

Silver State Government Relations



Principals

Will Adler – will@ssgr.us

Sarah Adler – sarah@ssgr.us

Associates

Alex Tanchek – alex@ssgr.us

Submitted by

Will Adler

Principal

Silver State Government Relations

On behalf of the Pyramid Lake Paiute Tribe

(775) 636-3350

will@ssgr.us

Intent:

This amendment is to clarify in sections 2, 3, 4, 6, and 7 that all knowledge shared about pollutants entering into the shared waters of Nevada should first be shared with the Division who shall then shall redistribute all of that shared knowledge with all impacted governmental bodies by the pollutants.

Sec. 2. 1. Each city, county, unincorporated town, district or water authority in this State that collects data on the water quality of the waters of the State or on discharges into the waters of the State, including, without limitation, discharges that are not authorized or that exceed those authorized by a permit issued by the Department pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, and sections 2, 3 and 4 of this act, shall report such data to the Division as soon as notified by any “party with verifiable knowledge” of the release of a hazardous substance that was release and:

(a) Is in a quantity equal to or greater than that which is required to be reported to the National Response Center pursuant to 40 C.F.R. Part 302;

(b) Involves any amount of a hazardous substance that is released to surface water; or

(c) Threatens a vulnerable resource .

2. Each Indian tribe in this State that collects data on the water quality of the waters of the State or on discharges into the waters of the State, including, without limitation, discharges that are not authorized or that exceed those authorized by a permit issued by the Department pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, and sections 2, 3 and 4 of this act, or pursuant to a comparable permit issued by an Indian tribe, if applicable, may report such data to the Division as soon as notified by any party with verifiable knowledge of the release of a hazardous substance that was release:

(a) Is in a quantity equal to or greater than that which is required to be reported to the National Response Center pursuant to 40 C.F.R. Part 302;

(b) Involves any amount of a hazardous substance that is released to surface water; or

(c) Threatens a vulnerable resource .

3. As used in this section, “vulnerable resource” means:

(a) An area that is located within 150 feet of a wellhead of a public water system; or

(b) A storm drain.



4. As used in this section, “party with verifiable knowledge” means:

- (a) A commercial property owner or other mandated reporter reporting a spill or other required hazardous waste report required under NRS 445A and NAC 445**
- (b) An intergovernmental report filed by an employee of the government about a known incident or suspected incident, qualifying under subsection 1 and 2 of section 2 of this bill, that has been investigated and confirmed by the governmental body as valid**
- (c) A private citizen, non-profit, media outlet or any other public source that files an official complaint about a known incident or suspected incident, qualifying under subsection 1 and 2 of section 2 of this bill, that has been investigated and confirmed by the governmental body as valid.**

5. As used in this section, “hazardous substance” has the meaning ascribed to it in NRS 459.429.

Sec. 3. 1. In the event of an incident resulting in the discharge of sewage, industrial waste or any other unauthorized discharge into the waters of the State, any city, county, unincorporated town, district or water authority of this State that has powers, duties or jurisdiction within the area of the incident that has been notified of the incident shall notify the Division. The Division will then report as soon as practical and no later than 5 days that same information to every other state agency, city, county, unincorporated town, district, water authority and Indian tribe in the area of the incident that may be affected.

2. If an Indian tribe requests information relating to any incident or relating to any substantial change in the policy of water treatment or use of water from a state agency, city, county, unincorporated town, district or water authority of this State, the applicable entity shall provide the requested information to the Indian tribe.

3. No city, county, unincorporated town, district or water authority of this State may enter into a contract, agreement or any other legal mechanism that would prevent the city, county, unincorporated town, district or water authority from sharing information in accordance with the requirements of this section.

4. As used in this section, “substantial change” means an individual change that will result in a significant impact, or minor changes that cumulatively will result in a significant impact, to water quality.

Sec. 4. The Division shall:

1. Develop a fillable form in portable document format for a city, county, unincorporated town, district, water authority or Indian tribe, as applicable, to report data and information as required or authorized pursuant to sections 2 and 3 of this act; ~~and~~

2. Ensure any data and information that is reported pursuant to this section is available to all other cities, counties, unincorporated towns, districts, water authorities and Indian tribes in this State ;



3. Report the information provided pursuant to section 3 of this act directly to all cities, counties, unincorporated towns, districts, water authorities and Indian tribes that may be affected by the incident.: and

4. Review all regulations related to hazardous events, spills and/or discharges above the permitted amount allowed by issued permit holders, and that those reports already existing and mandated in Nevada Administrative Code shall, once transmitted to the division, be posted and retransmitted by the division to all cities, counties, unincorporated towns, districts, water authorities and Indian tribes that may be affected by the incident, that manage the shared body of water identified in any report .

Sec. 6. NRS 445A.500 is hereby amended to read as follows:

445A.500 1. Each permit issued by the Department must ensure compliance with the following factors whenever applicable to the discharge or the injection of fluids through a well for which the permit is sought:

- (a) Effluent limitations;
- (b) Standards of performance for new sources;
- (c) Standards for pretreatment;
- (d) Standards for injections of fluids through a well; and
- (e) Any more stringent limitations, including any necessary to meet or effectuate standards of water quality, standards of treatment or schedules of compliance developed by the Department as part of a continuing planning process or areawide plan for the management of the treatment of waste under NRS 445A.580 or in furthering the purposes and goals of NRS 445A.300 to 445A.730, inclusive **[.] , and sections 2, 3 and 4 of this act.**

2. Each permit must specify average and maximum daily or other appropriate quantitative limitations for the level of pollutants or contaminants in the authorized discharge or injection.

3. If an application is made to discharge from a point source into any waters of this State which flow directly or ultimately into an irrigation reservoir upstream from which are located urban areas in two or more counties and if each county has a population of 55,000 or more, the Department must give notice of the application to each city, county, unincorporated town and irrigation district located downstream from the point of discharge. Notice to an unincorporated town must be given to the town board or advisory council if there is one.

4. If a city, county, unincorporated town, district or water authority of this State submits an application to discharge from a point source into any waters of the State which may degrade the water quality of any other city, county, unincorporated town, district or water authority or an Indian tribe of this State, the applicant shall provide notice of the application to the Division. The Division will then report as soon as practical and no later than 5 days that same information to each city, county, unincorporated town, district, water authority or other Indian tribe that may be impacted by the degradation.

5. If an Indian tribe in this State submits an application to the Department to discharge from a point source into any waters of the State which may degrade the water quality of any city, county, unincorporated town, district, water authority or other Indian tribe in this State, the



Department shall ensure each city, county, unincorporated town, district, water authority or other Indian tribe of this State that may be impacted by the degradation is notified of the application.

Sec. 7. NRS 445A.505 is hereby amended to read as follows:

445A.505 1. A holder of a permit for a publicly owned treatment works shall notify and supply the Department with information concerning any new or increased introduction of pollutants into the treatment works.

2. All holders of permits issued under NRS 445A.465 to 445A.510, inclusive, whose production increases, or whose process modifications or facility expansion result in new or increased discharges or injections of fluids through a well shall report such changes by submitting a new application for a permit to the Department.

3. All holders of permits issued under NRS 445A.465 to 445A.510, inclusive, whose production increases, or whose process modifications or facility expansion result in the infiltration of contaminants to underground waters of this State as a result of contaminated fluids or contaminated soils shall report the contamination to the Department || The Department will then report as soon as practical and no later than 5 days that same information to ~~and any~~ *city, county, unincorporated town, district, water authority or Indian tribe that may be affected by the contamination.*