

MEMBERS PRESENT:

Chairman Jeffrey  
Vice Chairman Redelsperger  
Assemblyman Dini  
Assemblyman Kovacs  
Assemblyman Polish  
Assemblyman Schofield  
Assemblyman DuBois  
Assemblyman Rhoads

MEMBERS ABSENT:

Assemblyman Mello (excused)

GUESTS PRESENT:

Please See Attached List

The meeting was called to order by Chairman Jeffrey at 3:00 P.M.

AB 89

Provides for safety in packaging, handling, transport and disposal of radioactive, chemical and other hazardous waste.

Assemblyman Schofield was delayed to the meeting so testimony on AB 89 was delayed until his present.

Chairman Jeffrey called for testimony on AJR 20.

AJR 20

Requests Congress to recognize necessity of applying for water rights pursuant to state law for "MX" missile project.

Mr. Pete G. Morros, Assistant Director of the Department of Conservation and Natural Resources was the first to testify and stated that his department supports AJR 20, it is timely and appropriate, and it is consistent with the requirements and the responsibilities as set out under the water law in regards to the State Engineer's jurisdiction. Mr. Morros was appearing in behalf of Mr. Roland Westergard as the representative of that office. Mr. Westergard also is in favor of AJR 20.

Assemblyman Polish asked Mr. Morros how many requests they had received from the "MX" people, regarding water.

Mr. Morros replied that they had received 116 applications to date. The amount of water that they are applying for in the 116 applications amounts to over 80,000 acre feet of water, for a two year period during the construction phase and approximately 13,000 acre feet per year during the operational phase of the "MX". He stated that there are some ground water basins that they have pegged as possible deployment areas that they have not filed water applications in yet. There are also some ground water basins that they have filed applications in, that are not pegged as deployment areas for the missiles. Mr. Morros feels that they can look forward to some additional applications and maybe some moving around of the applications that are already filed for. Mr. Morros stated that the amount of water filed for at this time was just the amount that was identifiable by the Air Force at this time as needed for their use, however, his office anticipated substantially more water than that to support the "MX" and other

related ancillary needs.

Chairman Jeffrey asked if there had been any estimate yet on the amount of water it will take to support the population that will be living in those areas.

Mr. Morros stated that there hadn't been any as yet but that as soon as it was known what portion of the system will be based in Nevada, if any, then his office and that of the State Engineer's Office will be able to come up with some accurate predictions. At the present time the last map that they received from FUGRO International, indicates on the deployment layout that Nevada will be receiving somewhere between 70% and 75% of the system.

Assemblyman Rhoads wondered after hearing on water applications if some of them were approved and some were denied, could the Air Force, if they decided they needed some of the water that had been denied them reapply? Would the State of Nevada be prepared to go further to protect our interest or is everything final at that point. Mr. Morros stated that the State Engineers office has the obligation under the law to protect the water rights.

Assemblyman Rhoads then expressed concern if the Air Force decided that their law was more supreme than the state law. Mr. Morros stated that the Air Force had made a firm commitment both in writing and also in their Environmental Impact Statement that they would comply with the Nevada State water law. Mr. Morros stated that this commitment was with denial as well as compliance. The Air Force does have the right to appeal if they so desire, and if they do file an appeal of a denial it is Mr. Morros' position that the State Engineers Office is obligated to fight it to the end.

Assemblyman DuBois wondered if the "MX" does come to Nevada and we end up with the 70% to 75% would it be possible to appropriate some of the water from Utah.

Mr. Morros stated that the water planning agency of Utah indicated that there was sufficient water in Utah to support the "MX". The advantage they have over Nevada is that the Colorado River allotment in Utah is approximately 500,000 acre feet and they use very little of it.

Assemblyman DuBois expressed concern as to whether Utah's water laws would be as strong as Nevada's or as enforceable over the Air Force.

Mr. Morros stated that the water law in Utah is very similar to that of Nevada, in fact the difference in the two states is very little.

Assemblyman Schofield wondered what Mr. Morros' feeling would be about assuring Congress to repeal the moratorium on the Trans-Basin Transportation Link using the Snake River or something similar for the "MX" Project. Mr. Morros felt that it would depend on how it was intended to applied. Nevada is the driest state in the nation so any water project that was intended to provide more water to Nevada the State Engineers office would be obligated to support. However, if any project were to involve exporting water out of this state the State

Engineer's office would be obligated to deny.

Assemblyman Redelsperger asked for the names of the engineering firms that are doing the research for the "MX" project for the Air Force as far as appropriating water.

In response to Mr. Redelsperger, Mr. Morros stated that one was HD&R and the other was FUGRO International, with Fugro International doing most of the water right work to date.

Mr. Redelsperger stated that it was his understanding that these companies were going out in these valleys and filing for water that was within close proximity to wells already in existence in order to save time. Mr. Morros stated that this had been mentioned to Mr. Newman of the State Engineer's office. Mr. Morros' reply was that the statutory work has not been done on these applications, field work has not been completed, and they have not been compared with existing water rights. All of this will be done when the investigations on these filings are done and public hearings begin and most certainly before denial or approval is considered on any of the applications. The applications will be evaluated by their effect on existing rights and also their location in relation to any existing water rights

Mr. Redelsperger's concern was that the resolution be strong enough in its language to get the State of Nevada to act on any protests that may be filed.

Mr. Morros said that there had already been 300 protests filed and it was his feeling that Nevada's water law is a very good one and a very strong one. It does give the necessary regulatory bodies the power that they need to accomplish their obligations. Mr. Morros stated that since this is a national defense project if need be our neighboring states may be called upon to help with the natural resources necessary to support the "MX" system.

Assemblyman Schofield, sponsor of this resolution testified at this time. He stated that the purpose of the resolution is possible explained under two points. It was not his intent to create any problem concerning the Colorado River allocation. He stated that he is aware that California, Nevada and Arizona have gotten along well within this compact but he shares the feeling of Mr. Morros that it is true that this is a national defense issue and is of the first priority and if need be the neighboring states should be willing if at all possible to share some of their resources. Especially considering the dryness that Nevada holds at this time. The fact is that this state is short of water, and we don't want to make it critical to some of the people of the state, for instance, cattlemen, agriculturalists, etc. He stated that he would like to go on record at this time with an idea that could possibly go along with this resolution, and that is the possibility of utilizing the effluent from the sanitation waste water in the Clark County area. At this particular time both Clark County and Las Vegas sanitation plants are going into a particular water treatment plan that is going to cost each of those plants \$1,200,000.00 a year to the users in chemicals. When the AWT Plant came into existence, an export system was designed to carry the effluent water, up to 43,000,000 gallons a day, to the proposed Alan Warner Steam

Generating Power Plant. This effluent at this time represents 72,000,000 gallons a day going down through the wash after it has been treated. He feels that it would save the users 2,400,000.00 in the Southern Nevada area. If the "MX" does happen to come into being they could go ahead with the proposed pipeline and create a tie in, in the event that the Allen Warner Steam Plant could come into being. It could come up from the apex and on up to Coyote Springs and use the 72,000,000 gallons a day of water they need, less the amount to retain wildlife habitat in the wash and have all the water needed for the construction of the "MX" project. All they would have to do is to transport it throughout the basin to the proposed missile sites locations. He stated that with this proposal on the record it was his feeling that this would indeed help to protect the citizens of the State of Nevada in one of its most precious commodities.

Assemblyman Dini stated that he thought that the water now coming out of the wash now going into the lake was treated in exchanged against the allocation that Nevada gets.

Assemblyman Schofield stated that this is true to a degree but he would refer back to Mr. Morros. He stated that the return flow credit right now is under a 60/40 basis because the amount of water that we take out of the lake is approximately 60%. Of the water used in the Las Vegas Valley, 40% is from ground water sources and they do not give Nevada full credit. It is his feeling that if we put 100 gallons into the Lake we should be able to take 100 gallons out of it. So, to answer Mr. Dini's question yes there is a return flow credit. Mr. Schofield stated that he felt the content of this resolution was to protect the citizens of the State of Nevada by legislative mandate to see that the same thing doesn't happen on this "MX" project that happened in 1947 relative to the test site. Mr. Schofield felt that this is the time to do everything possible in our powers as legislators to see that we protect the citizens of the State of Nevada.

Chairman Jeffrey then called for Mr. Schofield's testimony on AB 89. This bill is calling for regulation of the governing, handling, transporting, and disposal of hazardous waste, trying to protect the citizens of Nevada and to come up with additional regulations. Mr. Schofield stated that perhaps AB 89 did not go as far as another bill that had been introduced on Friday, AB 196. It is his feeling that perhaps these two bills could be incorporated effectively as both bills have meritorious points.

Assemblyman Rhoads wondered how the fines that are imposed are supposed to pay for the extra work, extra inspectors, and peace officers that are needed for enforcement.

In reply, Mr. Schofield stated that it was his belief that it taken care of through a trust fund. Mr. Morros verified that there is a trust fund and application can be made to it, for funds. Mr. Schofield stated that his concern was that the hazardous wastes be regulated and the packaging of those that come in from other states be strictly controlled.

Assemblyman Redelsperger stated that since the Beatty Dump Site was one of only about four that was open for disposal perhaps a fee

structure could be set up so that the fees could help pay for the necessary policing.

Assemblyman Redelsperger felt that perhaps a possible amendment to this bill might be appropriate. The possible content might be regulation regarding the packaging and shipping of hazardous waste. We might be able to say that any state not having effective regulations, within their own state law, to handle the inspection of the handling, packaging and shipping of nuclear waste, the State of Nevada not accept their waste. Possibly from the date of this bill's passage. It is his feeling if our requirements are very strong, we will have the necessary strength to insist on their having equally strong regulations in order to use this dump site.

Mr. DuBois wondered if the State of Nevada got any revenue from the waste that was disposed of at the Beatty Dump Site from other states. Mr. Schofield replied that there is a revenue that is being received by the contractor of the Dump Site but not the State.

Chairman Jeffrey stated that the fees that were set approximately 4 years ago were supposed to have been set high enough so that if people that were maintaining the dump, moved, the State would have money in a trust fund to maintain the dump as long as it was necessary to protect the public from the materials that were dumped there.

Mr. Schofield stated that the fees were 7¢ a cubic foot on chemical and 25¢ on radioactive. But the fees are not set by statute. Mr. Jeffrey wondered if there was authority to raise these fees to whatever was felt necessary. In reply to this question it was stated that the State Board of Health has this authority.

Mr. DuBois wondered if there had been any consideration given to raising the levels and developing a fund that might be used for wildlife.

Mr. Schofield replied that he wasn't sure that there had been any in the testimony that they had, in the request for the renewal of their license. At present there is a court suit filed by the attorney general's office concerning the licensing of the dump site. The lease was for 20 years but the license is due for renewal again by June 1983. There seems to be a question on the licensing which will be decided by this court decision.

Assemblyman Kovacs stated that he felt there was a \$20,000.00 per year rental fee that was negotiated with the Department of Human Resources of the State of Nevada. Mr. Redelsperger stated that perhaps fees could be established for the transportation of this waste. It was his feeling that perhaps this bill should be amended to contain language considering the alternate routing of hazardous waste in order to bypass Reno and Las Vegas and other heavily populated areas that might be in the present route.

Mr. Schofield asked if Mr. Redelsperger would be willing to work on the language for an amendment to this bill. Chairman Jeffrey stated that he felt there would be a subcommittee assigned to handle the combining of this bill along with several others that this committee

would be hearing soon. Mr. Kovacs wondered if there is a lease with the State of Nevada, the question being whether we are in a position to break the lease.

Chairman Jeffrey stated that he felt that this question would be one that would be settled by the Attorney General's office in a suit that was now pending.

Mr. Redelsperger stated that he felt the main problem at this time was to make sure the regulations regarding the hazardous waste industry were strong enough that waste coming from other states would be subject to denial if they did not comply. The main problem being not the closure of the Beatty Dump Site but, the control of the packaging and handling of the waste coming into the site.

Mr. Schofield stated that it was his feeling that he would like this hearing to be a presentation of this bill and hold action until the other bills concerning similar matters could be heard and a combination of all of them be accomplished. SB 87 and SB 86 would be two from the Senate that are similar in content. SB 201 has to do with the transportation of this hazardous waste. SB 201 is trying to prohibit out of state generated wastes. His feelings are that his would be unconstitutional and create an embargo that would be against the interstate commerce commission. The combination of these bills along with the ones that will be submitted in the Assembly will set forth regulations that would be stringent enough to see that the state does not have to tolerate anymore of these spills. This also is one of the reasons for the increase of the fine of \$500.00 to \$10,000.00 in the bill being presented today by Mr. Schofield.

At this time Mr. Vern Ross testified in favor of AB 89 and read his written testimony, a copy of which is attached hereto and marked EXHIBIT "A".

Assemblyman Rhoads asked Mr. Morros what the 937,000 tons generated annually was composed of.

Mr. Morros cited a listing of hazardous waste generated in Nevada a copy of which is attached hereto and marked EXHIBIT "B".

Mr. Rhoads comment after hearing the amounts of hazardous wastes generated in Nevada annually and the type of hazardous waste was what a state such as California was doing with their waste. Mr. Morros replied that a state the size of California was generating far more waste than Nevada and they have or perhaps we should say they originally had 13 disposal sites before the Federal Law went into effect. When the new law went into effect it tightened down on waste sites and they are now down to 6 sites, these sites are, for the most part, on private land with private operators. About half of those sites are going into municipal land fills and disposing of it along with solid waste. This method is not a satisfactory method according to the federal act.

Assemblyman DuBois wondered where the companies that are not using the state waste facilities are disposing of their waste and are they inspected by the EPA?

Mr. Morros replied that most of these companies had on-site disposal facilities. On the ponding of their waste, it is covered under the National Pollution Elimination system (NPS) under the state division. The water program and the hazardous waste program work hand in hand. Whatever is submitted to them is reviewed by the State to see that it meets the intent of the Federal Act so they are not getting overly regulated by the Federal Government.

Mr. DuBois wondered if they would be able to continue dumping far into the future. Mr. Morros stated that they will have to modify their disposal ponds to insure that the ground water is not contaminated further. Mr. Redelsperger wondered which would leech more rapidly, low level radioactive or hazardous waste. Mr. Morros stated that it depends largely upon whatever is being disposed of.

Ms. Peggy Twedt, representing the League of Women Voters was the next to testify in support of AB 89, a copy of Ms. Twedt's written testimony is attached hereto and marked EXHIBIT "C". She read her testimony for the record.

Mr. Schofield agreed with Miss Twedt concerning what constitutes hazardous waste and who is responsible for it. He stated that it is his hope that these issues are among some of those that would be dealt with during this legislature. The problem being, the Health Department and that area of State Government that it falls in. Another problem being the Environmental Protection Division of the Department of Conservation and Natural Resources.

Miss Twedt stated that it is her feeling and that of the League of Women Voters that if you are dealing with radioactive waste you know it is handled by the Department of Health and if it is hazardous you will be dealing with the Department of Conservation and Natural Resources a Division of Environmental Protection. She feels that these issues are being discussed interchangeably and causing confusion.

Mr. Al Edmondson, Bureau Chief of Consumer Health Protection Services, was next to testify on AB 89. He stated that his department is in favor of AB 89. He feels that it should be considered with SB 86 and AB 196. At the present time, he stated that they do not have the authority to charge a user fee for the use of the low level radioactive waste generators. Those being the ones that ship these wastes into the state. This needs to be added into NRS 459. At the present time, the only people that they can charge fees to, is U.S. Ecology, the operator of the dump site. The user fees, or fees that are collected into the perpetual care fund is 25¢ per cubic foot for the radioactive waste and 75¢ per cubic foot for the hazardous or chemical waste and then \$20,000.00 rental for the rental of the 80 acres of the dump site. This care fund is for perpetual care of the total 80 acres. At the present time there is approximately \$600,000.00 in that fund. When that site is full we should have enough revenue in that fund for the interest to take care of any maintenance from this time on, so the taxpayers will not have to be faced with more needed money in the near future. For repair of damage, etc., at the dump site. Some of the possible future needs of the site are maintenance of a fence that is presently standing and lights would have to be maintained. Sometime in the future, the

the containers that are now there might possibly cave in. Under the present contract to U.D. Ecology, when they leave the site, all of the burial trenches must be mounded over and everything must be in place in accordance to the terms of their agreement. However, sometime in the future there may be some vandalism, the trenches may sink and have to be remounded. The cost is unestimatable at this time. Hopefully, this fund will take care of these future needs, the only thing being taken from the fund at this time is the cost of inspections. A year ago the contract was amended and changed from 13¢ per cubic foot and another 12¢ per cubic foot was added and another \$10,000 annually rental fee to take care of more inspections. At the present time a full time inspector is at the site and every load and package is inspected. This kind of inspection is not being done on the chemical side of the dump. It is his feeling and that of the Environmental Protection that the need for inspection on the chemical side is as critical as the radioactive. He stated that these are some of the present problems but his agency is basically in support of the bill.

Assemblyman Kovacs wondered if there is any provision in the agreement that we now have with U.S. Ecology that they provide inspection at the place of packaging.

Mr. Edmondson replied that we now have in place what they call a third party inspection, that a representative of the state, (this is on private contract) makes the third party inspection to the packager, and they charge and collect from the packager the fees that it costs to run the program.

Assemblyman DuBois asked what the procedure is if somebody brings in a truckload of waste and it is not properly packaged? Mr. Edmondson's answer to this was if this should happen it is their policy to have it overpacked at the sender's expense and shipped back to them at their expense. If it is felt that it would be dangerous to put a particular load back on the road to be shipped back to its origin, it is overpacked and buried. A permit system, that is now in effect, enables the agency to remove the shipping privileges of that particular shipper until they can prove that they have come up with a quality assurance program. U.S. Ecology collects the fees from these shippers. They report to the Consumer Health Protection Service the number of cubic feet buried and then the money is sent to the fund and it is put in the budget account No. 3152. U.S. Ecology gets the money from the shipper and it is sent directly to the state. At the present time this agency does not have the authority to assess penalties but such a measure has been introduced in SB 86.

C. Kirby Stoddard, retired Chemical Engineer, testified in favor of this bill in that he feels that the nuclear industries are definitely going to be on the increase in the future. The opportunities may be unlimited for the future but stringent regulations are necessary. He urged the committee to redefine hazardous waste, but to encourage the nuclear industry as a source of high revenue for the State of Nevada.

Mr. Schofield defined hazardous waste as follows ... "Hazardous waste means any waste or combination of wastes including solids, semi-solids,



liquids or contained gasses that become dangerous because of their quantity, concentration, physical, chemical or infectious characteristics may significantly contribute to an increase in mortality, irreversible or incapacitating illness or ..." This is the definition, in part, that is in another bill.

Daryl Capurro, Managing Director for the Nevada Motor Transport Association stated that he was appearing neither in support of or in opposition to AB 89 but would like to point out some problems that are involved with the bill as it is currently written. There are several measures, some of which have been introduced on the Senate side of the legislature which were the product of an interim committee, which was authorized by the legislature the last session, that deal in this same area. In the first place whatever is done whether it is AB 89, SB 86, or any other bill it is important that consistency be maintained with regulations that have been adopted by both the Federal Environmental Protection Agency and the Federal Department of Transportation. He feels this is extremely important to answer the question of violation of interstate commerce, particularly as it respects transports. It is his feeling that the State needs to govern its own destiny, insofar as we are allowed to govern our own destiny. Many regulations that have been adopted on the Federal level are incontrovertible and are in effect and are supreme with respect to our laws. As long as we are consistent with those regulations we will control it, if we aren't, then we have a problem with control. One of the problems with regard to the wording, intent is clear, but when the inspectors and peace officers of the motor carrier division of the DMV and the PSC and the Highway Patrol is the fund that is being collected for now, is a perpetual care fund that relates to the Beatty Dump site whether it is for hazardous waste or radioactive materials. This could not be used for enforcement on the highway. The Public Service Commission is the authority with regard to certification of the transport function. Anyone who wishes to become a contract carrier involved in hauling hazardous or nuclear waste must receive an authority issued from the Public Service Commission. His feeling is that a carrier should be responsible to the State EPA and State PSC as well as the Federal Department of Transportation rules and regulations to which they are already responsible. Private carriers when hauling hazardous material are also covered by the Public Service Commission rules and regulations on the handling of hazardous materials so authority delineation needs to be made. It is his point that the Public Service Commission have the authority to license carriers in Nevada on an intrastate basis. Interstate carriers are licensed by the Interstate Commerce Commission. If there is to be an extensive amount of enforcement put onto the agencies that are mentioned in the bill there will have to be some form of revenues to those agencies to alay those costs of enforcement.

ACR 19

Directs state engineer to impose certain conditions upon permits for appropriation of water uses related to "MX" missile system.

Pete Morros, Assistant Director of the Department of Conservation and Natural Resources was the first to testify. His department feels that this resolution is timely and appropriate. The only suggestion he had

concerned the last paragraph wherein it states that the State Engineer not issue any permit for the appropriation of water for uses related to the "MX" Missile system until the application has committed money sufficient enough to attenuate the financial effects as determined by the affect of the local governments of the increase of demand upon the public schools and other public services resulting from the construction and operation of the "MX" Missile System. It is his feeling that this resolution fits in well with the provisions in NRS 533.370 Section 1. This section allows the State Engineer the authority to deny applications when it can be shown that they are detrimental to the public welfare. He feels that as much of the existing water as possible should be kept in these resolutions, if that is done he feels the Air Force would be hard pressed to want to back off their committment to comply with the law as long as we stay strictly with the law.

Chairman Jeffrey wondered about examples of some of the things that have been encountered as far as this type resolution is concerned. Time limits on where objections can be made and where public testimony can be taken. To say that the "MX" project coming will cause problems in the area of (blank), and those are settled before the conditions are placed on the permit, or would there be objections raised from time to time and just be an ongoing thing.

Mr. Morros said he thinks that in the area of the public services or social services, local governments and the Air Force probably will have to come to an understanding as to whether the impacts that are going to result from this system can or have been mitigated and whether ample funds have been provided. Some of the areas of concern would not only be the water but would be the sewage treatment facilities, just as an example. Most of the rural communities in Nevada are up to the limit on their existing facilities. If there is going to be a large population impact as a result of construction workers, money to expand these facilities will have to come from somewhere. If it can be demonstrated, at the public hearings in the matter of these applications, that there will be an adverse impact to the public welfare to grant these applications, without the areas of concern being settled beforehand, or some agreement as to when they would be settled, this resolution expresses a desire for the State Engineer to consider this in his decisions. Mr. DuBois wondered in the second resolve on line 19 if a particular town feels it necessary to build a new school, can water rights be denied and the money that is in the bank to build that school be denied also?

Mr. Morros replied that if the party responsible for the education of the children in that particular area came before the State Engineer at the public hearing and demonstrated to the State Engineer that was in fact an adverse effect on the public interest it might be interpreted as detrimental to the public welfare to build the same.

Assemblyman Redelsperger asked if this gives authority to issue temporary permits.

Mr. Morros stated they are already issuing temporary permits and do, in fact, already have in the law the authority to issue these temporary permits.

To summarize if a temporary permit is issued to use water for construction at the end of the construction the permit expires, the water reverts back to its original source.

Assemblyman Schofield inquired if this legislative body could strengthen the water laws by amending the language to include, the assurance that the impact aid money would be effective. Do you feel that this particular resolution really doesn't change your authority but guides instead? Mr. Schofield wondered if the legislature could prepare a bill giving it more impact for this resolution to have more effect.

Mr. Morros stated that he felt perhaps we might be using the water rights and appropriation of the water a little too stringently in an attempt to secure Federal funding for some of the impact of the "MX" system. Mr. Schofield feels that this is a very strong lever and should be used as necessary and that it was not too strong. Mr. Morros' comment was that he felt we should not get heavy handed so as to give the Air Force a reason to renege on the commitment they have made to comply with our water laws. If they do decide that we are throwing too many road blocks in their way they may adopt the attitude that they agreed to comply with the present law not any future laws. If this is the case they may go to the implied reservation doctrine and reserve the water when they withdraw the land. This is a tactic that they have used in the past. It is Mr. Morros' feeling that we should enter this system of negotiation with a spirit of full cooperation.

Mr. Schofield stated that according to the legal department the State Engineers office did not at present have the legal authority to do these things in order to assure the State of Nevada the impact aid money. It was their opinion that language needed to be set forth in statute in order to give the State Engineers Office this authority.

Mr. Morros stated that the term "could be detrimental to the public welfare" could be interpreted widely enough to cover these areas.

Mr. Schofield stated that although he was the author of this bill he would like to see the following change. In the second resolve on line 19 he would like to see "be further resolved that the State Engineer issue a permit on condition that the applicant has committed monies to attenuate the financial effects" delete "as determined by the effect of local governments" back in line 20 right after system insert "without first consulting with local government". It is his feeling that perhaps the language as it is may be a bit too strong.

Mr. Morros and Mr. Schofield will work on the language for the amendment for this bill.

ACR 19

Directs state engineer to impose certain conditions upon permits for appropriation of water uses related to "MX" missile system

Mr. Schofield first to testify on ACR 19. During the peak years of 1986 and 1988 there would be 30,000 "MX" jobs effected. The long term employment levels would be reached by 1991 there would be about 13,200

direct jobs in Nevada and Utah. In 1986 the Clark County peak would be reached with work at Coyote Springs requiring some 24,600 jobs. Long term direct jobs in Clark County would be about 10,800 the impacts during the construction in some of the rural counties will result in 45% year growth rates. The total water use for construction will be from 78,000 to 130,000 acre feet with a 1987 peak year use of 23,075 acre feet.

It is Mr. Schofield's feeling that the committee act with a Do Pass on ACR 19 to the State Engineer and believes that the water consumption would bear out the testimony that he expressed on the possibility of utilizing the affluent waste water from the Clark County area. He stated that he and Mr. Morros would meet and work on possible language, relating to NRS 533 in the water as well as the language discussed.

Vice Chairman Redelsperger introduced the following BDR's for committee introduction.

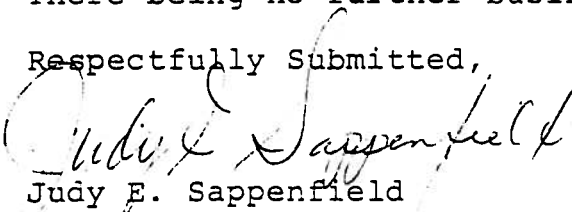
- |                          |   |
|--------------------------|---|
| BDR 40-344<br>(A.B. 221) | Makes various changes in provisions concerning water pollution.                   |
| BDR 45-944<br>(A.B. 222) | Makes various changes in wildlife laws relating to administration and management. |
| BDR 45-194<br>(A.B. 219) | Makes various changes in wildlife relating administration and management.         |
| BDR 45-755<br>(A.B. 220) | Revised certain fees charged by department wildlife.                              |

Mr. Schofield moved for COMMITTEE INTRODUCTION of these BDR's. Mr. Kovacs seconded it and the motion was carried unanimously with Mr. Mello, Mr. Jeffrey, Mr. Dini and Mr. Rhoads absent from the voting.

There was no action taken on the matters heard on this date.

There being no further business the meeting adjourned at 5:16 P.M.

Respectfully Submitted,

  
Judy E. Sappenfield

*Jan. 1980 - Exhibit A*

AB 89 TESTIMONY

The Division supports AB 89 because it provides the State with the authority to see that the transportation and packaging of hazardous waste is properly done. It includes the licensing of generators and transporters. Generators using Nevada disposal facilities could be regulated requiring proper containerization and the use of licensed transporters. Transporters using Nevada highways could be licensed requiring them to use specific routes and to be trained to become knowledgeable on what they are transporting and how to respond to any incident involving an accident or spill.

This bill would work well with AB 196 and the Federal Resource Conservation and Recovery Act of 1976.

At the Beatty Disposal Site in 1980, 184,733 cu. ft. of hazardous wastes were disposed of. Only 1-1/4% was from Nevada. Don't assume that Nevada doesn't have wastes to dispose of. Data collected from U.S. EPA permit applications show that the major Nevada industries generates 937,000 tons annually. 90% is generated in Southern Nevada. 98% is disposed of on-site. 11,000 tons goes to California and only 9.3 tons goes to Beatty. In 1980 Beatty received 727 tons from other States. These totals do not include the cyanide and other hazardous waste reported by the mining industry. Of the few mines reporting, they generated 5.5 million tons annually. Hazardous waste generated at the Nevada Test Site are not included nor the potential MX hazardous wastes.

*Exhibit "A"*

In 1980 the wastes received at Beatty involved about 325 separate shipments. With the implementation of the Federal Resource Conservation and Recovery Act which began on November 19, 1980, all of the hazardous waste disposal sites in the nation will see a dramatic increase in use. The 11,000 tons going to California has been diverted to Oklahoma because California couldn't handle the bulk shipments. In November, 1981, no sites will be able to take bulk liquids. The bulk liquids will have to be containerized and solidified or incinerated. What this means is that Nevada will have to dispose of that 11,000 tons going out of State at Beatty, and drastically reduce the life of the Beatty site. The State needs to consider immediately the expansion of the Beatty site just to handle the Nevada generated wastes.

RCRA was mentioned and is a law requiring the U.S. EPA to manage hazardous wastes in those States that do not have adequate authority. EPA's regulations under this act define hazardous wastes, establishes standards for generators, transporters, and facilities for treatment, storage and disposal, establishes a permit system and authorizes State programs. These regulations became effective on November 19, 1980. Presently all Nevada industries involving hazardous waste must deal with EPA in San Francisco. Industry is supporting the intent of AB 196 so that the State can qualify to manage its own wastes without EPA interference. This Bill, AB 89, gives the State more control over the use of State facilities to better protect the people of Nevada.

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## Hazardous Wastes in Nevada

The major generators of hazardous waste in Nevada are the various chemical and industrial plants located in the BMI complex at Henderson. Their names and waste streams are as follows:

Timet	639,300 tons/yr of waste classified as D002 & D003-Corrosivity & Reactive. 5 tons/yr of Vanadium pentoxide 25 tons/yr of spent halogenated solvents
Kerr McGee Chemical Corp.	10,000 tons/yr D007-Chromium EP toxicity 1000 tons/yr D002-Corrosive
Montrose	220 tons/yr Chlorobenzene residue 56,000 tons/yr D002-Corrosive/organics
Stauffer Chemical Company	Industrial Chemical Div. 132,000 tons/yr D002-Corrosive
Stauffer Chemical Company	Agricultural Chemical Co. 98,550 tons/yr D001-Ignitable
Jones Chemical, Inc.	75 tons/yr D002-Corrosive waste

The hazardous waste in the Reno, Sparks and Carson City area comes from "light industry" and consists of electroplating wastes, paint wastes, and solvent wastes from degreasing processes. The majority of these businesses actually meet the small quantity generator exemption, but because they accumulate the wastes until they have enough to make it economical to ship them for disposal or recycling, many lose their exemption.

Primark-Reno	20 drums of degreaser solvents every three (3) months.
Lynch Communications	50 drums of various waste solvents every three (3) months.

*Exhibit "B"*

# League of Women Voters of Nevada



AB 39

The League of Women Voters supports AB 39 in as far as it goes. Since State management of hazardous wastes is one of our priority items for this session of the legislature, we commend the bill's sponsors for their efforts in this area. Regulation of hazardous wastes must be and will be handled. The question is by whom - The Environmental Protection Agency (EPA) or the State? The League, as well as the industries generating hazardous wastes in Nevada, favor a State program. While the State now has the authority to regulate radioactive wastes, the League feels this authority may need to be tightened to ensure the safe management of these wastes.

In addressing this bill, the League has two related concerns. First, while AB 39 does make the distinction between radioactive waste and hazardous waste, this distinction has not always been observed. The definition of "hazardous waste" in the Federal Resource Conservation and Recovery Act specifically excludes radioactive waste since radioactive waste is already under other Federal controls. This distinction must be maintained and confusion corrected where it now exists.

Confusion in the present law concerns the disposal site at Beatty. This site consists of 40 acres devoted to radioactive wastes and the other half devoted to hazardous wastes. During the 1977 session SB 153 amended NRS 590 transferring non-radioactive waste control to the Department of Conservation and Natural Resources while SB 30 amended chapters 459 and 374 transferring control of the full 80 acres of the Beatty site to the Department of Human Resources. The two departments have worked around this confusion, but the problem in the law still exists. The League would like to see this problem corrected during the present session of the legislature.

*Exhibit "C"*

CC60



# League of Women Voters of Nevada



Our second concern is that the proposed legislation does not go far enough. In order for the state to develop a hazardous waste management plan which can replace the Federal program, there are specifics which need to be included in the legislation. As an example, there needs to be a definition of what is meant by "hazardous waste." Also, a manifest system is required that would identify the quantity, composition, origin, routing and ~~origin~~<sup>destination</sup> of the hazardous waste during its transportation. Since there is already a bill introduced AB 196 which addresses these specifics, the League hopes you will take no action until this second bill has been heard. We would encourage you to consider both bills together before any decisions are reached.

