

Date: February 23, 1979

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Committee in Session at 8:39 am on Friday, February 23, 1979.

Senator Keith Ashworth in the Chair.

PRESENT: Chairman Keith Ashworth
Senator Clifton Young
Senator Rick Blakemore
Senator Wilbur Faiss
Senator Jim Kosinski

ABSENT: Vice-Chairman Joe Neal

GUESTS: Mr. Lew Dodgion, Public Health Engineer, Health Division
Mr. Ernest Gregory, Administrator, Division of Environmental Protection
Mr. Peter G. Morros, Assistant Director, Department of Conservation and Natural Resources
Ms. Thalia Dondero, Clark County Commissioner
Mr. David Minedew, Washoe County Environmental Commission
Ms. Irene Porter, Executive Director, Southern Nevada Homebuilders

Chairman Ashworth reopened the hearing on S.B. 184.

Chairman Ashworth presented to the committee proposed amendments by the Nevada Division of Health (see Exhibit "A"). He also presented the letter from Dr. Thorne Butler, Chairman, State Board of Health (see Exhibit "B").

Mr. Lew Dodgion, Public Health Engineer, Health Division, explained the proposed amendments to the committee. He noted the Director of the Department of Conservation and Natural Resources is opposed to taking the signing of the maps by the State Engineer and transferring it to the Health Division.

Chairman Ashworth asked if it would be possible for an agency to hold up a developer as to the completion of the final map. Mr. Dodgion said that there was nothing in the statute that set a time limit as to the approval of the final map. Mr. Dodgion said that he would have no objection to adding that to the legislation but noted that the tentative map approval is, in essence, a "green light" or a conditional approval.

Senator Kosinski asked how many applications a developer would have to submit under the proposed amendment. Mr. Dodgion stated that there would be two applications submitted, one to the State Engineer and one to the Division of Health.

Chairman Ashworth stated that there is little change now to the legislation with the exception of having the Division of Environmental Protection sign-off on the final map under the Division of Health. Mr. Dodgion agreed.

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Mr. Ernest Gregory, Administrator, Division of Environmental Protection, stated he was in agreement with the proposed amendments. He stated they had explored the possibility of having the process under one central agency and felt it in the best interest of the developer to have a sign-off by different agencies.

Chairman Ashworth asked if there was any appeal procedure for a developer. Mr. Gregory stated that a developer can appeal directly to the director's office of Conservation and Natural Resources. Chairman Ashworth asked if it would be advisable to have the possibility of appeal before the Environmental Commission as well. Mr. Gregory agreed.

Senator Young asked if the Small Counties would have to come to Carson City for signatures. Mr. Gregory stated there was a branch office in Elko; otherwise, parties would have to go to Las Vegas or Carson City.

Mr. Peter Morros, Assistant Director, Department of Conservation and Natural Resources, stated he was also in agreement with the proposed amendments. He stated there was a danger in having one agency responsible for the final sign-off of a map. It is necessary for the Division of Water Resources to place a certificate on the map in the event problems arise in later years regarding water quantity.

Ms. Thalia Dondero, Clark County Commissioner, stated that adding the third tier of government is unnecessary because once the state approves the '208' Water Quality Plan, additional state review is repetitious. She also noted that an agency in Carson City is too far removed to adequately pass judgement on a subdivision in Clark County. She stated that local expertise is sufficient to thoroughly check subdivision maps.

Senator Young questioned if what was good for Clark County would also be good for the entire state. Ms. Dondero stated that other counties may have need for the state review but that is not the case in Clark County.

Ms. Dondero stated that the amendments improve the bill a great deal. Chairman Ashworth asked if Ms. Dondero felt the addition of a letter by the Division of Environmental Protection to the Division of Health was onerous. Ms. Dondero stated that she felt it was a duplication of effort as the Sanitation and Water Districts must sign-off the maps in Clark County.

Mr. Gregory, Division of Environmental Protection, stated there had been some problems in Clark County as to individual sewage disposal systems. He stated he did not feel the Sanitation District had any authority over these problems. Ms. Dondero stated the authority was with the Health District.

Senator Kosinski questioned if the jurisdiction of the Division of Environmental Protection extended over local entities; and if so, what new legislation was being added. Mr. Gregory stated that nothing new was being added because jurisdiction is over local entities. The only requirement is the sign-off by the Division of Environmental Protection attesting to the Division of Health that there are no water pollution problems associated with the maps. Mr. Gregory stated it would take the legal responsibility and place it with the Division of Environmental Protection, where it belongs.

Mr. David Minedew, representing Washoe County Environmental Services, spoke in support of S.B. 184 as amended.

Ms. Irene Porter, Executive Director, Southern Nevada Home-builders, concurred with the testimony of Mr. Minedew. She stated they would like to see some time limits as to the completion of the final maps. Chairman Ashworth asked if they were finding any unreasonable delays as to the completion of the maps. Ms. Porter responded that they were not at the present time.

There being no further testimony, Chairman Ashworth closed the hearing on S.B. 184.

Chairman Ashworth adjourned the meeting at 9:46 am.

Respectfully submitted,



Roni Ronemus
Committee Secretary

Approved:



Chairman
Senator Keith Ashworth



EXHIBIT "A"

STATE OF NEVADA
DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH
BUREAU OF CONSUMER HEALTH PROTECTION SERVICES
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710

TELEPHONE
(702) 885-4750

MEMORANDUM

DATE: FEBRUARY 22, 1979

TO: HONORABLE KEITH ASHWORTH, CHAIRMAN - SENATE COMMITTEE ON
HUMAN RESOURCES AND FACILITIES

FROM: L. H. DODGION - PUBLIC HEALTH ENGINEER - NEVADA DIVISION OF
HEALTH

SUBJECT: SENATE BILL 184

The following changes are proposed to the bill as a result of the hearing on February 16, 1979, and discussions between the Health Division, Division of Water Resources and the Division of Environmental Protection.

-- Page 2 - Delete lines 13 through 17.

-- Page 2 - Change lines 31 through 36 to:

3. A certificate from:

(a) The health division of the department of human resources, or the local agency acting pursuant to NRS 278.335, showing that the map or plan is approved concerning sewage disposal, water pollution, water quality, and water supply facilities.

(1) Such certificate must not be issued by the health division of the department of human resources or the local agency acting pursuant to NRS 278.335 without written verification from the division of environmental protection of the state department of conservation and natural resources showing that the map or plan is approved concerning water pollution and sewage disposal with respect to the Nevada Water Pollution Control Law.

-- Page 2 - Delete lines 40 through 43.

-- Page 3 - Delete lines 1 through 7.

-- Page 4 - Change lines 11 through 15 to:

Memo dated 2/22/79
To: Honorable Keith Ashworth

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278.335 1. A copy of the tentative map must be forwarded by the local government to the division of water resources and the division of environmental protection of the state department of conservation and natural resources and the health division of the department of human resources, or the local representative acting for the health division, for review.

-- Page 4 - Change lines 31 through 33 to:

....meets all the requirements of the law concerning sewage disposal, water pollution, water quality, and water supply facilities.

-- Page 5 - Change lines 38 through 42 to:

(a) The health division of the department of human resources, or the local agency acting pursuant to NRS 278.335, indicating that the final map is approved concerning sewage disposal, water pollution, water quality and water supply facilities.

(1) Such certificate must not be issued by the health division of the department of human resources, or the local agency acting pursuant to NRS 278.335 without written verification from the division of environmental protection of the state department of conservation and natural resources showing that the map or plan is approved concerning water pollution and sewage disposal with respect to the Nevada Water Pollution Control Law.

-- Page 5 - Delete lines 46 through 49.

-- Page 5 & 6 - Change lines 50 and 1 & 2 to:

2. A copy of the certificate by the division of water resources required by subsection 1 must be furnished to the

THORNE J. BUTLER, M.D.
2300 SOUTH RANCHO DRIVE - SUITE 114
POST OFFICE BOX 14220
LAS VEGAS, NEVADA 89114

EXHIBIT "B"

FEB 20 1979

16 February 1979

Senator Keith Ashworth
Chairman, Committee on Human
Resources and Facilities
Legislative Building
Capitol Complex
Carson City, Nevada 89701

RE: SB184

Dear Senator Ashworth:

In Senate Bill 184 there are suggested revisions to NRS439.200 which pertain to the approval of subdivisions by various state agencies. The current law has had some difficulties because of the requirement of approval from several different areas by the proposed developer. In essence, there are requirements to be assured that there is adequate sewage disposal available for the proposed development, further increase in water pollution due to such discharges, and adequate water quality and quantity for the proposed development. These approvals, or at least their evaluation, is performed by the State Engineer's office, the Bureau of Consumer Protection of the Division of Health, and by the Division of Environmental Protection.

As one who has been involved in all phases of this problem, I have been anxious over the years to find a mechanism which would permit the proponent (the developer) to go to one source and receive appropriate approvals. It is for that reason that I am writing you concerning my thoughts on the proposed changes. It would seem that the proposed changes now increase the requirements to seek three separate approvals by the developer. Namely, from the Division of Environmental Protection, the Division of Health, and the State Engineer, respectively. I appreciate that the original proposal for this statutory change came from Mr. Dodgion of the Division of Health. Apparently, in its reworking by the Legislative Council Bureau, the proposed system has been changed sufficiently to make it more complex, in my opinion.

I believe that a more appropriate approach would be to require one agency to carry out all of the functions in cooperation with other state agencies in giving final approval. In addition, one commission, either the Environmental Commission or the Board of Health, would act as a hearing body to grant appropriate variances.

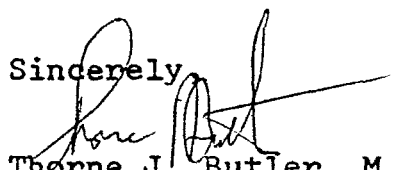
For example, my proposed mechanism would work in the following fashion. The Division of Health would be required to act as the coordinating and approving agency. They would seek, through cooperation, opinions concerning, let us say, sewage disposal and water pollution from the Environmental Commission and water quantity from the State Engineer, respectively. The Division would evaluate water quality and other pertinent factors, such as individual sewage disposal systems, and etc., before giving final approval. In this way the applicant only needs to go to the Division of Health, Bureau of Consumer Protection, to seek the ultimate sign off on the plat map.

My reason for suggesting the Division of Health as the coordinating and managing agency for this purpose, is that they have had much more experience in approving plat maps than any of the other two agencies at this time. In addition, the State Board of Health, whose monthly meetings have always at least two to three variance requests on the subdivision regulations, would be an appropriate body for evaluating variance requests in the subdivision arena. Again, it has the greatest amount of practical experience in evaluating these questions.

If there was a statutory basis for requiring appropriate cooperation between the three concerned bodies, that is, the Environmental Protection, State Engineer, and Division of Health, in arriving at subdivision approvals, there would not be a tendency to punt away their responsibilities as currently sometimes happens.

I realize that a hearing on this proposal is being held on Friday, February 16. Unfortunately, I am unable to attend that hearing and to offer my comments, but I do hope that this letter will be of some value in your deliberations.

Sincerely,



Thorne J. Butler, M.D.
Chairman, Board of Health
Vice-Chairman, Environmental
Commission

TJB/jh