

SENATE BILL NO. 43—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE DIVISION OF ENVIRONMENTAL
PROTECTION OF THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 18, 2024

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to environmental protection. (BDR 40-264)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility.
Effect on the State: Yes.

~

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

AN ACT relating to environmental protection; authorizing certain district boards of health to act as a solid waste management authority under certain circumstances; removing the authority of certain district boards of health to administer the collection and disposal of solid waste; authorizing certain district boards of health to issue certain permits and administer and enforce certain provisions relating to public water systems under certain circumstances; removing the authority of certain district boards of health to administer certain provisions relating to public water systems; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law sets forth provisions governing the collection and disposal of solid
2 waste. (NRS 444.440-444.645) For the purposes of such provisions, existing law
3 defines a “solid waste management authority” to mean: (1) the district board of
4 health in any area in which a health district has been created and, under certain
5 circumstances, certain other areas under the jurisdiction of the board, if the board
6 has adopted certain regulations; and (2) the Division of Environmental Protection
7 of the State Department of Conservation and Natural Resources, in all other areas



8 of the State and at any site previously used for the production of electricity from a
9 coal-fired electric generating plant. (NRS 444.495) **Section 4** of this bill provides
10 that in any area in which a health district includes a county whose population is
11 100,000 or more (currently Clark and Washoe Counties) and in any area in which
12 the district board of health of the health district has authority pursuant to an
13 interlocal agreement, the district board of health may act as a solid waste
14 management authority if the district board of health: (1) is capable of carrying out
15 the provisions of existing law relating to solid waste management, as determined by
16 the Administrator of the Division; and (2) has adopted certain regulations relating
17 to solid waste management.

18 **Section 34** of this bill provides that any district board of health that is currently
19 acting as a solid waste management authority shall be deemed to have been
20 determined capable by the Administrator and may continue to act as a solid waste
21 management authority.

22 **Section 7** of this bill revises the definition of "solid waste management
23 authority" to mean: (1) a district board of health if the board meets the requirements
24 of **section 4**; and (2) the Division, in all other areas of the State and at any site
25 previously used for the production of electricity from a coal-fired electric
26 generating plant. As a result of this change, a district board of health in an area in
27 which a health district does not include a county whose population is 100,000 or
28 more is not authorized to act as a solid waste management authority.

29 Consistent with these changes, **sections 8, 13, 15 and 16** of this bill provide
30 that only a district board of health of a health district that includes a county whose
31 population is 100,000 or more is required to adopt certain regulations relating to the
32 collection and disposal of solid waste. **Sections 9, 10, 14, 18 and 19** of this bill
33 make conforming changes to reflect the divestment of the authority of a district
34 board of health of a health district that does not include a county whose population
35 is 100,000 or more to act as a solid waste management authority.

36 Existing law authorizes any district board of health and any governing body of
37 a municipality to adopt certain standards and regulations relating to solid waste
38 disposal sites and solid waste management systems and authorizes the district board
39 of health to issue permits thereunder. (NRS 444.580) **Section 15** limits this
40 authorization to only district boards of health and governing bodies in an area with
41 a health district that includes a county whose population is 100,000 or more.

42 Existing law requires the governing body of every municipality or district board
43 of health to develop a plan to provide for a solid waste management system. (NRS
44 444.510) **Section 10** requires that only a district board of health that includes a
45 county whose population is 100,000 or more develop such a plan.

46 **Section 2** of this bill defines "health district" for the purposes of existing law
47 governing the collection and disposal of solid waste.

48 **Section 3** of this bill defines the "Resource Conservation and Recovery Act"
49 and, consistent with this definition, **sections 6, 11-14 and 16** of this bill revise
50 references to that Act in existing law governing the collection and disposal of solid
51 waste.

52 **Section 5** of this bill applies the definitions in existing law and **sections 2 and**
53 **3** to the provisions of existing law and **section 4** that govern the collection and
54 disposal of solid waste.

55 **Sections 17 and 18** of this bill make provisions of existing law establishing the
56 powers of a solid waste management authority to enforce existing law, recover civil
57 penalties or damages, obtain injunctive relief or issue subpoenas apply to the
58 provisions of **sections 2-4**.

59 Existing law sets forth certain provisions governing public water systems and
60 authorizes the Division and a district board of health to administer and enforce
61 these provisions. (NRS 445A.800-445A.955) Existing law also authorizes the State
62 Environmental Commission to designate a district board of health to issue permits



63 to an owner of a public water system to operate the system. (NRS 445A.860,
64 445A.885) **Section 20** of this bill authorizes the Administrator of the Division to, in
65 any area in which a health district includes a county whose population is 100,000 or
66 more, designate the district board of health of the health district to issue permits or
67 administer and enforce the provisions governing public water systems if the district
68 board of health demonstrates to the Administrator that the district board is capable
69 of performing such actions.

70 **Section 34** provides that any district board of health that is currently
71 administering and enforcing the provisions governing public water systems shall be
72 deemed to have been designated by the Administrator and may continue to
73 administer and enforce those provisions. Consistent with this change, **sections 23-**
74 **28** of this bill limit the authority of a district board of health to issue permits or
75 administer and enforce the provisions governing public water systems to only a
76 district board of health designated by the Administrator.

77 **Section 22** of this bill revises the definition of the term “district board of
78 health” to clarify that a health district is created pursuant to certain provisions of
79 existing law. **Section 21** of this bill applies the definitions in existing law governing
80 public water systems to **section 20**.

81 **Sections 29-33** of this bill make certain provisions of existing law governing
82 the enforcement powers of the Division, the imposition of civil penalties,
83 administrative fines and criminal penalties and obtaining injunctive relief apply to
84 **section 20**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 444 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2.** *“Health district” means a health district created*
4 *pursuant to NRS 439.362 or 439.370.*

5 **Sec. 3.** *“Resource Conservation and Recovery Act” means*
6 *subchapter IV of the Resource Conservation and Recovery Act of*
7 *1976, 42 U.S.C. §§ 6941 et seq., as amended, and the regulations*
8 *adopted pursuant thereto.*

9 **Sec. 4.** *In any area in which a health district includes a*
10 *county whose population is 100,000 or more and in any area over*
11 *which the district board of health of the health district has*
12 *authority pursuant to an interlocal agreement, the district board of*
13 *health of the health district may act as a solid waste management*
14 *authority if the district board of health:*

15 1. *Is capable of carrying out the provisions of NRS 444.440 to*
16 *444.620, inclusive, and sections 2, 3 and 4 of this act, as*
17 *determined by the Administrator of the Division of Environmental*
18 *Protection of the State Department of Conservation and Natural*
19 *Resources; and*

20 2. *Adopts all regulations that are necessary to carry out the*
21 *provisions of NRS 444.440 to 444.620, inclusive, and sections 2, 3*
22 *and 4 of this act.*



1 **Sec. 5.** NRS 444.450 is hereby amended to read as follows:
2 444.450 As used in NRS 444.440 to 444.620, inclusive, *and*
3 *sections 2, 3 and 4 of this act*, unless the context otherwise requires,
4 the words and terms defined in NRS 444.460 to 444.501, inclusive,
5 *and sections 2 and 3 of this act* have the meanings ascribed to them
6 in those sections.

7 **Sec. 6.** NRS 444.465 is hereby amended to read as follows:
8 444.465 “Municipal solid waste landfill” has the meaning
9 ascribed to it in the Resource Conservation and Recovery Act of
10 1976 . ~~[, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations~~
11 ~~adopted pursuant thereto.]~~

12 **Sec. 7.** NRS 444.495 is hereby amended to read as follows:
13 444.495 “Solid waste management authority” means:
14 1. Except as otherwise provided in subsection 2, the district
15 board of health ~~[in any area in which]~~ of a health district ~~[has been~~
16 ~~created pursuant to NRS 439.362 or 439.370 and in any area over~~
17 ~~which the board has authority pursuant to an interlocal agreement,]~~
18 if the *district* board ~~[has adopted all regulations that are necessary to~~
19 ~~carry out the provisions of NRS 444.440 to 444.620, inclusive.]~~ *of*
20 *health meets the requirements of section 4 of this act.*

21 2. In all other areas of the State and pursuant to NRS 704.7318,
22 at any site previously used for the production of electricity from a
23 coal-fired electric generating plant in this State, the Division of
24 Environmental Protection of the State Department of Conservation
25 and Natural Resources.

26 **Sec. 8.** NRS 444.505 is hereby amended to read as follows:
27 444.505 1. The district board of health of a health district
28 ~~[created pursuant to NRS 439.362 or 439.370]~~ *that includes a*
29 *county whose population is 100,000 or more* shall, in a timely
30 manner, adopt regulations:

31 (a) For the issuance of a permit to operate a facility for the
32 management of waste tires in the health district and in any area over
33 which the board has authority pursuant to an interlocal agreement;

34 (b) If the district board of health issues a permit to operate a
35 facility for the management of waste tires, prohibiting the disposal
36 of waste tires in any municipal solid waste landfill in the health
37 district and in any area over which the board has authority pursuant
38 to an interlocal agreement by a retail seller of new motor vehicles
39 tires or a wholesale seller of new motor vehicle tires; and

40 (c) To establish and carry out a program for the recycling and
41 reuse of waste tires in the health district and in any area over which
42 the board has authority pursuant to an interlocal agreement.

43 2. The regulations adopted pursuant to subsection 1 must:
44 (a) Provide for acceptable alternatives to the disposal of a waste
45 tire in a municipal solid waste landfill;



1 (b) Provide for the inspection of a facility for the management of
2 waste tires to ensure that the operator of the facility complies with
3 those regulations;

4 (c) Prohibit a facility for the management of waste tires from
5 refusing to accept a waste tire offered for disposal, except in
6 accordance with the provisions of the permit issued to the operator
7 of the facility;

8 (d) Establish requirements concerning the transportation and
9 storage of waste tires prior to disposal;

10 (e) Establish a procedure for applications for exemptions or
11 waivers from any of those regulations;

12 (f) Provide for an exemption from any penalty imposed pursuant
13 to those regulations for any person who inadvertently or
14 unintentionally disposes of a waste tire in a municipal solid waste
15 landfill in violation of those regulations;

16 (g) Not prohibit the lawful disposal of a waste tire outside of the
17 health district; and

18 (h) In addition to the penalties described in NRS 444.507 and
19 444.509, provide for a penalty for a violation of any of those
20 regulations.

21 3. In ~~[a county]~~ **any area** in which a health district has not been
22 created pursuant to NRS 439.362 or 439.370 ~~[]~~ **and in any area in**
23 **which a health district does not include a county whose population**
24 **is 100,000 or more**, the State Environmental Commission may
25 adopt regulations:

26 (a) Authorizing the Division of Environmental Protection of the
27 State Department of Conservation and Natural Resources to issue a
28 permit for the operation of a facility for the management of waste
29 tires in the ~~[county;]~~ **area;**

30 (b) If a facility for the management of waste tires has been
31 issued a permit in the county, prohibiting the disposal of waste tires
32 in a municipal solid waste landfill in the ~~[county;]~~ **area;** and

33 (c) To establish and carry out a program for the recycling and
34 reuse of waste tires in the ~~[county;]~~ **area.**

35 4. Any regulation adopted pursuant to this section which
36 prohibits the disposal of a waste tire in a municipal solid waste
37 landfill does not apply to the disposal of a waste tire if the
38 unavailability of a facility for the management of waste tires makes
39 disposal at such a facility impracticable. The provisions of this
40 subsection do not exempt a person from any other regulation
41 adopted pursuant to this section.

42 5. The regulations adopted by a district board of health
43 pursuant to this section must not conflict with regulations adopted
44 by the State Environmental Commission.



Sec. 9. NRS 444.509 is hereby amended to read as follows:

444.509 1. Except as otherwise provided in subsection 2, in any *area with a health district* ~~created pursuant to NRS 439.362 or 439.370~~ *that includes a county whose population is 100,000 or more* and any area over which the district board of health of the *health district* has authority pursuant to an interlocal agreement or any county in which a permit for the operation of a facility for the management of waste tires has been issued pursuant to NRS 444.505, a person who willfully disposes of a waste tire generated in that health district or county in any municipal solid waste landfill in this State is guilty of a misdemeanor and, except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, shall be punished by a fine of not less than \$100 per violation. Each waste tire disposed of in violation of the provisions of this section constitutes a separate violation.

2. The provisions of subsection 1 do not apply:

(a) To a person who inadvertently or unintentionally disposes of a waste tire in a municipal solid waste landfill in violation of the provisions of subsection 1; or

(b) If the unavailability of a facility for the management of waste tires makes disposal of a waste tire at a site other than a municipal solid waste landfill impracticable.

Sec. 10. NRS 444.510 is hereby amended to read as follows:

444.510 1. The governing body of every municipality or district board of health ~~created pursuant to NRS 439.362 or 439.370~~ *of a health district that includes a county whose population is 100,000 or more* shall develop a plan to provide for a solid waste management system which adequately provides for the management and disposal of solid waste within the boundaries of the municipality or within the area to be served by the *solid waste management* system, whether generated within or outside of the boundaries of the area.

2. The plan may include ordinances adopted pursuant to NRS 444.520 and 444.530.

3. Such a governing body may enter into agreements with governing bodies of other municipalities, or with any person, or with a combination thereof, to carry out or develop portions of the plan provided for in subsection 1, or both, and to provide a solid waste management system, or any part thereof.

4. Any plan developed by the governing body of a municipality or district board of health ~~created~~ pursuant to ~~NRS 439.362 or 439.370~~ *this section* must be submitted to the State Department of Conservation and Natural Resources for approval according to a schedule established by the State Environmental Commission. No action may be taken by that governing body or district board of



1 health until the plan has been approved. The Department shall
2 determine the adequacy of the plan within 90 days after receiving
3 the plan. If the Department does not respond to the plan within 90
4 days, the plan shall be deemed approved and becomes effective
5 immediately.

6 5. An approved plan remains in effect until the plan is revised
7 and the revised plan is approved. A plan must not conflict with the
8 statewide plan adopted by the State Environmental Commission
9 pursuant to NRS 444.570. Plans must be revised to reflect proposed
10 changes in the solid waste management system, and changes in
11 applicable regulations.

12 **Sec. 11.** NRS 444.556 is hereby amended to read as follows:

13 444.556 1. Before constructing or operating a municipal solid
14 waste landfill, the owner or operator of the landfill shall obtain a
15 permit issued by the solid waste management authority.

16 2. A permit for the construction or operation of a municipal
17 solid waste landfill is subject to the general conditions of the
18 Resource Conservation and Recovery Act . ~~[of 1976, Subtitle D, 42~~
19 ~~U.S.C. §§ 6941 et seq., and the regulations adopted pursuant~~
20 ~~thereto.]~~

21 3. Any documents submitted in connection with an application
22 for a permit, including any modifications requested by the solid
23 waste management authority that require corrective action to the
24 proposed construction or operation, are public records and must be
25 made available for public comment. The final determinations made
26 by the solid waste management authority on an application for a
27 permit are public records.

28 4. A permit issued by a solid waste management authority must
29 be conditioned upon all requirements that are necessary to ensure
30 continuing compliance with:

31 (a) The requirements of the Resource Conservation and
32 Recovery Act ~~[of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and~~
33 ~~the regulations adopted pursuant thereto,]~~ which describe:

- 34 (1) General standards for a municipal solid waste landfill;
- 35 (2) Restrictions on the location of such a landfill;
- 36 (3) Criteria for the operation of such a landfill;
- 37 (4) Criteria for the design of such a landfill;
- 38 (5) Requirements for monitoring groundwater and standards
39 for corrective actions related thereto;
- 40 (6) Standards of care related to the closure of such a landfill;

41 and

42 (7) Financial requirements for the owners or operators of
43 such landfills;

44 (b) The applicable regulations of the State Environmental
45 Commission; and



1 (c) The applicable laws of this State.

2 5. A solid waste management authority may:

3 (a) Obtain, and the owner or operator of a municipal waste
4 landfill shall deliver upon request, any information necessary to
5 determine whether the owner or operator is or has been in
6 compliance with the terms and conditions of the permit, the
7 regulations of the State Environmental Commission, the applicable
8 laws of this State and the provisions of the Resource Conservation
9 and Recovery Act ; ~~[of 1976, Subtitle D, 42 U.S.C. §§ 6941 et seq.,
10 and the regulations adopted pursuant thereto;]~~

11 (b) Conduct monitoring or testing to ensure that the owner or
12 operator is or has been in compliance with the terms and conditions
13 of the permit; and

14 (c) Enter any site or premises subject to the permit, during
15 normal business hours, on which records relevant to the municipal
16 solid waste landfill are kept in order to inspect those records.

17 **Sec. 12.** NRS 444.557 is hereby amended to read as follows:

18 444.557 1. A solid waste management authority shall
19 establish a program to monitor the compliance of a municipal solid
20 waste landfill with the terms and conditions of the permit issued for
21 that landfill, the regulations of the State Environmental
22 Commission, the applicable laws of this state and the provisions of
23 the Resource Conservation and Recovery Act . ~~[of 1976, Subtitle D,
24 42 U.S.C. §§ 6941 et seq., and the regulations adopted pursuant
25 thereto.]~~ The program must include procedures to:

26 (a) Verify the accuracy of any information submitted by the
27 owner or operator of the landfill to the authority;

28 (b) Verify the adequacy of sampling procedures and analytical
29 methods used by the owner or operator of the landfill; and

30 (c) Require the owner or operator to produce all evidence which
31 would be admissible in a proceeding to enforce compliance.

32 2. The solid waste management authority shall receive and give
33 appropriate consideration to any information submitted by members
34 of the public regarding the continuing compliance of an owner or
35 operator with the permit issued by the authority.

36 3. In the administration of any permit issued by a solid waste
37 management authority, the authority shall establish procedures that
38 permit intervention pursuant to Rule 24 of the Nevada Rules of Civil
39 Procedure. The authority shall not oppose intervention on the
40 ground that the applicant's interest is adequately represented by the
41 authority.

42 **Sec. 13.** NRS 444.558 is hereby amended to read as follows:

43 444.558 1. The State Environmental Commission and the
44 district board of health of a health district ~~[created pursuant to NRS
45 439.362 or 439.370]~~ *that includes a county whose population is*



1 **100,000 or more** shall, in a timely manner, adopt all regulations that
2 are necessary to establish and carry out a program of issuing permits
3 for municipal solid waste landfills. The program must ensure
4 compliance with the Resource Conservation and Recovery Act ~~of~~
5 ~~1976, Subtitle D, 42 U.S.C. §§ 6941 et seq., and the regulations~~
6 ~~adopted pursuant thereto,]~~ and carry out the purpose and intent of
7 this section.

8 2. The regulations adopted by a district board of health
9 pursuant to this section must not conflict with regulations adopted
10 by the State Environmental Commission.

11 **Sec. 14.** NRS 444.570 is hereby amended to read as follows:

12 444.570 1. The State Department of Conservation and
13 Natural Resources shall:

14 (a) Advise, consult and cooperate with other agencies and
15 commissions of the State, other states, the Federal Government,
16 municipalities and persons in the formulation of plans for and the
17 establishment of any solid waste management system.

18 (b) Accept and administer loans and grants from any person that
19 may be available for the planning, construction and operation of
20 solid waste management systems.

21 (c) Enforce the provisions of NRS 444.440 to 444.560,
22 inclusive, **and sections 2, 3 and 4 of this act** and any regulation
23 adopted by the State Environmental Commission pursuant thereto.

24 (d) Periodically review the programs of other solid waste
25 management authorities in the State for issuing permits pursuant to
26 NRS 444.505, 444.553 and 444.556 and ensuring compliance with
27 the terms and conditions of such permits, the regulations of the State
28 Environmental Commission, the laws of this State and the
29 provisions of the Resource Conservation and Recovery Act . ~~of~~
30 ~~1976, 42 U.S.C. §§ 6941 et seq., and the regulations adopted~~
31 ~~pursuant thereto,]~~ The Director of the State Department of
32 Conservation and Natural Resources shall review the adequacy of
33 such programs in accordance with the standards adopted by the
34 United States Environmental Protection Agency to review the
35 adequacy of the state program. If the Director determines that a
36 program is inadequate, the Department shall act as the solid waste
37 management authority until the deficiency is corrected. A finding by
38 the Director that a program is inadequate is not final until reviewed
39 by the State Environmental Commission. This paragraph does not
40 limit the authority or responsibility of a district board of health **of a**
41 **health district that includes a county whose population is 100,000**
42 **or more** to issue permits for disposal sites and enforce the laws of
43 this State regarding solid waste management systems.

44 (e) Make such investigations and inspections and conduct such
45 monitoring and testing as may be necessary to require compliance



1 with NRS 444.450 to 444.560, inclusive, *and sections 2, 3 and 4 of*
2 *this act* and any regulation adopted by the State Environmental
3 Commission.

4 2. The State Environmental Commission shall:

5 (a) In cooperation with governing bodies of municipalities,
6 develop a statewide solid waste management system plan, and
7 review and revise the plan every 5 years.

8 (b) Examine and approve or disapprove plans for solid waste
9 management systems.

10 (c) Review any determination by the Director of the State
11 Department of Conservation and Natural Resources that a program
12 for issuing permits administered by a solid waste management
13 authority is inadequate. The Commission may affirm, modify or
14 reverse the findings of the Director.

15 3. Employees of the State Department of Conservation and
16 Natural Resources or its authorized representatives may, during the
17 normal hours of operation of a facility subject to the provisions of
18 NRS 444.440 to 444.620, inclusive, *and sections 2, 3 and 4 of this*
19 *act*, enter and inspect areas of the facility where:

20 (a) Solid waste may have been generated, stored, transported,
21 treated or disposed; or

22 (b) Records are kept, and may inspect and copy any records,
23 reports, information or test results relating to the management of the
24 solid waste.

25 **Sec. 15.** NRS 444.580 is hereby amended to read as follows:

26 444.580 Except as otherwise provided in NRS 444.559 ~~[]~~, *in*
27 *any area with a health district that includes a county whose*
28 *population is 100,000 or more:*

29 1. ~~[Any] The~~ district board of health ~~[created pursuant to NRS~~
30 ~~439.362 or 439.370]~~ and any governing body of a municipality may
31 adopt standards and regulations for the location, design,
32 construction, operation and maintenance of solid waste disposal
33 sites and solid waste management systems or any part thereof more
34 restrictive than those adopted by the State Environmental
35 Commission, and ~~[any] the~~ district board of health may issue
36 permits thereunder.

37 2. ~~[Any] The~~ district board of health ~~[created pursuant to NRS~~
38 ~~439.362 or 439.370]~~ may adopt such other regulations as are
39 necessary to carry out the provisions of NRS 444.440 to 444.620,
40 inclusive ~~[]~~, *and sections 2, 3 and 4 of this act*. Such regulations
41 must not conflict with regulations adopted by the State
42 Environmental Commission.

43 **Sec. 16.** NRS 444.590 is hereby amended to read as follows:

44 444.590 1. The State Department of Conservation and
45 Natural Resources is hereby designated the state agency for such



1 purposes as are required by the Resource Conservation and
2 Recovery Act, ~~[of 1976, 42 U.S.C. §§ 6941 et seq.,]~~ except that:

3 (a) The State Environmental Commission has the exclusive
4 authority to adopt regulations pursuant to NRS 444.440 to 444.620,
5 inclusive ~~[,]~~, *and sections 2, 3 and 4 of this act*; and

6 (b) The district ~~[boards]~~ *board* of health of *a health* ~~[districts~~
7 ~~created pursuant to NRS 439.362 or 439.370 retain]~~ *district that*
8 *includes a county whose population is 100,000 or more retains* the
9 authority to issue permits and adopt regulations pursuant to
10 NRS 444.580.

11 2. The State Department of Conservation and Natural
12 Resources may take any action necessary and appropriate to secure
13 the benefits of any federal law relating to solid waste.

14 **Sec. 17.** NRS 444.592 is hereby amended to read as follows:

15 444.592 If the solid waste management authority receives
16 information that the handling, storage, recycling, transportation,
17 treatment or disposal of any solid waste presents or may present a
18 threat to human health, public safety or the environment, or is in
19 violation of a term or condition of a permit issued pursuant to NRS
20 444.505, 444.553 or 444.556, a statute, a regulation or an order
21 issued pursuant to NRS 444.594, the authority may, in addition to
22 any other remedy provided in NRS 444.440 to 444.620, inclusive ~~[,]~~
23 *, and sections 2, 3 and 4 of this act*:

24 1. Issue an order directing the owner or operator of the disposal
25 site or any other site where the handling, storage, recycling,
26 transportation, treatment or disposal has occurred or may occur, or
27 any other person who has custody of the solid waste, to take such
28 steps as are necessary to prevent the act or eliminate the practice
29 which constitutes the threat or violation.

30 2. Commence an action in a court of competent jurisdiction to
31 enjoin the act or practice which constitutes the threat or violation in
32 accordance with the provisions of NRS 444.600.

33 3. Take any other action designed to reduce or eliminate the
34 threat or violation.

35 **Sec. 18.** NRS 444.605 is hereby amended to read as follows:

36 444.605 1. In carrying out the provisions of NRS 444.440 to
37 444.620, inclusive, *and sections 2, 3 and 4 of this act*, the State
38 Environmental Commission, a district board of health of a health
39 district ~~[created pursuant to NRS 439.362 or 439.370,]~~ *that includes*
40 *a county whose population is 100,000 or more* and a solid waste
41 management authority may by subpoena require the attendance and
42 testimony of witnesses and the production of reports, papers,
43 documents and other evidence which they deem necessary.

44 2. If any person to whom a subpoena has been directed
45 pursuant to subsection 1 refuses to attend, testify or produce any



1 evidence specified in the subpoena, the person who issued the
2 subpoena may present a petition, to a court of competent jurisdiction
3 where the person to whom the subpoena was directed is subject to
4 service of process, setting forth that:

5 (a) Notice has been given of the time and place at which the
6 person was required to attend, testify or produce evidence;

7 (b) A subpoena has been mailed to or personally served on the
8 witness or custodian of the evidence in sufficient time to enable the
9 person to comply with its provisions; and

10 (c) The person has failed or refused to attend, answer questions
11 or produce evidence specified in the subpoena,

12 ↪ and asking that the court issue an order compelling the person to
13 attend and to testify or produce the evidence specified in the
14 subpoena.

15 3. When a court receives a petition pursuant to subsection 2, it
16 shall order the person to whom the subpoena was directed to appear
17 at a time and place fixed by the court in its order, which must be not
18 more than 10 days after the date of the order, and show cause why
19 the person should not be held in contempt. A certified copy of the
20 order must be mailed to or personally served on the person to whom
21 the subpoena was directed.

22 4. If it appears to the court that the subpoena was properly
23 issued and that the person's failure or refusal to appear, answer
24 questions or produce evidence was without sufficient reason, the
25 court shall order the person to appear at a time and place fixed by
26 the court and to testify or produce the specified evidence. If the
27 person fails to comply with the order of the court, the person may be
28 punished as for a contempt of court.

29 **Sec. 19.** NRS 444.629 is hereby amended to read as follows:

30 444.629 1. The solid waste management authority ~~in each~~
31 ~~county~~ may establish a program for the control of unlawful
32 dumping and administer the program within its jurisdiction unless
33 superseded.

34 2. The program established pursuant to subsection 1 must:

35 (a) Include standards and procedures for the control of unlawful
36 dumping which are equivalent to or stricter than those established
37 by statute or state regulation; and

38 (b) Provide for adequate administration and enforcement.

39 3. The solid waste management authority may delegate to an
40 independent hearing officer or hearing board the authority to
41 determine violations and levy administrative penalties for violations
42 of the provisions of NRS 444.440 to 444.645, inclusive, *and*
43 *sections 2, 3 and 4 of this act* or any regulation adopted pursuant to
44 those sections.



1 **Sec. 20.** Chapter 445A of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *In any area in which a health district includes a county whose*
4 *population is 100,000 or more, the Administrator of the Division*
5 *may designate the district board of health of the health district to*
6 *issue permits pursuant to NRS 445A.860 or 445A.885 or*
7 *administer and enforce any of the provisions of this section and*
8 *NRS 445A.800 to 445A.955, inclusive, if the district board of*
9 *health demonstrates that the district board is capable of issuing*
10 *permits or administering and enforcing the provisions of this*
11 *section and NRS 445A.800 to 445A.955, inclusive, as applicable,*
12 *as determined by the Administrator.*

13 **Sec. 21.** NRS 445A.805 is hereby amended to read as follows:
14 445A.805 As used in NRS 445A.800 to 445A.955, inclusive,
15 *and section 20 of this act*, unless the context otherwise requires, the
16 words and terms defined in NRS 445A.807 to 445A.850, inclusive,
17 have the meanings ascribed to them in those sections.

18 **Sec. 22.** NRS 445A.812 is hereby amended to read as follows:
19 445A.812 “District board of health” means a district board of
20 health *of a health district* created pursuant to NRS 439.362 or
21 439.370.

22 **Sec. 23.** NRS 445A.860 is hereby amended to read as follows:
23 445A.860 In addition to the regulations required to be adopted
24 pursuant to NRS 445A.880, the Commission:

25 1. Shall adopt regulations establishing procedures for a system
26 of permits to operate water systems which are constructed on or
27 after July 1, 1991.

28 2. May adopt such other regulations as may be necessary to
29 govern the construction, operation and maintenance of public water
30 systems if those activities affect the quality of water, but the
31 regulations do not supersede any regulation of the Public Utilities
32 Commission of Nevada.

33 3. May establish by regulation a system for the issuance of
34 operating permits for suppliers of water and set a reasonable date
35 after which a person shall not operate a public water system
36 constructed before July 1, 1991, without possessing a permit issued
37 by the Division or *, if designated pursuant to section 20 of this act,*
38 the ~~appropriate~~ district board of health.

39 4. May adopt such other regulations as may be necessary to
40 ensure that a community water system or nontransient water system
41 that commences operation on or after October 1, 1999, demonstrates
42 the technical capability, managerial capability and financial
43 capability to comply with 40 C.F.R. Part 141, but the regulations do
44 not supersede any regulation of the Public Utilities Commission of
45 Nevada or the authority of the Public Utilities Commission of



1 Nevada or other state agencies or local governing bodies to issue
2 permits or certificates of authority for suppliers of water.

3 5. May adopt such other regulations as may be necessary to
4 evaluate the technical capability, managerial capability and financial
5 capability of a community water system or nontransient water
6 system that commenced operation before October 1, 1999, to
7 comply with 40 C.F.R. Part 141, but the regulations do not
8 supersede any regulation of the Public Utilities Commission of
9 Nevada or the authority of the Public Utilities Commission of
10 Nevada or other state agencies or local governing bodies to issue
11 permits or certificates of authority for suppliers of water.

12 6. May establish by regulation reasonable fees as may be
13 necessary to carry out the provisions of NRS 445A.800 to
14 445A.955, inclusive ~~§~~, *and section 20 of this act*. All fees
15 collected pursuant to this subsection must be deposited in the
16 account created pursuant to NRS 445A.861.

17 7. May adopt such other regulations as may be necessary to
18 carry out the provisions of NRS 445A.800 to 445A.955, inclusive ~~§~~
19 *, and section 20 of this act*.

20 **Sec. 24.** NRS 445A.885 is hereby amended to read as follows:

21 445A.885 1. Except as otherwise provided in subsection 2,
22 no water system which is constructed on or after July 1, 1991, may
23 operate unless the owner of the water system receives a permit to
24 operate the water system from the Division or the district board of
25 health, *if* designated ~~[by the Commission.]~~ *pursuant to section 20*
26 *of this act*. The owner of such a water system is entitled to a permit
27 to operate the water system upon satisfaction of the requirements set
28 forth in NRS 445A.885 to 445A.915, inclusive, and the
29 requirements set forth in the regulations adopted by the Commission
30 pursuant to NRS 445A.860.

31 2. Subsection 1 does not apply to the expansion of a public
32 utility.

33 **Sec. 25.** NRS 445A.895 is hereby amended to read as follows:

34 445A.895 A permit to operate a water system may not be
35 issued pursuant to NRS 445A.885 unless all of the following
36 conditions are met:

37 1. Neither water provided by a public utility nor water
38 provided by a municipality or other public entity is available to the
39 persons to be served by the water system.

40 2. The applicant fully complies with all of the conditions of
41 NRS 445A.885 to 445A.915, inclusive.

42 3. The applicant submits to the Division or the district board of
43 health, *if* designated ~~[by the Commission.]~~ *pursuant to section 20 of*
44 *this act*, documentation issued by the State Engineer which sets



1 forth that the applicant holds water rights that are sufficient to
2 operate the water system.

3 4. The local governing body agrees:

4 (a) That, except as otherwise provided in paragraph (b), in the
5 event of a default by the builder, developer or owner of the water
6 system, the sole and exclusive obligation of the local governing
7 body shall be to use the surety furnished to the local governing body
8 pursuant to subsection 5 to contract with and pay the operator of the
9 water system for the continued operation and maintenance of the
10 water system.

11 (b) To assume the duty of assessing the lands served as provided
12 in subsection 6 in the event of default by the builder, developer or
13 owner of the water system.

14 5. The applicant furnishes the local governing body sufficient
15 surety, in the form of a bond, certificate of deposit, investment
16 certificate, properly established and funded reserve account or any
17 other form acceptable to the governing body, to ensure the
18 continued maintenance and operation of the water system:

19 (a) For 5 years following the date the system is placed in
20 operation; or

21 (b) Until 75 percent of the lots or parcels served by the system
22 are sold,
23 ↪ whichever is later.

24 6. The owners of the lands to be served by the water system:

25 (a) Furnish the local governing body sufficient surety, in the
26 form of a bond, certificate of deposit, investment certificate,
27 properly established and funded reserve account or any other form
28 acceptable to the governing body, to ensure the continued
29 maintenance and operation of the water system and continued
30 technical, financial and managerial capability of the water system;
31 and

32 (b) Record a declaration of covenants, conditions and
33 restrictions which is an equitable servitude running with the land
34 and which must provide:

35 (1) That each lot or parcel will be assessed by the local
36 governing body for its proportionate share of the cost of
37 replenishing or augmenting the surety required pursuant to
38 paragraph (a) as necessary for the continued operation and
39 maintenance of the water system if there is a default by the builder,
40 developer or owner of the water system;

41 (2) That the owners of the lands will annually provide the
42 local governing body with a financial audit of the water system,
43 including, without limitation, any reserve account, if established, to
44 ensure the adequacy of the financial management of the water
45 system; and



1 (3) An acknowledgment of and agreement with the
2 obligations of the local governing body pursuant to subsection 4 and
3 subsection 3 of NRS 445A.905.

4 7. If the water system uses or stores ozone, the portion of the
5 system where ozone is used or stored must be constructed not less
6 than 100 feet from any existing residence, unless the owner and
7 occupant of each residence located closer than 100 feet consent to
8 the construction of the system at a closer distance.

9 8. The owners of the lands to be served by the water system
10 record a declaration of covenants, conditions and restrictions, which
11 is an equitable servitude running with the land, and provides that if
12 the Division determines that:

13 (a) The water system is not satisfactorily serving the needs of its
14 users; and

15 (b) Water provided by a public utility or a municipality or other
16 public entity is reasonably available,

17 ↪ the local governing body shall, in a county whose population is
18 700,000 or more, and may, in all other counties, pursuant to NRS
19 244.3655 or 268.4102, require all users of the water system to
20 connect into the available water system provided by a public utility
21 or a municipality or other public entity, and each lot or parcel will
22 be assessed by the local governing body for its proportionate share
23 of the costs associated with connecting into that water system. If the
24 water system is being connected into a public utility, the Public
25 Utilities Commission of Nevada shall determine the amount of the
26 assessments for the purposes of establishing a lien pursuant to
27 NRS 445A.900.

28 9. Provision has been made for disposition of the water system
29 and the land on which it is situated after the local governing body
30 requires all users to connect into an available water system provided
31 by a public utility or a municipality or other public entity.

32 **Sec. 26.** NRS 445A.920 is hereby amended to read as follows:

33 445A.920 1. Except as otherwise provided in subsection 2,
34 plans and specifications for any substantial addition to or alteration
35 of a public water system subject to a regulation of the Commission
36 must be submitted *for review and approval* to ~~the~~ :

37 (a) *The* Division ; or ~~the appropriate~~

38 (b) *The* district board of health ~~for review and approval.~~ , *if*
39 *designated pursuant to section 20 of this act.*

40 2. A public water system is not required to submit any plans
41 and specifications if the addition or alteration complies with
42 standards previously approved by the Division or the ~~appropriate~~
43 district board of health ~~.~~ , *if designated pursuant to section 20 of*
44 *this act.*



1 3. In approving the plans and specifications, the Division or the
2 ~~[appropriate]~~ district board of health , *if designated pursuant to*
3 *section 20 of this act*, may require such modifications or impose
4 such conditions as are necessary to carry out the provisions of NRS
5 445A.800 to 445A.955, inclusive ~~[,]~~ , *and section 20 of this act*.

6 **Sec. 27.** NRS 445A.925 is hereby amended to read as follows:

7 445A.925 1. The Division and the district ~~[boards]~~ *board* of
8 health , *if designated pursuant to section 20 of this act*, shall:

9 (a) Enforce the provisions of NRS 445A.800 to 445A.955,
10 inclusive, *and section 20 of this act* and regulations adopted
11 pursuant thereto; and

12 (b) Make such investigations and inspections as are necessary to
13 ensure compliance with those sections and regulations.

14 2. Any representative of the Division ~~[or]~~ *and* the ~~[appropriate]~~
15 district board of health , *if designated pursuant to section 20 of this*
16 *act*, may enter the property of any public water system at any
17 reasonable time for the purpose of inspecting and investigating the
18 adequacy and sanitary condition of the system and the quality of its
19 water.

20 3. Except in an emergency, the Division or the ~~[appropriate]~~
21 district board of health , *if designated pursuant to section 20 of this*
22 *act*, shall notify and permit the supplier of water to be present when
23 an inspection or investigation is being conducted.

24 **Sec. 28.** NRS 445A.940 is hereby amended to read as follows:

25 445A.940 1. A supplier of water shall immediately notify the
26 Division or , *if designated pursuant to section 20 of this act*, the
27 ~~[appropriate]~~ district board of health and the users of the supplier's
28 public water system whenever:

29 (a) The system is not in compliance with the primary drinking
30 water standards;

31 (b) The supplier fails to perform any required monitoring of
32 water quality;

33 (c) The supplier has been granted a variance or exemption by the
34 Commission; or

35 (d) The supplier fails to comply with the conditions imposed by
36 the Commission in granting the variance or exemption.

37 2. The notification must be in the form and manner prescribed
38 by the Division.

39 **Sec. 29.** NRS 445A.943 is hereby amended to read as follows:

40 445A.943 1. If the Division has reason to believe that a
41 person is engaging or has engaged in any act or practice which
42 violates the provisions of NRS 445A.800 to 445A.955, inclusive,
43 *and section 20 of this act* or a regulation adopted or order issued
44 pursuant thereto, or any term or condition of a permit to operate a
45 public water system issued pursuant to NRS 445A.860 or a



1 certification of a laboratory for the analysis of water issued pursuant
2 to NRS 445A.863, the Division may, in addition to any other action
3 authorized or required by NRS 445A.800 to 445A.955, inclusive,
4 **and section 20 of this act**, issue an order:

5 (a) Specifying the provision or provisions which the Division
6 believes or has reason to believe the person is violating or has
7 violated;

8 (b) Setting forth the facts alleged to constitute the violation;

9 (c) Prescribing the actions the person must take to correct the
10 violation and the period during which the violation must be
11 corrected; and

12 (d) Requiring the person to appear before the Administrator of
13 the Division or a hearing officer appointed by the Administrator to
14 show cause why the Division should not commence an action
15 against the person in district court for appropriate relief.

16 2. If the Division has reasonable cause to believe, based on
17 evidence satisfactory to it, that any person is about to violate the
18 provisions of NRS 445A.800 to 445A.955, inclusive, **and section 20**
19 **of this act** or a regulation adopted or order issued pursuant thereto,
20 or any term or condition of a permit to operate a public water system
21 issued pursuant to NRS 445A.860 or a certification of a laboratory
22 for the analysis of water issued pursuant to NRS 445A.863, the
23 Division may, without a prior hearing, issue a summary order
24 against the person, directing the person to cease and desist from any
25 further acts that constitute or would constitute a violation. The
26 summary order to cease and desist must specify the provision of
27 NRS 445A.800 to 445A.955, inclusive, **and section 20 of this act** or
28 a regulation adopted or order issued pursuant thereto, or the term or
29 condition of a permit or certification which the Division reasonably
30 believes is about to be violated.

31 3. An order issued by the Division pursuant to subsection 1 or
32 2 is effective immediately and is not subject to review unless the
33 person to whom the order is directed, not later than 30 days after the
34 order is issued, submits a written petition to the Commission for a
35 hearing.

36 **Sec. 30.** NRS 445A.945 is hereby amended to read as follows:

37 445A.945 1. The Division or the **[appropriate]** district board
38 of health , **if designated pursuant to section 20 of this act**, may
39 apply to a court of competent jurisdiction to enjoin the continuance
40 or occurrence of any act or practice which violates the provisions of
41 NRS 445A.800 to 445A.955, inclusive, **and section 20 of this act** or
42 of any regulation adopted or order issued pursuant thereto.

43 2. On a showing by the Division or the district board of health
44 that such a violation has occurred or will occur, the court may issue,



1 without bond, such prohibitory or mandatory injunction as the facts
2 may warrant.

3 **Sec. 31.** NRS 445A.950 is hereby amended to read as follows:
4 445A.950 1. Any supplier of water who:

5 (a) Violates any standard established pursuant to
6 NRS 445A.855;

7 (b) Violates or fails to comply with an order issued pursuant to
8 NRS 445A.930 or subsection 1 or 2 of NRS 445A.943;

9 (c) Violates any condition imposed by the Commission upon
10 granting a variance or exemption under NRS 445A.935;

11 (d) Violates a regulation adopted by the Commission pursuant to
12 NRS 445A.860 or 445A.880; or

13 (e) Fails to give a notice as required by NRS 445A.940,
14 ➤ is liable for a civil penalty, to be recovered by the Attorney
15 General in the name of the Division, of not more than \$25,000 for
16 each day of the violation.

17 2. In addition to the civil penalty prescribed in subsection 1,
18 the Division may impose an administrative fine against a supplier of
19 water who commits any violation enumerated in subsection 1. The
20 administrative fine imposed may not be more than \$5,000 per day
21 for each such violation.

22 3. The civil penalty and administrative fine prescribed in this
23 section may be imposed in addition to any other penalties or relief
24 prescribed in NRS 445A.800 to 445A.955, inclusive ~~†~~, and
25 *section 20 of this act*.

26 4. In addition to any other remedy provided by this chapter, the
27 Division may compel compliance with any provision of NRS
28 445A.800 to 445A.955, inclusive, *and section 20 of this act* or of
29 any permit, certificate, standard, regulation or final order adopted or
30 issued thereto, by injunction or other appropriate remedy. The
31 Division may institute and maintain in the name of the State of
32 Nevada any such enforcement proceedings.

33 **Sec. 32.** NRS 445A.952 is hereby amended to read as follows:
34 445A.952 1. A laboratory for the analysis of water that:

35 (a) Violates any regulation adopted by the Commission pursuant
36 to NRS 445A.863; or

37 (b) Violates or fails to comply with an order issued pursuant to
38 subsection 1 or 2 of NRS 445A.943,

39 ➤ is liable for a civil penalty, to be recovered by the Attorney
40 General in the name of the Division, of not more than \$5,000 for
41 each day of the violation.

42 2. In addition to the civil penalty described in subsection 1, the
43 Division may impose an administrative fine of not more than \$2,500
44 per day for each violation described in subsection 1.



1 3. The civil penalty and administrative fine authorized by this
2 section are in addition to any other penalties or relief prescribed by
3 NRS 445A.800 to 445A.955, inclusive ~~§~~, *and section 20 of this*
4 *act*.

5 4. In addition to any other remedy provided by this chapter, the
6 Division may compel compliance with any provision of NRS
7 445A.800 to 445A.955, inclusive, *and section 20 of this act* or of
8 any permit, certificate, standard, regulation or final order adopted or
9 issued thereto, by injunction or other appropriate remedy. The
10 Division may institute and maintain in the name of the State of
11 Nevada any such enforcement proceedings.

12 **Sec. 33.** NRS 445A.955 is hereby amended to read as follows:

13 445A.955 Any person who violates the provisions of NRS
14 445A.800 to 445A.955, inclusive, *and section 20 of this act* or any
15 regulation adopted by the Commission pursuant to those provisions
16 is guilty of a misdemeanor. Each day of violation constitutes a
17 separate offense.

18 **Sec. 34.** 1. Notwithstanding the amendatory provisions of
19 section 4 of this act requiring the Administrator of the Division of
20 Environmental Protection of the State Department of Conservation
21 and Natural Resources to determine that a district board of health of
22 a health district that includes a county whose population is 100,000
23 or more is capable of acting as a solid waste management authority,
24 any district board of health which on the effective date of this act is
25 acting as a solid waste management authority for the purposes of
26 NRS 444.440 to 444.645, inclusive, as amended by sections 2 to 19,
27 inclusive, of this act, shall be deemed to have been determined
28 capable of acting as a solid waste management authority by the
29 Administrator and may continue to act as a solid waste management
30 authority.

31 2. Notwithstanding the amendatory provisions of section 20 of
32 this act authorizing the Administrator to designate a district board of
33 health of a health district that includes a county whose population is
34 100,000 or more to administer and enforce the provisions of NRS
35 445A.800 to 445A.955, inclusive, as amended by sections 20 to 33,
36 inclusive, of this act, any district board of health which on the
37 effective date of this act is administering and enforcing the
38 provisions of NRS 445A.800 to 445A.955, inclusive, as amended by
39 sections 20 to 33, inclusive, of this act, shall be deemed to have
40 been so designated by the Administrator and may continue to
41 administer and enforce the provisions of NRS 445A.800 to
42 445A.955, inclusive, as amended by sections 20 to 33, inclusive, of
43 this act.



1 **Sec. 35.** This act becomes effective upon passage and
2 approval.

Ⓢ



