



# **NEVADA LEGISLATURE LEGISLATIVE COMMITTEE TO OVERSEE THE WESTERN REGIONAL WATER COMMISSION**

**(Senate Bill 487, Chapter 531, *Statutes of Nevada 2007*)**

## **SUMMARY MINUTES AND ACTION REPORT**

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The first meeting of the Nevada Legislature's Legislative Committee to Oversee the Western Regional Water Commission was held on Thursday, January 7, 2010, at 9 a.m. in the Washoe County Commission Chambers, 1001 East Ninth Street, Reno, Nevada. A copy of this set of "Summary Minutes and Action Report," including the "Meeting Notice and Agenda" ([Exhibit A](#)) and other substantive exhibits, is available on the Nevada Legislature's website at <http://www.leg.state.nv.us/interim/75th2009/committee/>. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (e-mail: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835).

### **COMMITTEE MEMBERS PRESENT:**

Assemblyman David P. Bobzien, Chair  
Senator John J. Lee, Vice Chair  
Senator Mark E. Amodei  
Senator Bernice Mathews  
Assemblyman Bernie Anderson  
Assemblyman Don Gustavson

### **LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Patrick Guinan, Senior Research Analyst, Research Division  
Eileen G. O'Grady, Chief Deputy Legislative Counsel, Legal Division  
Susan M. Young, Senior Administrative Assistant, Research Division  
Ryan Dombrowski, Technical Communications Systems Specialist, Broadcast and Production Services  
Brian Van Geel, Technical Communications Systems Specialist, Broadcast and Production Services

## **ELECTION OF THE CHAIR AND VICE CHAIR**

- Senator Amodei opened the nominations for Chair of the Legislative Committee to Oversee the Western Regional Water Commission.

- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN ANDERSON NOMINATED ASSEMBLYMAN BOBZIEN TO SERVE AS THE COMMITTEE'S CHAIR. THE NOMINATION WAS SECONDED BY SENATOR MATHEWS AND PASSED UNANIMOUSLY.

- Chair Bobzien opened the nominations for Vice Chair of the Legislative Committee to Oversee the Western Regional Water Commission.

- The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYMAN BOBZIEN NOMINATED SENATOR LEE TO SERVE AS THE COMMITTEE'S VICE CHAIR. THE NOMINATION WAS SECONDED BY ASSEMBLYMAN ANDERSON AND PASSED UNANIMOUSLY.

## **OPENING REMARKS AND INTRODUCTIONS**

- Assemblyman Bobzien opened the meeting with Committee and staff introductions.

## **STAFF OVERVIEW OF RELEVANT LEGISLATION FROM THE 2009 LEGISLATIVE SESSION**

- Patrick Guinan, Senior Research Analyst, Research Division, Legislative Counsel Bureau, offered a brief overview of the relevant legislation from the 2009 Legislative Session. (Please see [Exhibit B.](#))

## **PRESENTATION BY THE WESTERN REGIONAL WATER COMMISSION: REVIEW OF THE COMMISSION'S ACTIVITIES IN 2009; PREPARATION OF 2011 COMPREHENSIVE PLAN FOR THE WASHOE COUNTY PLANNING AREA INCLUDING OVERVIEW OF SURFACE AND GROUNDWATER RESOURCES; ANTICIPATED FUTURE DEMAND AND SUPPLY; WASTEWATER TREATMENT AND EFFLUENT MANAGEMENT; WATER QUALITY; AND WATER CONSERVATION**

- Jim Smitherman, Water Resources Program Manager, Western Regional Water Commission (WRWC)/Northern Nevada Water Planning Commission, provided a presentation of Commission activities on 2009, which included: (1) a brief background of the WRWC; (2) WRWC planning in Washoe County; (3) a review of prior Commission activities; (4) a succinct overview of surface water and groundwater resources; (5) anticipation of future water demand and supply based on a regional

demand forecast model and information from public water purveyors; (6) a water resources baseline table; (7) wastewater treatment and effluent management; (8) issues concerning water quality; and (9) water conservation through efficient water use, drought planning, and emergency conservation. (Please see [Exhibit C](#) and [Exhibit D](#).)

- John B. Rhodes, Legal Counsel, WRWC, provided an overview of the WRWC, which included: (1) background, previous and recent actions of the WRWC; (2) results of the evaluation for potential consolidation of the Washoe County Department of Water Resources into the Truckee Meadows Water Authority (TMWA); and (3) recommendation to enter into an interlocal agreement to provide for phased integration and consolidation (Please see [Exhibit C](#), [Exhibit D](#), [Exhibit E](#), and [Exhibit F](#).)
- Rosanna Coombes, Director, Truckee Meadows Regional Planning Agency (TMRPA), gave an overview of the TMRPA, which included: (1) background on Washoe County Ballot Question No. 3 of 2008; (2) a brief overview of the legislation affecting Washoe County water resources from the 2009 Legislative Session; (3) proposed regional plan amendments; (4) roles and responsibilities of the TMRPA; (5) the relationship to other plans as described in Chapter 278 of the *Nevada Revised Statutes*; and (6) the amendment process and possible appeals to proposed amendments. (Please see [Exhibit G-1](#), [Exhibit G-2](#), [Exhibit G-3](#), and [Exhibit G-4](#).)
- Assemblyman Anderson asked about water quality issues concerning septic systems and potential problems with groundwater contamination.
- Mr. Smitherman noted that monitoring sites are examined as is set forth in a Memorandum of Understanding (MOU). He further noted that land use and amount of flow are critical parameters concerning the control of water quality as can be seen in the lower Truckee River and Steamboat Creek.

There was further discussion between Assemblyman Anderson and Mr. Smitherman regarding concerns over septic system use in areas that had previously been used for agriculture. Mr. Smitherman noted that precautions are being taken to limit the size of a parcel that can have a septic system, which will help protect groundwater quality.

- Rosemary Menard, Director, Washoe County Department of Water Resources (DWR), further responded to Assemblyman Anderson's question, noting that historically there have been problems with septic systems affecting groundwater quality. She noted that Washoe County has looked at a variety of strategies to manage this issue for long-term sustainability. Ms. Menard commented that switching over from septic systems or domestic wells to community sewer and water is very expensive, and that there are a variety of cost-effective options to address these infrastructure problems.

## **PRESENTATION CONCERNING THE PROPOSED CONSOLIDATION OF THE WASHOE COUNTY DEPARTMENT OF WATER RESOURCES WATER UTILITY INTO THE TRUCKEE MEADOWS WATER AUTHORITY—CURRENT STATUS AND FUTURE PLANS**

- Mark W. Foree, General Manager, TMWA, gave a presentation concerning the current status and future plans of the proposed consolidation of the Washoe County Department of Water Resources Water Utility into the Truckee Meadows Water Authority, which included: (1) a brief background of pertinent legislation; (2) a description of TMWA and DWR; (3) a depiction of the preliminary work; (4) results of preliminary operational and financial analyses; and (5) recommendations of the WRWC and TMWA to proceed with a phased integration of water operations. (Please see [Exhibit H.](#))
- Rosemary Menard, previously identified, presented information on the current status and future plans for the proposed consolidation of the Washoe County Department of Water Resources Water Utility into the Truckee Meadows Water Authority, which included: (1) approval of the interlocal agreement (ILA); (2) key provisions of the ILA; (3) necessary conditions for the merger; (4) steps to implement the merger; (5) provisions of the TMWA cooperative agreement; (6) formation of interagency teams to review the status of DWR's assets, create an operating plan, and identify cost-saving opportunities; (7) evaluation of economic conditions to determine timing of restructuring DWR; (8) negotiations of an addendum to the ILA and an operating agreement in mid-2010; (9) a closing memorandum when necessary conditions have been met; and (10) the roles of Washoe County and DWR following the merger. (Please see [Exhibit H.](#))

A discussion ensued between Assemblyman Anderson and Ms. Menard concerning the possible number of job losses the consolidation of the water entities may entail. Ms. Menard noted that the labor pool of TWMA is quite different than that of DWR. She further explained that if the two organizations merge now, there will be a greater opportunity to cross-train individuals and allow for changes to the workforce through attrition.

## **REPORT CONCERNING THE IMPLEMENTATION OF A MEMORANDUM OF UNDERSTANDING BETWEEN ENTITIES ENGAGED IN DEVELOPING A COORDINATED TRUCKEE RIVER WATERSHED MONITORING PROGRAM**

- Tom Porta, P.E., Deputy Administrator, Corrective Actions, Mining and Water Programs, Division of Environmental Protection (DEP), State Department of Conservation and Natural Resources, gave a report concerning the implementation of a MOU between entities engaged in developing a coordinated Truckee River watershed monitoring program, which included: (1) a brief description of the background and purpose of Senate Concurrent Resolution No. 2 (File No. 6, *Statutes of Nevada 2009*); (2) initiation of the MOU development process; (3) development and maintenance of a comprehensive and coordinated monitoring program; (4) establishment of two

working groups; and (5) commitment of DEP and all signatory agencies to coordinate water quality monitoring on the Truckee River. (Please see [Exhibit I-1](#) and [Exhibit I-2](#).)

- Assemblyman Anderson queried as to the poor water quality issues in Verdi, Nevada, and the surrounding areas.
- Mr. Porta responded that he can only speak to the water quality work that is performed, which has been addressed. He further noted that there are many agencies that take water samples of the Truckee River for various reasons.
- Mr. Foree noted that the purpose of the MOU and the agreement with the agencies is to coordinate the monitoring of different sources of information in one location.

There was a discussion between Chair Bobzien and Mr. Porta regarding an article ("That Tap Water Is Legal but May Be Unhealthy," *New York Times*, December 17, 2009) and the source for the article, a report on tap water quality published by the Environmental Working Group (EWG). Mr. Porta noted that there were two *New York Times* articles written by Charles Duhigg, the first based on enforcement of the Safe Drinking Water Act by state agencies and the second on drinking water issues relating to both regulated and nonregulated components of tap water.. Mr. Porta remarked that there are compounds in tap water that are not regulated and that the article fails to mention that water quality standards have changed, especially with regard to arsenic regulation.

- Mark W. Foree, previously identified, provided comments specifically on the EWG report and ranking of water quality, which included: (1) the EWG never contacted TMWA to verify its findings; (2) the data TMWA received from the EWG was inaccurate; (3) there was no verification of data used by the EWG that was obtained from the State; (4) the water samples obtained by the EWG were not from water that had flowed through TMWA's supply treatment and delivery system; (5) the EWG did not take into account various water sources; and (6) TMWA has provided the EWG with updated and corrected.

Acknowledging comments from Chair Bobzien concerning the Southern Nevada Water Authority, reviewing what is required in federal statute, and health concerns not covered by the Safe Drinking Water Act, Mr. Foree pointed out that TMWA relies on the Environmental Protection Agency to determine safe levels of constituents in drinking water. He further noted that TMWA has been proactive in testing for constituents beyond what is currently mandated in federal law.

## **SCHEDULING OF FUTURE COMMITTEE MEETINGS**

- After discussion among Committee members, Patrick Guinan, previously identified, announced the following future meeting dates of the Legislative Committee to Oversee the Western Regional Water Commission to be held in the Washoe County Commission Chambers: (1) Thursday, April 15, 2010, at 9 a.m.; (2) Thursday, July 15, 2010, at 9 a.m.; and (3) Thursday, August 12, 2010, at 9 a.m.

## **PUBLIC COMMENT**

- Steve Walker, Lobbyist, TMWA, focused his comments specific to conservation of the Truckee River water source, noting that the consolidation of water entities in Washoe County does not create a new water resource as consolidation would in Southern Nevada regarding the Colorado River. He further noted that the economics of conservation in Northern Nevada are not the same as in southern Nevada.

## **ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 10:47 a.m.

Respectfully submitted,

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Susan M. Young  
Senior Administrative Assistant

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Patrick Guinan  
Senior Research Analyst

APPROVED BY:

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Assemblyman David P. Bobzien, Chair

Date: \_\_\_\_\_

## **LIST OF EXHIBITS**

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Patrick Guinan, Senior Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is a document titled “2009 Legislation Pertinent to the Legislative Committee to Oversee the Western Regional Water Commission,” submitted by Patrick Guinan, Senior Research Analyst, Research Division, LCB.

[Exhibit C](#) is a Microsoft PowerPoint presentation dated January 7, 2010, titled “Western Regional Water Commission,” furnished by Jim Smitherman, Water Resources Program Manager, Western Regional Water Commission (WRWC)/Northern Nevada Water Planning Commission (NNWPC).

[Exhibit D](#) is a draft water baseline table for selected basins, submitted by Jim Smitherman, Water Resources Program Manager, WRWC/ NNWPC.

[Exhibit E](#) is a staff report dated January 4, 2010, to the Chairman and Members of the Legislative Committee to Oversee the Western Regional Water Commission, regarding a summary of activities relating to the potential consolidation of public water purveyors in the planning area, prepared by John B. Rhodes, Legal Counsel, WRWC.

[Exhibit F](#) is a packet of information consisting of 155 pages, with a cover memo dated August 11, 2009, to Chairman and Members of the WRWC, from Mark W. Foree, General Manager, Truckee Meadows Water Authority (TMWA), and Rosemary Menard, Director, Washoe County Department of Water Resources, regarding the recommendation of the TMWA Board and Washoe County Board of Commissioners to proceed with an Interlocal Agreement to implement the Integration/Consolidation of Functions of TMWA and the Washoe County Department of Water Resources, furnished by John B. Rhodes, Legal Counsel, WRWC.

[Exhibit G-1](#) is a fact sheet titled “Regional Plan Amendments,” provided by Rosanna Coombes, Director, Truckee Meadows Regional Planning Agency (TMRPA).

[Exhibit G-2](#) is a staff report dated November 25, 2009, to the Washoe County Regional Planning Commission, from Peter Gower, AICP, Senior Planner, regarding Regional Plan Amendment 09-022, provided by Rosanna Coombes, Director, TMRPA.

[Exhibit G-3](#) is a document dated December 7, 2009, titled “Citizens in Support of WC-3,” furnished by Rosanna Coombes, Director, TMRPA.

[Exhibit G-4](#) is a diagram titled “Decision Tree, Regional Population Forecast based on Water Sustainability,” referenced by Rosanna Coombes, Director, TMRPA.



[Exhibit H](#) is a Microsoft PowerPoint presentation titled “Washoe County Department of Water Resources and Truckee Meadows Water Authority Integration Update,” given by Mark W. Foree, General Manager, TMWA.

[Exhibit I-1](#) is the written testimon of Tom Porta, P.E., Deputy Administrator, Corrective Actions, Mining and Water Programs, Division of Environmental Protection (DEP), State Department of Conservation and Natural Resources (SDCNR).

[Exhibit I-2](#) is a document titled “Memorandum of Understanding for the Development and Maintenance of a Truckee River Coordinated Monitoring Program,” offered by Tom Porta, P.E., Deputy Administrator, Corrective Actions, Mining and Water Programs, DEP, SDCNR.

This set of “Summary Minutes and Action Report” is supplied as an informational service. Exhibits in electronic format may not be complete. Copies of the complete exhibits, other materials distributed at the meeting, and the audio record are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the Library online at [www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm](http://www.leg.state.nv.us/lcb/research/library/feedbackmail.cfm) or telephone: 775/684-6827.