

To Chair Anderson:

I have been in correspondence with Jennifer Carr and Ashley Taylor regarding an amendment to AB40.

Please consider this amendment to AB 40. I think that the authority of the agency can be strengthened by replacing the existing definition for "stabilization" that currently reads in AB40 as:

Sec. 9. "Stabilize" means the condition in which a contaminant in a material or process fluid are bound, contained or treated so that the contaminant does not exhibit a potential to adversely impact human health, public safety or the environment.

To be replaced with:

*Stabilized" means the condition which results when contaminants in a material or process fluid are bound, contained, or treated so as to prevent them from degrading the waters of the State under the environmental conditions that may reasonably be expected to exist at a site, or such that any contaminant does not exhibit a potential to adversely impact human health, public safety or the environment.*

Stabilize currently defined in the administrative code as:

NAC 445A.379 "Stabilized" defined. (NRS 445A.425, 445A.465) "Stabilized" means the condition which results when contaminants in a material are bound or contained so as to prevent them from degrading the waters of the State under the environmental conditions that may reasonably be expected to exist at a site.

This NAC is under water pollution control hence the explicit reference to degrading waters of the state. It seems that the agency would have more authority under AB40 to act on Sec. 10 of the bill if stabilize included degradation of waters of the state. The term "potential" is open to interpretation in a way that "degradation of waters of the state" is not. If BMRR has reasonable cause to believe that a constituent will contaminate waters of the state above existing standards (degradation as define by NV regulations), then the agency can act. Whereas, "potential" is illdefined as GBRW has encountered its application in the past. Here is Jennifer Carr's response:

"Hi John,

Thank you for this thoughtful analysis and suggestion for a friendly amendment. We just provided a Conceptual Amendment for the committee's consideration on Monday. I'll route your suggestion to the team for discussion. Will you be filing that as a proposed Amendment in NELIS?

Sincerely,

Jennifer"

I think that Jennifer may view this as a friendly amendment. I am certainly proposing this amendment as friendly.

Thank you for consideration of this amendment

Sincerely,

John Hadder