

Proposed Amendment to SB 276

Proposed by:

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Intent:

This amendment is to clarify 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.

Summary of Changes:

Section 1. Chapter 445A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

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~~
~~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.~~

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, General improvement district, wastewater agency, water 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 or has come across an incident in the normal course of their official duties shall notify the Nevada Division of Environmental protection. ~~as a commercial property owner shall notify the Division in NRS 459.380 to 459.3874.~~ Notice to The Division shall be reported using electronic or telephone methods provided by the internet website of the Division. When applicable, the Division shall notify in accordance with NRS 233A.260 any 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 **to the extent that information is a public record and in accordance with NRS Chapter 239.**

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, **General improvement district, wastewater agency, water district or water authority** from sharing information in accordance with the requirements of this section, **This is not meant to interfere with attorney client privileges in any way shape or form.**

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;

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Sec. 5. NRS 445A.310 is hereby amended to read as follows:

~~445A.310 As used in NRS 445A.300 to 445A.730, inclusive, and sections 2, 3 and 4 of this act, unless the context otherwise requires, the words and terms defined in NRS 445A.315 to 445A.420, inclusive, have the meanings ascribed to them in those sections.~~ **(Deleted by Amendment)**

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.~~

(Deleted by Amendment)

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.~~ **(Deleted by Amendment)**

Sec. 8. NRS 445A.655 is hereby amended to read as follows:

~~445A.655 To enforce the provisions of NRS 445A.300 to 445A.730, inclusive, and sections 2, 3 and 4 of this act, or any regulation, order or permit issued thereunder, the Director or authorized representative of the Department may, upon presenting proper credentials:~~

~~1. Enter any premises in which any act violating NRS 445A.300 to 445A.730, inclusive, and sections 2, 3 and 4 of this act, originates or takes place or in which any required records are required to be maintained;~~

~~2. At reasonable times, have access to and copy any records required to be maintained;~~

~~3. Inspect any equipment or method for continuing observation; and~~

~~4. Have access to and sample any discharges or injection of fluids into waters of the State which result directly or indirectly from activities of the owner or operator of the premises where the~~

~~discharge originates or takes place or the injection of fluids through a well takes place.~~ **(Deleted by Amendment)**

Sec. 9. ~~NRS 445A.675 is hereby amended to read as follows:~~

~~445A.675 1. Except as otherwise provided in NRS 445A.707, if the Director finds that any person is engaged or is about to engage in any act or practice which violates any provision of NRS 445A.300 to 445A.730, inclusive, and sections 2, 3 and 4 of this act, any standard or other regulation adopted by the Commission pursuant to those sections, or any permit issued by the Department pursuant to those sections, except for any violation of a provision concerning a diffuse source, the Director may:~~

~~(a) Issue an order pursuant to NRS 445A.690;~~

~~(b) Commence a civil action pursuant to NRS 445A.695 or 445A.700; or~~

~~(c) Request that the Attorney General institute by indictment or information a criminal prosecution pursuant to NRS 445A.705 and 445A.710.~~

~~2. The remedies and sanctions specified in subsection 1 are cumulative, and the institution of any proceeding or action seeking any one of the remedies or sanctions does not bar any simultaneous or subsequent action or proceeding seeking any other of the remedies or sanctions.~~ **(Deleted by Amendment)**

Sec. 10. ~~NRS 445A.680 is hereby amended to read as follows:~~

~~445A.680 Except as otherwise provided in NRS 445A.707, if the Director finds that any person is engaged or about to engage in any act or practice which violates any provision of NRS 445A.565, 445A.570 and 445A.572, or any standard or other regulation adopted pursuant thereto, with respect to a diffuse source:~~

~~1. The Director may issue an order:~~

~~(a) Specifying the provision or provisions of NRS 445A.300 to 445A.730, inclusive, and sections 2, 3 and 4 of this act or the regulation or order alleged to be violated or about to be violated;~~

~~(b) Indicating the facts alleged which constitute a violation thereof; and~~

~~(c) Prescribing the necessary corrective action to be taken and a reasonable period for completing that corrective action;~~

~~but no civil or criminal penalty may be imposed for failure to obey the order.~~

~~2. If the corrective action is not taken or completed, or without the Director first issuing an order:~~

~~(a) The Director may commence a civil action pursuant to NRS 445A.695; or~~

~~(b) The Department may compel compliance by injunction or other appropriate remedy pursuant to subsection 4 of NRS 445A.700.~~ **(Deleted by Amendment)**

Sec. 11. ~~NRS 445A.690 is hereby amended to read as follows:~~

~~445A.690 1. Except as otherwise provided in NRS 445A.707, if the Director finds that any person is engaged or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of NRS 445A.300 to 445A.730, inclusive, and sections 2, 3 and 4 of this act, or of any rule, regulation or standard promulgated by the Commission, or of any permit or order issued by the Department pursuant to NRS 445A.300 to 445A.730, inclusive, and sections 2, 3 and 4 of this act, the Director may issue an order:~~

~~(a) Specifying the provision or provisions of NRS 445A.300 to 445A.730, inclusive, and sections 2, 3 and 4 of this act, or the regulation or order alleged to be violated or about to be violated;~~

~~(b) Indicating the facts alleged which constitute a violation thereof; and~~

~~(c) Prescribing the necessary corrective action to be taken and a reasonable period for completing that corrective action.~~

~~2. Any compliance order is final and is not subject to review unless the person against whom the order is issued, within 30 days after the date on which the order is served, requests by written petition a hearing before the Commission.~~ **(Deleted by Amendment)**

Sec. 12. ~~NRS 445A.695 is hereby amended to read as follows:~~

~~445A.695 1. Except as otherwise provided in NRS 445A.707, the Director may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of NRS 445A.300 to 445A.730, inclusive, and sections 2, 3 and 4 of this act or any permit, rule, regulation or order issued pursuant thereto.~~

~~2. On a showing by the Director that a person is engaged, or is about to engage, in any act or any practice which violates or will violate any of the provisions of NRS 445A.300 to 445A.730, inclusive, and sections 2, 3 and 4 of this act or any rule, regulation, standard, permit or order issued pursuant to those provisions, the court may issue, without bond, any prohibitory and mandatory injunctions that the facts may warrant, including temporary restraining orders issued ex parte or, after notice and hearing, preliminary injunctions or permanent injunctions.~~

~~3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.~~

~~4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.~~ **(Deleted by Amendment)**

Sec. 13. ~~NRS 445A.700 is hereby amended to read as follows:~~

~~445A.700 1. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, a person who violates or aids or abets in the violation of any provision of NRS 445A.300 to 445A.730, inclusive, and sections 2, 3 and 4 of this act or of any permit, regulation, standard or final order issued thereunder, except a provision concerning a diffuse source, shall pay a civil penalty of not more than \$25,000 for each day of the violation. The civil penalty imposed by this subsection is in addition to any other penalties provided pursuant to NRS 445A.300 to 445A.730, inclusive [,] , and sections 2, 3 and 4 of this act.~~

~~2. Except as otherwise provided in NRS 445C.010 to 445C.120, inclusive, in addition to the penalty provided in subsection 1, the Department may recover from the person actual damages to the State resulting from the violation of NRS 445A.300 to 445A.730, inclusive, and sections 2, 3 and 4 of this act, any regulation or standard adopted by the Commission, or permit or final order issued by the Department, except the violation of a provision concerning a diffuse source.~~

~~3. Damages may include:~~

~~(a) Any expenses incurred in removing, correcting and terminating any adverse effects resulting from a discharge or the injection of contaminants through a well; and~~

~~(b) Compensation for any loss or destruction of wildlife, fish or aquatic life.~~

~~4. In addition to any other remedy provided by this chapter, the Department may compel compliance with any provision of NRS 445A.300 to 445A.730, inclusive, and sections 2, 3 and 4 of this act, or of any permit, regulation, standard or final order adopted or issued thereto, by injunction or other appropriate remedy. The Department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.~~ **(Deleted by Amendment)**

Sec. 14. ~~NRS 445A.710 is hereby amended to read as follows:~~

~~445A.710 1. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions of NRS 445A.300 to 445A.730, inclusive, and sections 2, 3 and 4 of this act, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions of NRS 445A.300 to 445A.730, inclusive, and sections 2, 3 and 4 of this act or by any permit, rule, regulation or order issued pursuant thereto, is guilty of a gross misdemeanor and shall be punished by a fine of not more than \$10,000 or by imprisonment in the county jail for not more than 364 days, or by both fine and imprisonment.~~
~~2. The penalty imposed by subsection 1 is in addition to any other penalties, civil or criminal, provided pursuant to NRS 445A.300 to 445A.730, inclusive [.] , and sections 2, 3 and 4 of this act.~~ **(Deleted by Amendment)**

Sec. 15. ~~NRS 445A.725 is hereby amended to read as follows:~~

~~445A.725 Nothing in NRS 445A.300 to 445A.730, inclusive, and sections 2, 3 and 4 of this act, shall be construed to amend, modify or supersede the provisions of title 48 of NRS or any rule, regulation or order promulgated or issued thereunder by the State Engineer.~~ **(Deleted by Amendment)**

Sec. 16. ~~The provisions of section 3 of this act do not apply to any contract entered into before October 1, 2025.~~ **(Deleted by Amendment)**

Sec. 17. ~~The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.~~ **(Deleted by Amendment)**