programs that the Commission will be looking at during this session will include hazardous waste disposal management and "208" water quality management.

Mr. Boyer, referring to the budget, stated that the Commission is requesting a full-time clerical position, due to increased workload.

Mr. Boyer also said that an increase is recommended for board and commission pay, bringing the total to \$2,880, for public hearings, meetings, and violation hearings. Of the nine Commission members only five are eligible for this pay and twelve hearings are budgeted.

Out-of-state travel expenses are recommended for an increase due to inflation. The in-state travel expenses are also recommended for an increase to provide travel costs for Commission members and staff, particularly since more hearings are being held in rural areas.

Mr. Boyer commented that the operating and equipment increases are primarily inflationary, but also include the addition of operating supplies for the new clerical position.

Mr. Rhoads inquired if the "208" had been heard completely, and Mr. Boyer replied that it had and is ready for legislation.

Mr. Bremner asked about the \$1900 request for printing and duplicating costs and pointed out that the Governor approved \$1200 the first year of the biennium and \$400 the second year. Mr. Boyer replied that it is difficult to estimate the costs of duplicating for the biennium and mentioned that these costs had been around \$500 in the last biennium. Mr. Bremner asked if the figure of \$1900 had been requested since that is the amount shown in the work program. Mr. Boyer responded that this was correct.

Mr. Mann questioned the public relations request. Mr. Boyer stated that it was primarily for notices of public hearings which are required by law.

Chairman Mello directed the Committee's attention to a handout from Mr. Bible. These are highlights of audits prepared by the Audit Division since the last session. Chairman Mello suggested that in many cases, questions from these audits should be asked of the agencies.

DIVISION OF ENVIRONMENTAL PROTECTION

Chairman Mello introduced Ernie Gregory, Administrator of the Division of Environmental Protection.

Mr. Gregory stated that this division is under the direct administration of the Department of Conservation and Natural Resources and comes under the policy-making jurisdiction of the Environmental Commission. Mr. Gregory went on to say that the Air Pollution Control Program is responsible for monitoring ambient air quality, surveillance of facilities, testing and evaluation of equipment, and issuance of operating permits. The Water Pollution Control Program requires either Federal or State operating permits, and is involved in monitoring, surveillance, and reconnaissance regarding discharge of waste into a receiving water. This program also administers the Federal Construction Grants Program for the construction of wastewater treatment plants and for their required permits. A Solid Waste Management System was developed for the implementation and enforcement of those rules and regulations necessary to implement the plan.

Chairman Mello asked about the one-shot appropriation request of \$128,600. Mr. Gregory explained that it is for the purchase of monitoring equipment to continue determining the concentrations of pollutants. Mr. Gregory further explained that the present equipment needs repair and new measurement standards cannot be met by the current equipment. More equipment is also needed to make analyses of the information more efficient. A detailed breakdown of the equipment requested and the cost is attached as Exhibit "A."

Mr. Bremener asked for an explanation of the large increases requested for the salaries of the Environmental Specialist I and Environmental Specialist II. Mr. Alastuey explained that the situation can be caused by a change of incumbents. Mr. Bremner asked if all these positions were changed. Mr. Gregory replied that they were not. Chairman Mello asked for a report on this to the Committee.

Mr. Barengo requested a correlation of job titles under the old budget and the new. Mr. Gregory explained that they were originally under the Health Department and have been moved to the Department of Conservation and Natural Resources so titles have been changed. Mr. Barengo then asked about the differing number of positions -- from 23 to 29. Mr. Gregory explained that the additional positions are Federally funded. Mr. Barengo requested a list of which positions are Federally funded. (This information was later received and is attached as Exhibit "B.")

Mr. Mann asked if the \$400 raise for the Environmental Specialist is all Federal money or if the State has to match it. Mr. Gregory replied that it is matching, and stated that raises are set by the Legislature and the Personnel Division. Mr. Mann asked if these are all classified positions, and Mr. Gregory replied that with the exception of the Administrator, they are.

Mr. Glover inquired as to what kind of grants this Division worked under. Mr. Gregory stated that most of the funding comes from EPA. Mr. Glover asked if they are block grants or formula grants. Mr. Gregory replied that the type of grant funding varies with the functional goal of each grant.

Chairman Mello asked if State funds were picking up any positions that were formerly Federally funded. Mr. Gregory responded that they are not. He further responded that when Federal funds are dropped, the position is terminated.

Mr. Hickey asked why the Governor's recommendation for legal and court expenses is higher than the agency's request. Mr. Gregory replied that this Division does not determine salaries -- the Legislature and Budget Office do.

Mr. Rhoads commented that the Federal government sets down mandates, but doesn't fund them, and he asked what would happen if the State could not pay. Mr. Gregory replied that if the State couldn't, the Federal government would come in and operate the program. Mr. Rhoads then asked what Federal sanctions the State would face if the State did not pay. Mr. Gregory stated that, to his knowledge, there are no sanctions built into the Solid Waste legislation: the State either does or doesn't participate. In the air and water pollution programs, it is more serious. If the State does not participate in the "208" pollution planning programs, the construction grants totalling \$20 million are not awarded. Mr. Rhoads asked if any states challenged the Feds. Mr. Gregory indicated that he did not know of any that had.

Mr. Webb asked about the difference in the number of positions funded by the State and the number in the present work program. He asked if these positions were formerly buried under Federal money. Mr. Gregory stated that it reflected the full-time State employees and the 100% Federally funded. The current work program includes all employees of this department.

Mr. Mann asked why the difference in salaries of two Environmental Specialist IIs listed under two different program areas. Mr. Gregory replied that one is at the top of the range and one is at the bottom.

Chairman Mello asked for an explanation of the item identified as "Areawide Planning." Mr. Gregory said that it is the "208" planning program.

Mr. Webb commented on the extensive research being done by the Desert Research Institute on the effluents of the Reno-Sparks sewage plant, and asked if this Division's monitoring of that plant is in addition to or in place of the DRI's research. Mr. Gregory replied that it is in addition to the work being done by DRI which is biological assay work.

DIVISION OF WATER RESOURCES

Chairman Mello introduced Roland Westergard, Director of the Division of Water Resources, and Bill Newman, State Engineer, Division of Water Resources.

Mr. Westergard gave a brief presentation concerning the one-shot appropriation of \$300,000. This appropriation is requested to defray costs of litigation involving the State's water rights. In the Truckee River litigation, the plaintiffs have filed their briefs and the defendants are preparing their briefs for the 9th Circuit Court of Appeals. In the Salmon Falls matter, it has been appealed to the 9th Circuit Court of Appeals and referred back to the Federal District Court for trial on its merits. The costs involved in both cases include payment for technical support, historical considerations, and fishery experts.

Mrs. Wagner asked the total expenditures to date, and Mr. Westergard replied that about \$650,000 on behalf of the State has been spent.

Mr. Westergard commented on the ground water section, including investigations as to whether additional ground water permits can be issued. The question of additional ground water basins is

predicated on the intensive development in Western Nevada and other parts of the State. There is also increased interest in well drilling reflected by the number of applications filed. Another tremendous responsibility of this section is to review any proposed subdivision in the State and determine the availability of water for that subdivision.

Mr. Westergard stated that there is a special projects section which reviews environmental impact statements returned by the various Federal agencies.

Referring to the budget, Mr. Westergard stated that one additional clerical position is requested and recommended to provide clerical support for the Deputy Attorney General in the account. The requested increase for in-state travel is due to inflation. The requested increase for communications is based on increased postage rates, more filings, and increasing correspondence.

Mr. Westergard stated that the contract services item will enable contracting for consultants for aerial photographs, alleviating the expense of many man-hours in the field.

Mr. Bremner asked for an explanation of the difference between the agency request for truck expense and the Governor's recommendation. Mr. Westergard explained it is for replacement of existing trucks, with the agency's original request based on equipment for the proposed new positions.

Mr. Rhoads asked about the Columbia Interstate expense. Mr. Westergard said that it is to defray costs of negotiations involved in ratifying the interstate compact.

Mrs. Wagner asked if treatment plants, particularly in the Washoe County area, came within the jurisdiction of this Division. Mr. Westergard stated that the Environmental Protection Division has been involved in some of this, but Mr. Westergard's office would increase its activity in this area.

Mr. Barengo commented that the audit report noted nine problems in fiscal year June 30, 1977, and asked if they had all been corrected. Mr. Westergard replied that they have either been cleared up or are in the process of being resolved. Mr. Barengo requested a status report on these problems.

DIVISION OF WATER PLANNING

Vice-Chairman Bremner introduced Jim Hawke, Acting Administrator, Division of Water Planning.

Mr. Hawke gave a brief presentation on the functions of this Division -- that is, it provides political subdivisions and water-short regions with information, alternatives, and recommendations; it investigates new sources such as desalinization; it develops forecasts of supply and demand; it gives advice concerning economic and social effects of water policy; it suggests changes which may be necessary to meet new requirements of law or the people of the State; and it cooperates with the State Engineer in dealing with the Federal government and other states. However, he pointed out that the State Engineer is solely responsible for litigation.

Mr. Hawke went on to discuss the budget. He stated that this Division receives funds from the U. S. Water Resources Council, a grant program that the State participates in, usually in the range of \$50,000 per year.

Mr. Hawke said that one new position, an administrator, is being requested which was previously authorized, but not funded. Mr. Hawke is currently the Acting Administrator and also the Senior Planner. He stated that although it is a small division, the fact that it applies for and uses Federal funds, as well as Four

Corners Regional Commission funds, and uses these funds for consulting firms that assist in projects, there is a great deal of administrative responsibility involved. He further stated that about 80% of his time is spent in administration. Mr. Hawke went on to say that a great deal of his time is also spent in assisting smaller communities in developing a program for replacing water supply and assisting them in obtaining construction monies.

Mr. Hawke said that the increase requested for in-state travel is for the work in the smaller communities as outlined above. Regarding operating expenses, Mr. Hawke stated that these included reference materials, maps, and, occasionally, aerial photographs. The communications expenses include a computer terminal with one telephone.

Mr. Hawke commented that the contract services item in the Acutal 1977-78 year is budgeted in the work program and future years under the "Water Council Allotment" category.

Mr. Hawke pointed out that the total of all funds requested for the coming biennium is about \$6,000 less than the current work program. He stated that the reason this Division feels they can get by with no increase is that by bringing in the requested one new position, there will be more efficiency in staff time. Also, the Division proposes to continue using contractual consultants for water studies. This gives the needed flexibility for hiring the firm with the best expertise in the particular area being studied.

Mrs. Wagner asked that since this Division's function is to provide political subdivisions and water-short regions with information, is their work a duplication of effort with the Governor's proposed Commission of the Future. Mr. Hawke stated it was not, since this Division is involved in very specific engineering projects as opposed to general conceptual projects as outlined for the Commission of the Future. Mrs. Wagner then asked for specific results of the water planning study in Henderson, and Mr. Hawke said that he would supply this information.

Mr. Barengo asked if the Senior Planner would be needed if the Committee funded the position of Administrator. Mr. Hawke replied that it would still be needed.

Mr. Hickey questioned the retirement amount. Mr. Alastuey explained that additional salary costs generated by new positions and merit increases for classified employees generates gross salary which, in turn, generates an increased retirement amount. Mr. Bible added that, looking at the total gross salary paid in 1977-78, the agency probably did not have all their people hired as it was a new agency effective July 1.

Chairman Mello asked how the Division of Water Planning works with DRI and if there was a duplication. Mr. Hawke replied that there is no duplication. The research activities of DRI are different, but compatible.

DIVISION OF CONSERVATION DISTRICTS

Vice-Chairman Bremner introduced Ted Bendure, Administrator of this Division.

Mr. Bendure gave a brief overview of the functions of this Division, which performs staff services for the State Conservation Commission.

Mr. Bendure requested that the additional half-time Management Assistant position be increased to a full-time position due to increased workload.

Mr. Bendure requested an additional \$1,000 for out-of-state travel to allow the Director to attend annual, western states, and/or

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Pacific area meetings. In-state travel increases should be adjusted principally because of inflation.

Mr. Bendure said that the equipment request is for two filing cabinets.

Vice-Chairman Bremner asked for an explanation of the district grants request not recommended by the Governor.

Mr. Bendure introduced Mr. Peterson to present that information.

Mr. Peterson stated that Nevada is one of the few states that does not provide State funds for conservation districts. He further stated that due to the demands of Federal regulations, the workload is becoming greater and greater. He distributed a handout (Exhibit "C") to the Committee which provides information on the functions of conservation districts and the proposed distribution plan for the grants.

Vice-Chairman Bremner asked if the State money would be distributed to conservation districts to replace personnel previously provided with Federal funds. Mr. Peterson said that this is the case.

The meeting adjourned at 10:00 a.m.

DATE: January 30, 1974

WAYS AND MEANS COMMITTEE

GUEST LIST

NAME (PLEASE PRINT)

REPRESENTING:

~~Paula A. ...~~

~~NEW MEXICO ...~~

Linda Marty

Water Resources

Peter G. Monnos

Conservation

~~...~~

~~Vance Peterain~~

Conservation Districts

~~Leo G. Bendure~~

Conservation Districts

~~Joe Jorde~~

Conservation Districts

~~Gayle Fisher~~

AP

James Hawke

New Div. of Water Planning

David P. Conover

New Farm Bureau

CYDIE CAMPBELL

VISITOR

MARIL AMODES

ANAN GLOVE

SPECIAL APPROPRIATION

A crucial part of the State's air pollution control program is monitoring of the ambient air to determine the concentrations of the pollutants. The pollutants are carbon monoxide, ozone, sulfur dioxide, and certain compounds of nitrogen. The monitoring of air quality, especially in urban areas, is necessary to determine if the Federal air quality standards are being met or exceeded. If the standards are exceeded, the area involved must develop a plan to control air pollution sources to meet the Federal standards. Failure to develop and implement such a plan can result in withholding of any source of Federal funds for any project in an area where such a project would contribute to further air pollution.

Proper monitoring equipment to measure air pollutants is necessary to determine compliance or noncompliance with federal standards. In noncompliance areas the degree of pollution must be measured with some accuracy to provide the policy makers with the information to determine the types and degree of controls necessary, i.e., traffic controls, roadway construction, industries that can or cannot be permitted in the area, etc.

The pollutants which must be measured are carbon monoxide, ozone, sulfur dioxide, and certain compounds of nitrogen. The equipment which the Division of Environmental Protection currently has was purchased over five years ago. Maintenance of the equipment is becoming almost impossible because replacement parts are not available. In addition the equipment must be capable of measuring the pollutant with a fair degree of reliability and accuracy for the data to be accepted by the federal government.

To meet the Federal Reference or Equivalent as required under the proposed amendments to 40 CFR 50 and 51 and the current Standard Air Monitoring Work Group guidelines requires replacement of the present carbon monoxide, two ozone and sulfur dioxide analyzers. The remaining equipment would be used to outfit a laboratory trailer for special studies in several areas of the State and used as a backup station for new air pollution source oriented monitoring in Prevention of Significant Deterioration areas as required under EPA's Prevention of Significant Deterioration Regulations and Guidelines.

Each piece of equipment would require a strip chart recorder and signal averager for data handling. The signal averagers facilitate data reduction and would save approximately one man-year by eliminating the need for manual processing. Data loggers interface with available computer facilities for manipulation and storage of acquired data.

The following equipment is being requested:

2 Carbon Monoxide Analyzers @ \$10,00 ea.	\$. 20,000
3 Ozone Analyzers @ \$8,000 ea.	\$. 24,000
1 Sulfur Dioxide Analyzer @ \$12,000.	\$. 12,000
2 Nitrogen X Analyzers @ \$10,000 ea.	\$. 20,000
8 Strip Chart Records @ \$1,500 ea.	\$. 12,000
8 Signal Averagers @ \$1,200 ea.	\$. 9,600
2 Data Loggers @ \$8,000 ea.	\$. 16,000
	<u>\$. 113,600</u>

In addition to the above itemized equipment a minimum of \$15,000 is required for accessories and start up expenditures. This funding would be used for purchase of span gases, National Bureau of Standards traceable standards, tubing, connectors, sampling manifolds, and other items necessary to produce a working system for the instruments.

TOTAL REQUEST \$128,600

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OFFICE OF FISCAL ANALYSIS

DIVISION OF ENVIRONMENTAL PROTECTION
POSITION COMPARISON

<u>Position Title as Listed in FY 78-79 Biennium</u>		<u>Position Title as Listed in FY 80-81 Biennium</u>		
Chief, Environmental Health	1	Administrator	1	Title change only
Assistant to Chief	1	Chief of Env. Services	1	Title change only
Public Health Engineer III	3	Public Health Engineer III	2	
		Public Health Engineer II	1	Underfill
Public Health Engineer II	5	Public Health Engineer II	2	
		Public Health Engineer I	2	Underfill
		Env. Mgmt. Specialist II	1	Reclassified at same Grade
Chemist I	2	Chemist I	2	Listed as a I in error in FY 78-79
Public Health Biologist	1	Public Health Biologist	1	
P.H. Engineer Inspector	3	Env. Mgmt. Specialist I	2	Reclassified by Personnel after position audit
		Supervising Admin. Aid	1	Title change by Personnel
Principal Clerk-Steno	1	Admin. Aid II-Range B	1	Title change by Personnel
Senior Clerk-Steno	1	Senior Clerk-Typist	1	
Senior Clerk-Typist	1	Accountant	1	
Accountant	1	Public Service Intern III	2	
Public Service Intern III	2			
<u>100% Federal Funds:</u>		<u>100% Federal Funds:</u>		
Project Mgmt. Planner II	1	Project Mgmt. Planner II	1	
Planner	2	Planner	3	
Senior Clerk-Steno	1	Career Aid III	1	
		Env. Mgmt. Specialist II	1	
		Env. Mgmt. Specialist I	2	
TOTAL	22		29	

EXHIBIT B

What a Conservation District does for the County

- (1) Develops and implements a long-range resource program for the conservation and improvement of all material resources in the county.
- (2) Develops and carries out an annual plan for high priority work each year.
- (3) Furnishes resource inventory information to planners, developers, and county and city government, concerning the opportunities and limitations of soils for various uses.
- (4) Contacts and works with individual land users on treatment needs and provides for the necessary technical assistance from various agencies through memorandums of understanding.
- (5) Provides coordination of conservation work in the county.
- (6) Sponsors watershed, Resource Conservation and Development, and other special projects for group action.
- (7) Sponsors education and information activities for the general public, schools, youth groups, teachers, etc.
- (8) Makes available, when needed, specialized equipment such as land planes, grass seeding drills, etc.
- (9) Makes available, when needed, conservation material such as plants, seed, chemicals, etc.
- (10) Reviews development sites and makes needed recommendations.
- (11) Provides standards for erosion control.

Other Advantages

- (1) CD programs provide for widespread benefits of county improvement such as improved water supplies and water quality; establishment of new recreational opportunities; prevention of flooding; and development of a sustained base for food supply and a better place to live.
- (2) CD work provides for an economic gain from good conservation practices to the landowner.
- (3) CD programs result in a reduction or prevention of cost because of management practices applied to prevent damage to roads, urban areas, irrigation system, stream sedimentation, etc. The maintenance cost is drastically reduced because of conservation treatment on all lands.
- (4) CD programs are based on voluntary, rather than mandatory application of conservation.

Economic Impact of Conservation in Nevada

Over \$179,000 per year in contribution of time and unreimbursed expense by district supervisors and others in carrying out district programs.

Approximately \$2,500,000 per year of federal funds for the USDA Soil Conservation Service operation in support of District programs.

An expenditure of over \$169,000 per year by units of government in providing the local share of conservation and development projects which have been sponsored and coordinated by Conservation Districts.

Distribution Policy:

The Conservation Commission shall, within funds available for such purposes, distribute funds to conservation districts to carry out specific program activities indentified by such districts and selected by the Conservation Commission as needed to accelerate the planning and implementation of resource management systems.

Guidelines:

Funds will be distributed to Conservation Districts by the Conservation Commission only upon receipt of a properly executed grant request form and will be for uses approved by the Commission and subject to fulfilling the following requirements:

- (1) Salaries and related benefits.
 - (a) Employment of district personnel shall be by action of the governing body, and shall include a contract or work agreement, a copy of which shall be filed with the Conservation Commission, Carson City, Nevada.
 - (b) Employee Bi-Weekly Exception Time Sheets shall be submitted to the conservation district treasure.
- (2) Travel and out-of-pocket expenses.
 - (a) Supervisors, employees, and agents shall submit travel vouchers monthly to conservation district treasure.
- (3) Supplies
 - (a) Receipts for supplies purchased shall be submitted to the conservation district treasure.
- (4) Contractural Services
 - (a) Authorization for contractural services shall be by action of the governing body and shall be so recorded in the conservation districts official proceedings.

- (b) A copy of any contract shall be filed with the Conservation Commission.
- (c) Copies of receipts, orders, agreements, or transactions shall be submitted to the conservation district treasure.

Distribution Categories

The Conservation Commission shall distribute funds directly, on a priority basis, to conservation districts for program activities within the following categories:

- (1) Long-range programs and program development.
- (2) Special programs.
- (3) District administration.
- (4) District elections.
- (5) Information and education.

Contract or Agreement with each Conservation District to

include but not be limited to the following:

- (1) Scope of Service and Audit
- (2) Performance:
 - (a) Effective Date
 - (b) Completion Date
 - (c) Limitations
 - (d) Subcontractor Compliance
- (3) Compliance with all laws, regulations and policies of U.S. and State..
- (4) Non-Discrimination
- (5) Conversions and nonliability of the Commission.
- (6) Compensation:
 - (a) Amount
 - (b) Payment
 - (c) Method
- (7) Disputes
- (8) Termination:
 - (a) For cause
 - (b) Mutual Agreement

STATE GRANT REQUEST FORM

Name of Conservation District: _____

Address: _____

Program Activity: _____

Amount of Request: \$ _____ to _____
Date Date

Purpose:

Need:

Justification:

_____, 19____
Chairman, District Board Date

The signing of this request on behalf of the District was authorized by resolution of the District Governing Body adopted at a meeting held on the _____ day of _____, 19__.

_____, 19____
Secretary, District Date

Total Amount of Grant for _____ to _____ \$ _____
Date Date

Approved by action of the State Conservation Commission:

Executive Secretary

_____, 19____
Date

PAYMENT DATA FORM

ATTACHMENT TO BILLING CLAIM FORM RMS-9-76

CONSERVATION DISTRICT _____

FOR THE PAYMENT PERIOD _____ TO _____

Expenditures

State Grant Funds

Local Funds

Personnel Salaries

Equipment

Supplies

Travel

Consult. & Services

Other

TOTAL

EXPENDITURE REPORT OF FUNDS
DISTRIBUTED TO THE CONSERVATION DISTRICT
BY THE CONSERVATION COMMISSION

Biennium

This report must be received in the Conservation Commission office
by _____ and _____

1. Conservation District _____.
2. Report covers period _____
to _____.
3. 19 -19 State grant amount \$ _____.
4. State reimbursement previously requested \$ _____.
5. State reimbursement received \$ _____.
6. State grant balance \$ _____.
7. Do you plan to expend the balance of your grant?
 yes
 no
a. By what date will this be expended? _____.
8. Do you plan to expend only a portion of your grant balance?
 yes
 no
a. If you plan to expend only a portion, how much of the
balance will you expend? \$ _____.
b. By what date will this be expended? _____.

Chairman

Date