

Committee in Session at 8:41 A.M. on Monday, May 14, 1979.

Senator Keith Ashworth in the Chair.

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

ABSENT: Vice-Chairman Joe Neal

GUESTS: Mr. Wendell D. McCurry, Water Quality Officer,
Division of Environmental Protection
Mr. Ernest Gregory, Administrator, Division of
Environmental Protection
Mr. Chuck White, Nevada Farm Bureau
Mr. John Connolly, Nevada Association of Soil Conser-
vation District
Mr. Bob Warren, Nevada Mining Association, Inc.

Chairman Ashworth opened the meeting as there was a quorum of the committee present. He announced to the committee that today there was clean-up on amendments and have handled all of the bills, there are no bills pending hearings. He stated no bills will automatically be brought up again unless there was a special request. He announced the abandonment of the 8:30 A.M. meetings and have any meetings of the committee subject to the call of the Chair. He stated that the meetings will not be before 9 A.M. because all of our bills have been heard.

Chairman Ashworth opened the hearing on A.B. 572, which, he said, the cowboys and miners are arguing with, as this is the bill that takes care of the 208 planning for the rest of the state, specifically in the rural areas. The Senate committee was requested to get amendments, these are Amendment No. 1039 (Exhibit "A"). It was brought to his attention that the appeal process had been deleted which should have been left in. He stated there are some provisions that the agricultural people want, that should be in there, so therefore, the amendments we have are evidently not the proper amendments. He stated it may be more beneficial to hold the bill and try to get proper amendments.

Mr. Wendell McCurry, Water Quality Officer, Division of Environmental Protection, stated the changes in Amendment No. 1039, on the first page where it starts 445.274 "party" should be "person" and the rest of the bracketed section should stay in the amendment. He stated there also is one sentence that was left off. He said it would go after the amendment for the appeals and would read: "3. The commission shall provide by rule for the time and manner in which appeals are to be taken to the commission." Senator Kosinski stated he was not sure if the new language would give them what they wanted, unless they wanted to stipulate the 10 day period. He said that might be done on Page 2 to appeal to the commission within 10 days after notice of action by the department.

Mr. McCurry stated it was understood there have to be rules for conducting business. Senator Kosinski stated they should put in a stipulation of a 10 day period.

Mr. Ernest Gregory, Administrator, Division of Environmental Protection, stated he agreed with Senator Kosinski. He felt the time element was important, that air pollution has about 20 days for appeal procedures. He said the 10 day amendment would be necessary. Chairman Ashworth stated when they appeal to the commission they have regulations on how long it takes. He felt this amendment was all right as it is.

Mr. McCurry stated the one thing that is not in the bill is to spell out language, similar to the federal act, that return flows from irrigated agriculture are not point sources, and are not permitted, permits are not to be issued. He stated they would not require permits for the discharge from irrigated agriculture. There would be two new sections, he presented amendments, Exhibit "B".

Chairman Ashworth asked the committee consensus whether to process, or introduce the bill with these new amendments and request other amendments, or just hold the bill. Senator Kosinski felt it should be processed. Mr. McCurry stated what they wanted was for irrigated agriculture to not be considered as a point source. Chairman Ashworth stated there is a conflict notice; the conflict is with S.B. 227. He said he would try to clear up the conflict.

Mr. McCurry stated there are no provisions within the federal law for sanctions on non-point source, but there are for point source.

Mr. Chuck White, Nevada Farm Bureau, stated he would agree with Mr. McCurry. He said the other sanctions are loss of program grants for maintenance of the program, the construction grants, this amounts to 20 million dollars a year based on the 208 Plan. He stated they have to have facilities plans conformation. Mr. Gregory stated they have already spent over five hundred thousand dollars in grant money on developing the 208 Plan as it exists today for Nevada alone. He stated on Page 3, Line 2, where it says "where it may determine beneficial uses" should be taken out. Chairman Ashworth stated the the committees had reported back that the wording was doing no violence, and should be left in the bill. Mr. White stated designated beneficial uses have already been established. He questioned why the committee had tried to establish an additional use. He stated on Page 3, Line 40 he would like the word "surface" added so it would read: Any "surface" waters. Chairman Ashworth asked if there was any objection to putting in the word "surface". Mr. Gregory stated Clark County was concerned about the protection of their underground water, and would like to establish quality control. Senator Young asked if it made any difference in the state standpoint, to which Mr. Gregory stated he could not see that it would affect them. Senator Young asked

the effect on the Truckee Meadows with the sewage package plants going in too. Chairman Ashworth asked the committee if it does any violence on Page 3, Line 40, to insert "surface". Mr. Gregroy stated he could see protecting the quality of the underground water, especially drinking purposes, but to establish grammatical criteria for the underground water, without testing and examination he said he could not see that it would make any difference in the Truckee Meadows. Mr. Gregroy presented memorandum Exhibit "C".

Senator Kosinski asked what the farm bureau was concerned about in this bill. Mr. White responded it was the extension of the 208 program into ground water supplies. Senator Young asked what the 208 program does to provide a threat to the underground water. Mr. White said "additional controls"; like the Silver Peak Mine that was shut down at one time. Mr. Gregroy stated they had a good working relationship with those people, there had been no problem there. Mr. White said he understood the concern was the percolation of a holding pond, down into a potential hazard of ground water. He stated the Farm Bureau would like to restrict this type of thing. Senator Young asked how the 208 affects the underground water. Mr. Gregroy stated there is a potential hazard of contamination of the underground water, especially with nitrates.

Mr. White said the Farm Bureau would like a deletion on Page 4, Line 32, "about to engage" should be taken out as it gives the potential of putting a lot of restraints on a new well that is developed, ground water source, where you have an unknown. Whether this would actually be a pollutant or not, should be restricted to an area that is proven to be adverse to the area, rather than one that could potentially be one. Senator Young questioned whether they were looking at undue apprehension in this instance. Mr. White responded that what they are actually saying is that a person is guilty prior to doing anything. Senator Young stated that sometimes you can tell, that is why there are temporary injunctions and restraining orders, and they are well established in the laws. Senator Kosinski brought attention to Page 4, Line 44, stating no civil or criminal penalty may be imposed; he said he does not see that Line 32 is a bad provision.

Senator Neal entered the meeting at 9:11 A.M.

Mr. John Connolly, Nevada Association of Soil Conservation Districts, stated there is protection in Line 44, in the fact that there can be appeal to the commission. He further stated that there could be a case where a person feels limited to the direction in which he wants to go by being questioned as to the effect. He further stated it is better to be stopped before he spends a considerable sum of money and then is stopped. Mr. White asked how the director is going to be notified that a person is "about to engage" other than obtaining another permit. Senator Ashworth stated that nine times out of ten people will go ahead without a permit, if they do something bad, then that is when the commission is going to come into the picture. He felt too much time was spent in committee about the "about to engage" and asked if those words should be left in or

take them out. Senator Kosinski stated he felt it was desirable to leave that language in A.B. 572, it is just another procedure that could warn them the commission is concerned about something they are doing. He stated there are no sanctions to it. He said he felt it was an advantage to leave it in. Senator Blakemore stated he agreed except the commission could adopt regulations that say before you do anything you have to have a permit before the fact. Chairman Ashworth stated that in order to do any discharge you have to get a permit, that is the whole bill.

A.B. 572 (Exhibit "D")

Senator Young moved to leave in the words on Page 4, Lines 31, 32, "or about to engage".

Seconded by Senator Kosinski.

Motion carried, unanimously.

Yeas - - 6

Nays - - 0

Senator Neal moved to insert the word "surface" on Page 3, Line 40, to read: "Any surface waters".

Seconded by Senator Young.

Motion carried.

Yeas - - 6

Nays - - 0

Mr. Bob Warren, Nevada Mining Association, Inc, stated when water is put out on the ground they have to contain it so it does not get into the water table, this is normal and is no problem. He submitted a memorandum for the record (Exhibit "E").

Chairman Ashworth stated, just to clear the record, some more amendments have been adopted and he asked for a motion.

Senator Kosinski moved to Amend and Do Pass A.B. 572.

Seconded by Senator Young.

Motion carried.

Yeas - - 6

Nays - - 0

Chairman Ashworth stated S.B. 574 hearing was held May 11th regarding Gerovital.

S.B. 574 (Exhibit "F")

Senator Neal moved to Do Pass S.B. 574.

Seconded by Senator Faiss.

Discussion: Senator Neal said he was impressed by the testimony. Senator Blakemore stated he also was impressed, and that after the testimony he was of the opinion that there was no problem with the medication. Senator Kosinski questioned the potency of the individual tablets being all the same level of potency. Senator Faiss stated that is controlled by the state. Chairman Ashworth stated the control would be in the quantity. He stated it would be no different than if a person took as many aspirin tablets, or an overdose, would be the same. He further stated testimony was that there are no ill effects from the use of Gerovital. Senator Neal stated that it is "dissipated" in the stomach.

Motion passed.

Yeas - - 4

Nays - - Young, Ashworth.

A.B. 388 (Exhibit "G")

Senator Neal moved to Amend A.B. 388.

Senator Faiss seconded the motion.

Discussion: Senator Kosinski asked if there were amendments to be included. Senator Neal said there were. Chairman Ashworth stated the motion was to amend and rerefer to Finance Committee.

Motion carried.

Yeas - - 4

Nays - - Young and Kosinski.

S.B. 540 (Exhibit "H")

Senator Neal moved to Indefinitely Postpone S.B. 540.

Senator Young seconded the motion.

Discussion: Senator Kosinski asked if more information was supposed to be presented, to which Chairman Ashworth stated it was felt S.B. 540 could be postponed for another two years.

Motion carried.

Yeas - - 6


Nays - - 0

Chairman Ashworth stated on A.B. 541, regarding package treatment plants, some amendments are coming on that.

Chairman Ashworth stated that there will be no meeting of the committee on the 15th as he will not be present. If anything comes over from the Assembly it will be scheduled subject to the call of the Chair. He said he would call a meeting for 9 A.M. Wednesday to take up the bills that were still pending.

The meeting adjourned at 9:32 A.M.

Respectfully submitted,


Jean Van Nuys

Approved:

Chairman
Senator Keith Ashworth

1979 REGULAR SESSION (60TH)

ASSEMBLY ACTION	SENATE ACTION	Senate	AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	AMENDMENTS to	Assembly
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Bill No.	Joint Resolution No.
Date:	Date:	572	
Initial:	Initial:	BDR	40-1388
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	Proposed by	Committee on Human Resources
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>		and Facilities
Date:	Date:		
Initial:	Initial:		

Amendment N^o 1039



Amend section 4, page 2, by deleting line 26 and inserting:
 "standards of water quality and [waste discharge.] amounts of waste
which may be discharged into water."

Amend section 4, page 2, line 34, by deleting "and other
beneficial uses of water".

Amend the bill as a whole by adding a new section, designated
 section 5.5, following section 5, to read as follows:

"Sec. 5.5. NRS 445.274 is hereby amended to read as follows:

445.274 [A party aggrieved may file notice of appeal with the
 commission within 10 days after the date of notice of action of
 the department, except as otherwise provided by law.]

1. Any person aggrieved by:

(a) The issuance, denial, renewal, suspension or revocation of
a permit; or

(b) The issuance, modification or rescission of any other order

To: E & E
 LCB File
 Journal
 Engrossment ✓
 Bill

1241



Date 5-11-79 Drafted by DS:sl

Amendment No. 1039 to Assembly Bill No. 572 (BDR 40-1388) Page 2

by the director,

flush may appeal to the commission.

2. The commission shall affirm, modify or reverse any action of the director which is appealed to it."

Amend section 9, page 3, line 45, by deleting "development." and inserting "considerations.".

Amend section 9, page 4, line 9, by deleting "the maximum".

Amend section 9, page 4, by deleting lines 11 and 12.

Amend section 10, page 4, line 16, by deleting "apply controls to" and inserting "prescribe controls for".

Amend section 10, page 4, line 25, by inserting after "requests," the words: "other than a county to which NRS 244.9262 and 244.9263 apply or a city within such a county,".

1242

Amend the bill as a whole by adding a new section, designated section 2.5 following section 2 to read as follows:

"Sec 2.5 NRS 445.176 is hereby amended to read as follows:

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. This term does not include return flows from irrigated agriculture."

Amend the bill as a whole by adding a new section, designated section 4.5, following section 4 to read as follows:

"Sec 4.5 NRS 445.221 is hereby amended to read as follows:

445.221 Unlawful discharge of pollutants without a permit. Except as authorized by a permit issued by the Department under the provisions of NRS 445.131 to 445.354, inclusive, and regulations promulgated under such sections by the Commission, it is unlawful for any person to discharge from any point source any pollutant into any waters of the State or any treatment works. The Administrator shall not require a permit for discharges composed entirely of return flows from irrigated agriculture."



MAY 2 1979

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

CAPITOL COMPLEX
CARSON CITY, NEVADA. 89710

TELEPHONE (702) 885-4670

May 2, 1979

MEMORANDUM

To: Richard E. Blakemore, Senator
Nevada State Legislature

From: Ernie Gregory

Subject: Requirements of the Federal Water Pollution Control Act
(Public Law 92-500)

You asked for the statutory cites which indicated a non-point source program (208) was mandatory for the State Water Pollution Control program, there are two sections of the federal act directly related to the 208 Section planning activity to which A.B. 572 pertains; Sections 201 and 303.

Section 101 sets forth the policies of Congress and provides:

DECLARATION OF GOALS AND POLICY

Section 101.(a) The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In order to achieve this objective it is hereby declared that, consistent with the provisions of this Act -

(1) it is the national goal that the discharge of pollutants into the navigable waters be eliminated by 1985;

(2) it is the national goal that wherever attainable, an interim goal of water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water be achieved by July 1, 1983;

(3) it is the national policy that the discharge of toxic pollutants in toxic amounts be prohibited;

(4) it is the national policy that Federal financial assistance be provided to construct publicly owned waste treatment works;

5) it is the national policy that areawide waste treatment management planning processes be developed and implemented to assure adequate control of sources of pollutants in each State; and,

(6) it is the national policy that a major research and demonstration effort be made to develop technology necessary to eliminate the discharge of pollutants into the navigable waters, waters of the contiguous zone, and the oceans.

(b) It is the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources, and to consult with the Administrator in the exercise of his authority under this Act. It is the policy of Congress that the States manage the construction grant program under this Act and implement the permit programs under sections 402 and 404 of this Act.

Sections 208 and 303 are those portions of the Act designed to implement the areawide waste treatment management policy statement of Section 101(a).

Section 208 provides:

AREAWIDE WASTE TREATMENT MANAGEMENT

Section 208.(a) For the purpose of encouraging and facilitating the development and implementation of areawide waste treatment management plans.

(1) The Administrator, within ninety days after the date of enactment of this Act and after consultation with appropriate Federal, State, and local authorities, shall by regulation publish guidelines for the identification of those areas which, as a result of urban-industrial concentrations or other factors, have substantial water quality control problems.

(2) The Governor of each State, within sixty days after publication of the guidelines issued pursuant to paragraph (1) of this subsection, shall identify each area within the State which, as a result of urban-industrial concentrations or other factors, has substantial water quality control problems. Not later than one hundred and twenty days following such identification and after consultation with appropriate elected and other officials of local governments having jurisdiction in such areas, the Governor shall designate (A) the boundaries of each such area, and (B) a single representative organization, including elected officials from local governments or their designees, capable of developing effective areawide waste treatment management plans for such area. The Governor may in the same manner at any later time identify any additional area (or modify an existing area) for which he determines areawide waste treatment management to be appropriate, designate the boundaries of such area, and designate an organization capable of developing effective areawide waste treatment management plans for such area.

(3)With respect to any area which, pursuant to the guidelines published under paragraph (1) of this subsection, is located in two or more States, the Governors of the respective States shall consult and cooperate in carrying out the provisions of paragraph (2), with a view toward designating the boundaries of the interstate area having common water quality control problems and for which areawide waste treatment management plans would be most effective, and toward designating, within one hundred and eighty days after publication of guidelines issued pursuant to paragraph (1) of this subsection, of a single representative organization capable of developing effective areawide waste treatment management plans for such ares.

(4)If a Governor does not act, either by designating or determining not to make a designation under paragraph (2) of this subsection, within the time required by such paragraph, or if, in the case of an interstate area, the Governors of the States involved do not designate a planning organization within the time required by paragraph (3) of this subsection, the chief elected officials of local governments within an area may by agreement designate (A) the boundaries for such an area, and (B) a single representative organization including elected officials from such local governments, or their designees, capable of developing an areawide waste treatment management plan for such area.

(5)Existing regional agencies may be designated under paragraphs (2), (3), and (4) of this subsection.

(6)The State shall act as a planning agency for all portions of such State which are not designated under paragraphs (2), (3), or (4) of this subsection.

(7)Designations under this subsection shall be subject to the approval of the Administrator.

(b)(1)(A) ~~Not later than one year after the date of designation of any organization under subsection (a) of this section such organization shall have in operation a continuing areawide waste treatment management planning process consistent with section 201 of this Act. Plans prepared in accordance with this process shall contain alternatives for waste treatment management, and be applicable to all wastes generated within the area involved. The initial plan prepared in accordance with such process shall be certified by the Governor and submitted to the Administrator not later than two years after the planning process is in operation.~~

(B) For any agency designated after 1975 under subsection (a) of this section and for all portions of a State for which the State is required to act as the planning agency in accordance with subsection (a)(6), the initial plan prepared in accordance with such process shall be certified by the Governor and submitted to the Administrator not later than three years after the receipt of the initial grant award authorized under subsection (f) of this section.

(2) Any plan prepared under such process shall include, but not be limited to:

(A) the identification of treatment works necessary to meet the anticipated municipal and industrial waste treatment needs of the area over a twenty-year period, annually updated (including an analysis of alternative waste treatment systems), including any requirements for the acquisition of land for treatment purposes; the necessary waste water collection and urban storm water runoff systems; and a program to provide the necessary financial arrangements for the development of such treatment works, and an identification of open space and recreation opportunities that can be expected to result from improved water quality, including consideration of potential use of lands associated with treatment works and increased access to water-based recreation;

(B) the establishment of construction priorities for such treatment works and time schedules for the initiation and completion of all treatment works;

(C) the establishment of a regulatory program to

(i) implement the waste treatment management requirements of section 201(c),

(ii) regulate the location, modification, and construction of any facilities within such area which may result in any discharge in such area, and

(iii) assure that any industrial or commercial waste discharged into any treatment works in such area meet applicable pretreatment requirements;

(D) the identification of those agencies necessary to construct, operate, and maintain all facilities required by the plan and otherwise to carry out the plan;

(D) the identification of those agencies necessary to construct, operate, and maintain all facilities required by the plan and otherwise to carry out the plan;

(E) the identification of the measures necessary to carry out the plan (including financing), the period of time necessary to carry out the plan, the costs of carrying out the plan within such time, and the economic, social, and environmental impact of carrying out the plan within such time;

(F) ~~a process to (i) identify, if appropriate, agriculturally and silviculturally related nonpoint sources of pollution, including return flows from irrigated agriculture, and their cumulative effects, runoff from manure disposal areas, and from land used for livestock and crop production, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;~~

(G) ~~a process of (i) identify, if appropriate, mine-related sources of pollution including new, current, and abandoned surface and underground mine runoff, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;~~

(H) ~~a process to (i) identify construction activity related sources of pollution, and (ii) set forth procedures and methods (including land use requirements) to control to the extent feasible such sources;~~

(I) a process to (i) identify, if appropriate, salt water intrusion into rivers, lakes, and estuaries resulting from reduction of fresh water flow from any cause, including irrigation, obstruction, ground water extraction, and diversion, and (ii) set forth procedures and methods to control such intrusion to the extent feasible where such procedures and methods are otherwise a part of the waste treatment management plan;

(J) a process to control the disposition of all residual waste generated in such area which could affect water quality; and

(K) a process to control the disposal of pollutants on land or in subsurface excavations within such area to protect ground and surface water quality.

(3) Areawide waste treatment management plans shall be certified annually by the Governor or his designee (or Governors or their designees, where more than one State is involved) as being consistent with applicable basin plans and such areawide waste treatment management plans shall be submitted to the Administrator for his approval.

(4) (A) Whenever the Governor of any State determines (and notifies the Administrator) that consistency with a statewide regulatory program under section 303 so requires, the requirements of clauses (F) through (K) of paragraph (2) of this subsection shall be developed and submitted by the Governor [to the Administrator for application to all regions within such State] to the Administrator for approval for application to a class or category of activity throughout such State.

Section 208 further provides:

(c)(1) The Governor of each State, in consultation with the planning agency designated under subsection (a) of this section, at the time a plan is submitted to the Administrator, shall designate one or more waste treatment management agencies (which may be an existing or newly created local, regional or State agency or potential subdivision) for each area designated under subsection (a) of this section and submit such designations to the Administrator.

(2) The Administrator shall accept any such designation, unless, within 120 days of such designation, he finds that the designated management agency (or agencies) does not have adequate authority -

(A) to carry out appropriate portions of an areawide waste treatment management plan developed under subsection (b) of this section;

(B) to manage effectively waste treatment works and related facilities serving such area in conformance with any plan required by subsection (b) of this section;

(C) directly or by contract, to design and construct new works, and to operate and maintain new and existing works as required by any plan developed pursuant to subsection (b) of this section;

(D) to accept and utilize grants, or other funds from any source, for waste treatment management purposes;

(E) to raise revenues, including the assessment of waste treatment charges;

(F) to incur short- and long-term indebtedness;

(G) to assure in implementation of an areawide waste treatment management plan that each participating community pays its proportionate share of treatment costs;

(H) to refuse to receive any wastes from any municipality or subdivision thereof, which does not comply with any provisions of an approved plan under this section applicable to such area; and

(I) to accept for treatment industrial wastes.

(d) After a waste treatment management agency having the authority required by subsection (c) has been designated under such subsection for an area and a plan for such area has been approved under subsection (b) of this section, the Administrator shall not make any grant for construction of a publicly owned treatment works under section 201(g)(1) within such area except to such a designated agency and for works in conformity with such plan.

(e) No permit under section 402 of this Act shall be issued for any point source which is in conflict with a plan approved pursuant to subsection (b) of this section.

Section 303(e) provides:

(e)(1) Each State shall have a continuing planning process approved under paragraph (2) of this subsection which is consistent with this Act.

(2) Each State shall submit not later than 120 days after the date of the enactment of the Water Pollution Control Amendments of 1972 to the Administrator for his approval a proposed continuing planning process which is consistent with this Act. Not later than thirty days after the date of submission of such a process the Administrator shall either approve or disapprove such process. The Administrator shall from time to time review each State's approved planning process for the purpose of insuring that such planning process is at all times consistent with this Act. The Administrator shall not approve any State permit program under title IV of this Act for any State which does not have an approved continuing planning process under this section.

(3) The Administrator shall approve any continuing planning process submitted to him under this section which will result in plans for all navigable waters within such State, which include, but are not limited to, the following:

(A) effluent limitations and schedules of compliance at least as stringent as those required by section 301(b)(1), section 301(b)(2), section 306, and section 307, and at least as stringent as any requirements contained in any applicable water quality standard in effect under authority of this section;

(B) the incorporation of all elements of any applicable areawide waste management plans under section 208, and applicable basin plans under section 209 of this Act;

(C) total maximum daily load for pollutants in accordance with subsection (d) of this section;

(D) procedures for revision;

(E) adequate authority for intergovernmental cooperation;

(F) adequate implementation, including schedules of compliance, for revised or new water quality standards, under subsection (c) of this section;

(G) controls over the disposition of all residual waste from any water treatment processing;

(H) an inventory and ranking, in order of priority, of needs for construction of waste treatment works required to meet the applicable requirement of sections 301 and 302.

(f) Nothing in this section shall be construed to affect any effluent limitation, or schedule of compliance required by any State to be implemented prior to the dates set forth in sections 301(b)(1) and 301(b)(2) nor to preclude any State from requiring compliance with any effluent limitation or schedule of compliance at dates earlier than such dates.

(g) Water quality standards relating to heat shall be consistent with the requirements of section 316 of this Act.

(h) For the purposes of this Act the term "water quality standards" includes thermal water quality standards.

Section 201 is the authorization for grants for development and construction of public wastewater treatment plants. The State of Nevada receives about \$20,000,000 annually for the construction of wastewater treatment plants (Section 205). This provides a grant of 75% to communities for the construction of the plants (Section 202).

As stated in Section 208(d) no grants will be made for the construction of wastewater treatment plants that are not in conformance with the 208 plan, this is in effect the penalty provisions of the Act.

Section 201 provides:

TITLE II- GRANTS FOR CONSTRUCTION OF TREATMENT WORKS

Purpose

Section 201(a) It is the purpose of this title to require and to assist the development and implementation of waste treatment management plans and practices which will achieve the goals of this Act.

(b) Waste treatment management plans and practices shall provide for the application of the best practicable waste treatment technology before any discharge into receiving waters, including reclaiming and recycling of water, and confined disposal of pollutants so they will not migrate to cause water or other environmental pollution and shall provide for consideration of advanced waste treatment techniques.

(c) To the extent practicable, waste treatment management shall be on an areawide basis and provide control or treatment of all point and nonpoint sources of pollution, including in place or accumulated pollution sources.

(d) The Administrator shall encourage waste treatment management which results in the construction of revenue producing facilities providing for -

(1) the recycling of potential sewage pollutants through the production of agriculture, silviculture, or aquaculture products, or any combination thereof;

(2) the confined and contained disposal of pollutants not recycled;

(3) the reclamation of wastewater; and

(4) the ultimate disposal of sludge in a manner that will not result in environmental hazards.

(e) the Administrator shall encourage waste treatment management which results in integrating facilities for sewage treatment and recycling with facilities to treat, dispose of, or utilize other industrial and municipal wastes, including but not limited to solid waste and waste heat and thermal discharges. Such integrated facilities shall be designed and operated to produce revenues in excess of capital and operation and maintenance costs and such revenues shall be used by the designate regional management agency to aid in financing other environmental improvement programs.

(f) The Administrator shall encourage waste treatment management which combines "open space" and recreational considerations with such management.

(g)(1) The Administrator is authorized to make grants to any State, municipality, or intermunicipal or interstate agency for the construction of publicly owned treatment works.

EKG:mhr

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 572

ASSEMBLY BILL NO. 572—COMMITTEE ON ENVIRONMENT
AND PUBLIC RESOURCES

MARCH 21, 1979

Referred to Committee on Environment and Public Resources

SUMMARY—Provides for control of water pollution from diffuse sources.
(BDR 40-1388)FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.AN ACT relating to water pollution; providing for the control of water pollution
from diffuse sources; providing certain protection for water of high quality;
and providing other matters properly relating thereto.*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 445.132 is hereby amended to read as follows:
2 445.132 1. The legislature finds that pollution of water in this
3 state:
4 (a) Adversely affects public health and welfare;
5 (b) Is harmful to wildlife, fish and other aquatic life; and
6 (c) Impairs domestic, agricultural, industrial, recreational and other
7 beneficial uses of water.
8 2. [It is the public policy of this state and the purpose of NRS
9 445.131 to 445.354, inclusive, to:
10 (a) Restore and maintain the chemical, physical and biological integ-
11 rity of water within this state;
12 (b) Prevent, reduce and eliminate pollution;
13 (c) Plan the development and use, including restoration, preservation
14 and enhancement of land and water resources; and
15 (d) Consult and otherwise cooperate with other states, state and inter-
16 state agencies and the Federal Government in carrying out these objec-
17 tives.] *The legislature declares that it is the policy of this state and the*
18 *purpose of NRS 445.131 to 445.354, inclusive, and sections 8 to 11,*
19 *inclusive, of this act:*
20 (a) *To maintain the quality of the waters of the state consistent with*
21 *the public health and enjoyment, the propagation and protection of*
22 *terrestrial and aquatic life, the operation of existing industries, the pur-*
23 *suit of agriculture, and the economic development of the state; and*

Original bill is 5 pages long.
Contact the Research Library for
a copy of the complete bill.

EXHIBIT "E"
MAY 3 1979

NEVADA MINING ASSOCIATION, INC.

SUITE 602 • ONE EAST FIRST STREET

RENO, NEVADA 89505

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Executive Secretary
W. HOWARD WINN
Consultant

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May 3, 1979

MEMORANDUM

To: Keith Ashworth, Senator
Nevada State Legislature

From: W. Howard Winn, Consultant
Nevada Mining Association

The April 30, 1979 hearing held by the Assembly Committee on Environment and Public Resources relating to Assembly Bill 572 may have failed to get into the record an important matter regarding the subject matter of the bill.

It was pointed out by the Mining Association that the bill contains two parts which have different purposes. Section 10 (and as mentioned in other sections) is the enabling legislation for non-point source control. Other sections (1, 3, 5, and 9) contain changes designed specifically to protect states rights regarding the water pollution control authority that has been left with the state by the federal law. This included sanctity of water rights, right to designate uses of water, right to determine control of non-point sources, and the important right to control stream flow.

It was not pointed out that the wording of the suggested changes to the present law are specifically chosen to give legislative direction to the state agencies which regulate water pollution control. The changes were designed to insure that the regulating agencies exercise the full spectrum of rights left to the state and take full advantage of them. The result is expected to be full protection of the present designated beneficial uses and the right to develop for beneficial use whatever water there is left in the state to be used.

Senator Keith Ashworth

5-3-79

-2-

E X H I B I T

The changes suggested in S.B. 572 should be made for the reasons indicated whether we provide for non-point source control or not. The need for enabling legislation for non-point source control may be questioned by some. It would be difficult for anyone to question that we need a clearer declaration of legislative intent regarding water pollution control to insure that the state's remaining rights concerning this matter are protected by the state administrative agencies and anyone else concerned.

It would be unfortunate if the entire bill were rejected because of objections to non-point source control for the wrong reason. We believe that those objecting to the bill will be the greatest recipient of benefits from it.

WHW:mhr

cc: Committee on Environment
and Public Resources
Louis Bergevin, Assemblyman

S. B. 574

SENATE BILL NO. 574—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

MAY 8, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Makes various changes in the law relating to Gerovital H3.
(BDR 40-2093)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to substances; allowing oral doses of Gerovital H3 without a prescription; and making various other changes in the law relating to that substance; providing a penalty; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 454.201 is hereby amended to read as follows:
2 454.201 "Dangerous drug" means any drug, other than a controlled
3 substance as defined in chapter 453 of NRS, unsafe for self-medication or
4 unsupervised use, and includes the following:
5 1. Any drug which has been approved by the Food and Drug Admin-
6 istration for general distribution and bears the legend: "Caution: Federal
7 law prohibits dispensing without prescription";
8 2. [Any substance which has] *Procaine hydrochloride with preserva-*
9 *tives and stabilizers (Gerovital H3) in injectable doses and amygdalin*
10 *(laetrile) which have been licensed by the state board of health for manu-*
11 *facture in this state but [has] have not been approved as [a drug] drugs*
12 *by the Food and Drug Administration; or*
13 3. Any drug which may be sold only by prescription because of
14 regulations adopted by the board because the board has found [such]
15 *those drugs to be dangerous to public health or safety.*
16 SEC. 2. NRS 454.351 is hereby amended to read as follows:
17 454.351 1. Any person within this state who [possesses, procures,
18 obtains, processes, produces, derives, manufactures, sells, offers for sale,
19 gives away or otherwise furnishes any drug which may not be lawfully
20 introduced into interstate commerce under the Federal Food, Drug and
21 Cosmetic Act is guilty of a misdemeanor.] , *with respect to any drug*
22 *which may not be lawfully introduced into interstate commerce under the*
23 *Federal Food; Drug and Cosmetic Act:*

1 (a) Possesses, procures or obtains that drug, is guilty of a misde-
2 meanor; or

3 (b) Processes, produces, derives, manufactures, sells, offers for sale,
4 gives away or otherwise furnishes that drug, shall be punished by impris-
5 onment in the state prison for not less than 1 year nor more than 6
6 years, or by a fine of not more than \$5,000, or by both fine and imprison-
7 ment.

8 2. The provisions of this section do not apply to [physicians] :

9 (a) Physicians licensed to practice in this state who have been author-
10 ized by the Food and Drug Administration to possess experimental
11 drugs for the purpose of conducting research to evaluate the effectiveness
12 of such drugs and who maintain complete and accurate records of the
13 use of such drugs and submit clinical reports as required by the Food
14 and Drug Administration [.] ; or

15 (b) Any substance which is lawfully manufactured in this state and has
16 been licensed by the state board of health to be manufactured in this
17 state, but has not been approved as a drug by the Food and Drug Admin-
18 istration.

19 SEC. 3. NRS 630.303 is hereby amended to read as follows:

20 630.303 A physician is not subject to disciplinary action solely for
21 prescribing or administering [amygdalin (laetrile) or procaine hydro-
22 chloride with preservatives and stabilizers (Gerovital H3)] to a patient
23 under his care [who] :

24 1. Amygdalin (laetrile) if the patient has consented in writing to the
25 use of the substance.

26 2. Procaine hydrochloride with preservatives and stabilizers (Gero-
27 vital H3).

28 SEC. 4. NRS 633.521 is hereby amended to read as follows:

29 633.521 An osteopathic physician [or osteopathic physician and
30 surgeon] is not subject to disciplinary action solely for prescribing or
31 administering [amygdalin (laetrile) or procaine hydrochloride with pre-
32 servatives and stabilizers (Gerovital H3) to a patient under his care
33 who] to a patient under his care:

34 1. Amygdalin (laetrile), if the patient has consented in writing to the
35 use of the substance.

36 2. Procaine hydrochloride with preservatives and stabilizers (Gero-
37 vital H3).

38 SEC. 5. Chapter 639 of NRS is hereby amended by adding thereto a
39 new section which shall read as follows:

40 A pharmacist is not subject to any penalty for dispensing or selling
41 without a prescription oral doses of procaine hydrochloride with preserva-
42 tives and stabilizers (Gerovital H3) manufactured in this state.

(REPRINTED WITH ADOPTED AMENDMENTS)

SECOND REPRINT

A. B. 388

ASSEMBLY BILL NO 388—ASSEMBLYMAN GLOVER

FEBRUARY 13, 1979

Referred to Committee on Education

SUMMARY—Creates commission on professional standards in education.
(BDR 34-522)FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Contains Appropriation.EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to education; creating the commission on professional standards in education; prescribing its duties; making an appropriation; providing for expiration of the act by limitation; and providing other matters properly relating thereto.

1 WHEREAS, The State of Nevada recognizes teaching as a profession for
2 which standards should be established and maintained by a broadly
3 representative group; now, therefore,

4
5 *The People of the State of Nevada, represented in Senate and Assembly,*
6 *do enact as follows:*
7

8 SECTION 1. 1. The commission on professional standards in edu-
9 cation, consisting of 11 members appointed by the governor, is hereby
10 created.

11 2. The governor shall appoint the following persons to the commis-
12 sion:

13 (a) Three classroom teachers recommended by the Nevada State Edu-
14 cation Association.

15 (b) Two school administrators recommended by the Nevada Associa-
16 tion of School Administrators.

17 (c) The deans of the respective Colleges of Education of the Univer-
18 sity of Nevada at Las Vegas and at Reno, or their delegates.

19 (d) A representative of the Nevada Personnel Guidance Association.

20 (e) A representative of private schools.

21 (f) A representative of the general public.

22 (g) A representative of the Nevada School Boards Association.

23 3. The superintendent of public instruction or his designee shall
24 serve as the executive secretary to the commission but does not have
25 voting privileges. The executive secretary shall coordinate the activities
26 of the commission.

- 1 4. The commission shall meet at least once a month.
- 2 5. The members of the commission are entitled to the travel expenses
- 3 and subsistence allowances provided by law for state employees while
- 4 attending meetings of the commission.
- 5 SEC. 2. The commission, as an advisory body to the state board of
- 6 education, shall:
- 7 1. Recommend standards for the teaching profession.
- 8 2. Recommend standards for the certification of teachers and such
- 9 other requirements as the commission deems necessary.
- 10 3. Propose for adoption appropriate regulations regarding the pro-
- 11 cedures for certification.
- 12 4. Conduct a continuing evaluation of the program of certification
- 13 and the effects of the program upon the schools of the state.
- 14 5. Recommend standards and procedures to govern credit for courses
- 15 which are taken by a person while he is employed as a teacher.
- 16 6. Serve as a hearing panel on matters pertaining to any regulations
- 17 adopted pursuant to subsection 3.
- 18 7. Develop a concise policy regarding the continuing education and
- 19 recertification of teachers.
- 20 8. Recommend investigation by the state department of education of
- 21 any person's failure to comply with the regulations relating to the teach-
- 22 ing profession.
- 23 9. Determine the accreditation of those institutions of higher learn-
- 24 ing which are located outside Nevada and which offer courses and pro-
- 25 grams to meet the requirements for recertification.
- 26 SEC. 3. 1. There is hereby appropriated from the state general fund
- 27 to the state department of education for the support of the commission
- 28 on professional standards in education:
- 29 (a) For the fiscal year 1979-80, the sum of \$8,160.
- 30 (b) For the fiscal year 1980-81, the sum of \$8,160.
- 31 2. Any unencumbered balances of the appropriations made in sub-
- 32 section 1 must not be committed for expenditure after June 30 of the
- 33 respective fiscal years, and such balances revert to the state general fund.
- 34 SEC. 4. This act expires by limitation on July 1, 1981.

S. B. 540**SENATE BILL NO. 540—COMMITTEE ON TRANSPORTATION**

APRIL 28, 1979

Referred to Committee on Human Resources and Facilities

SUMMARY—Regulates manufacture, importation, exportation, sale and use of fireworks. (BDR 42-1893)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to explosives; providing for the regulation of the manufacture, importation, exportation, sale and use of fireworks by the state fire marshal; requiring licenses; providing penalties; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1 SECTION 1. Title 42 of NRS is hereby amended by adding thereto a
2 new chapter to consist of the provisions set forth as sections 2 to 55,
3 inclusive, of this act.

4 SEC. 2. As used in this chapter, unless the context otherwise requires,
5 the words and terms defined in sections 3 to 17, inclusive, of this act
6 have the meanings ascribed to them in those sections.

7 SEC. 3. "Class I flammable liquid" means any liquid which exhibits
8 a flash point of 100 degrees Fahrenheit or less when tested pursuant to
9 standard D56-69 of the American Society for Testing and Materials.

10 SEC. 4. "Exempt fireworks" means any device containing one or
11 more pyrotechnic compositions which the state fire marshal has investi-
12 gated and determined to be limited to:

13 1. Industrial, commercial or signaling use;

14 2. Use in agriculture or wildlife management to keep unwanted ani-
15 mals and birds out of an area; or

16 3. Religious ceremonies or observances when authorized by a permit.

17 SEC. 5. "Fire hazard" means any object or practice which increases
18 or may increase the possibility of fire over the risk which is customarily
19 recognized as normal by persons in the fire protection service, or which
20 might obstruct, delay or hinder the prevention or extinguishing of a fire.

21 SEC. 6. "Firework" means any device containing a pyrotechnic com-
22 position which is designed to produce audible, visual, mechanical or
23 thermal effects.