

ASSEMBLY BILL NO. 146—ASSEMBLYWOMAN PETERS

FEBRUARY 18, 2021

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to water. (BDR 40-123)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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

AN ACT relating to water; requiring the State Department of Conservation and Natural Resources to establish a program regulating water pollution resulting from diffuse sources; establishing requirements for applicants for certain permits relating to water pollution to post a bond or other surety; revising requirements for regulations adopted by the State Environmental Commission relating to water pollution; revising notice requirements relating to regulations adopted by the Commission; revising various provisions relating to the control of water pollution by the Director of the Department; revising requirements relating to the control of diffuse sources of water pollution; revising various requirements for permits to discharge a pollutant or inject fluids through a well; requiring the Director to consult or notify Indian tribes of certain actions relating to water pollution; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law sets forth various requirements to control water pollution in this
2 State, including authorizing the State Environmental Commission to prescribe
3 controls for diffuse sources of water pollution. (NRS 445A.570) **Section 11** of this
4 bill requires the Commission to prescribe controls for diffuse sources. **Section 2** of
5 this bill requires the State Department of Conservation and Natural Resources to
6 establish a program to reduce, control and mitigate water pollution from diffuse
7 sources in this State and sets forth requirements for the program, which include
8 identifying the major categories of diffuse sources that contribute to water pollution
9 in this State. **Section 10** of this bill provides that the water quality standards
10 adopted by the Commission must include numeric water quality criteria for the
11 major categories of diffuse sources identified by the Department. **Section 12** of this



12 bill requires the Department to include in its continuing planning process for the
13 waters of this State procedures to address water pollution resulting from diffuse
14 sources.

15 Existing law provides for the issuance of a general permit or an individual
16 permit for discharges or injections of fluids through a well. (NRS 445A.475,
17 445A.480) **Section 3** of this bill requires: (1) an applicant for a general permit or
18 individual permit to file a bond or other surety with the Department as a condition
19 for approval of the permit; and (2) the Commission to adopt regulations relating to
20 this bond requirement.

21 **Section 4** of this bill requires the Commission to adopt regulations for
22 controlling the infiltration of contaminants into underground water resulting from
23 contaminated fluids or soil, if the underground water supplies, or may be
24 reasonably expected to supply, a public water system. **Section 4** also requires the
25 Commission to consider any disproportionate impacts on marginalized or
26 historically oppressed communities when adopting regulations, standards of water
27 quality and effluent limitations.

28 Existing law requires the Commission to publish notice of a hearing on a
29 regulation that provides a standard of water quality or waste discharge at least once
30 in a newspaper of general circulation in the area to which the standard will apply, if
31 adopted. (NRS 445A.435) **Section 5** of this bill requires the Commission to also
32 publish notice of such a hearing at least once in a digital format that is generally
33 accessible in the area and to any community impacted.

34 Existing law authorizes the Director of the Department to: (1) perform any acts
35 consistent with the requirements of state and federal legislation concerning the
36 control of the injection of fluids through a well and the control of water pollution;
37 and (2) advise, consult and cooperate with other agencies of the State, the Federal
38 Government, other states, interstate agencies and certain other persons to further
39 certain purposes related to the control of water pollution. (NRS 445A.450) **Section**
40 **6** of this bill authorizes the Director to also perform any acts necessary to control
41 the infiltration of contaminants into underground water resulting from contaminated
42 fluids or soil. **Section 6** further authorizes the Director to consult and cooperate
43 with Indian tribes when working to control water pollution.

44 Existing law prohibits, under certain circumstances, the issuance of a permit
45 which authorizes any discharge or injection of fluids through a well into waters of
46 the State. (NRS 445A.490) **Section 7** of this bill prohibits, with certain exceptions,
47 the Department from issuing a permit to discharge a pollutant or inject fluids
48 through a well if the discharge or injection will result in the degradation of
49 biological, wildlife or cultural resources.

50 **Section 8** of this bill provides that any permit issued by the Department must,
51 with certain exceptions, ensure that the discharge or injection does not
52 disproportionately impact historically oppressed or marginalized communities.

53 **Section 9** of this bill requires the holders of certain permits whose production
54 increases, process modifications or facility expansions result in the infiltration of
55 contaminants into underground waters to report the contamination to the
56 Department.

57 Existing law requires the Department to notify each interested person and
58 appropriate governmental agency of each complete application for a permit. (NRS
59 445A.590) **Section 13** of this bill requires the Department to notify affected Indian
60 tribes upon receiving a complete application for a permit. **Section 14** of this bill
61 requires the Commission to adopt regulations to provide for Indian tribes to request
62 a public hearing on a permit application.

63 Existing law requires the Commission to establish water quality standards at a
64 level designed to protect and ensure a continuation of the designated beneficial use
65 or uses which the Commission has determined to be applicable to each stream
66 segment or other body of surface water in the State. (NRS 445A.520) **Section 10** of



67 this bill provides that in addition to any other designated beneficial use that the
68 Commission finds applicable to a stream segment or other body of surface water,
69 the Commission is required to establish water quality standards to protect the
70 beneficial uses of propagation of wildlife and municipal or domestic supply for
71 each stream segment or other body of surface water.

72 **Sections 15-22** of this bill provide that the provisions of this bill are subject to
73 the existing enforcement authority of the Department.

74 **Section 23** of this bill provides that the provisions of this bill do not amend,
75 modify or supersede the provisions of existing law relating to the appropriation of
76 water.

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

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

3 **Sec. 2. 1.** *The Department shall establish a program to*
4 *reduce, control and mitigate water pollution resulting from diffuse*
5 *sources.*

6 *2. The diffuse source program established pursuant to*
7 *subsection 1 must, without limitation:*

8 *(a) Comply with any applicable federal requirements for the*
9 *management and control of diffuse sources;*

10 *(b) Develop plans, recommendations and policies to manage,*
11 *control and mitigate water pollution resulting from diffuse sources*
12 *in this State;*

13 *(c) Identify surface waters of this State that cannot reasonably*
14 *be expected to attain or maintain state water quality standards and*
15 *goals without additional action by the State to control water*
16 *pollution resulting from diffuse sources;*

17 *(d) Identify the major categories of diffuse sources that*
18 *contribute significant pollution to the surface waters of the State;*

19 *(e) Facilitate implementation of the best management*
20 *practices, programs and measures to control each category of*
21 *diffuse sources identified pursuant to paragraph (d); and*

22 *(f) Identify public and private sources of expertise, technical*
23 *assistance, financial assistance, education assistance, training and*
24 *technological resources to address water pollution resulting from*
25 *diffuse sources.*

26 *3. The Department shall make information received pursuant*
27 *to paragraph (f) of subsection 2 available to the public upon*
28 *request.*

29 **Sec. 3. 1.** *As a condition for approval of an application for*
30 *a permit pursuant to NRS 445A.475 or 445A.480, the Department*
31 *shall require the applicant to file with the Department a bond or*
32 *other surety in an amount and form fixed by the Commission,*



1 *conditioned upon the faithful performance by the applicant of the*
2 *provisions of this section and NRS 445A.300 to 445A.730,*
3 *inclusive, and section 2 of this act.*

4 *2. The Commission shall adopt regulations to carry out the*
5 *provisions of this section.*

6 **Sec. 4.** NRS 445A.425 is hereby amended to read as follows:

7 445A.425 1. Except as specifically provided in NRS
8 445A.625 to 445A.645, inclusive, the Commission shall:

9 (a) Adopt regulations carrying out the provisions of NRS
10 445A.300 to 445A.730, inclusive, *and sections 2 and 3 of this act,*
11 including standards of water quality and amounts of waste which
12 may be discharged into the waters of the State.

13 (b) Adopt regulations providing for the certification of
14 laboratories that perform analyses for the purposes of NRS
15 445A.300 to 445A.730, inclusive, *and sections 2 and 3 of this act*
16 to detect the presence of hazardous waste or a regulated substance in
17 soil or water.

18 (c) Adopt regulations controlling the injection of fluids through
19 a well to prohibit those injections into underground water, if it
20 supplies or may reasonably be expected to supply any public water
21 system, as defined in NRS 445A.840, which may result in that
22 system's noncompliance with any regulation regarding primary
23 drinking water or may otherwise have an adverse effect on human
24 health.

25 (d) *Adopt regulations for controlling the infiltration of*
26 *contaminants into underground water through contaminated*
27 *fluids or soil where:*

28 (I) *The underground water directly supplies a public water*
29 *system or could be reasonably expected to supply a public water*
30 *system through a surface-to-groundwater connection; and*

31 (2) *The infiltration of contaminants into the public system*
32 *may result in:*

33 (I) *The public water system not complying with any*
34 *standard or regulation regarding primary drinking water; or*

35 (II) *A danger to the health and safety of persons.*

36 (e) Advise, consult and cooperate with other agencies of the
37 State, the Federal Government, other states, interstate agencies and
38 other persons in furthering the provisions of NRS 445A.300 to
39 445A.730, inclusive ~~(f)~~, *and sections 2 and 3 of this act.*

40 ~~(e)~~ (f) Determine and prescribe the qualifications and duties of
41 the supervisors and technicians responsible for the operation and
42 maintenance of plants for sewage treatment.

43 2. The Commission may by regulation require that supervisors
44 and technicians responsible for the operation and maintenance of
45 plants for sewage treatment be certified by the Department. The



1 regulations may include a schedule of fees to pay the costs of
2 certification. The provisions of this subsection apply only to a
3 package plant for sewage treatment whose capacity is more than
4 5,000 gallons per day and to any other plant whose capacity is more
5 than 10,000 gallons per day.

6 3. In adopting regulations, standards of water quality and
7 effluent limitations pursuant to NRS 445A.300 to 445A.730,
8 inclusive, *and sections 2 and 3 of this act*, the Commission shall
9 recognize ~~the~~ *and consider:*

10 (a) *The* historical irrigation practices in the respective river
11 basins of this State, the economy thereof and their effects ~~;~~ *and*

12 (b) *Any disproportionate impact on historically oppressed or*
13 *marginalized communities in the respective river basins of this*
14 *State.*

15 4. The Commission may hold hearings, issue notices of
16 hearings, issue subpoenas requiring the attendance of witnesses and
17 the production of evidence, administer oaths and take testimony as it
18 considers necessary to carry out the provisions of this section and
19 for the purpose of reviewing standards of water quality.

20 5. As used in this section, "plant for sewage treatment" means
21 any facility for the treatment, purification or disposal of sewage.

22 6. *As used in this section, "public water system" has the*
23 *meaning ascribed to it in NRS 445A.840.*

24 **Sec. 5.** NRS 445A.435 is hereby amended to read as follows:

25 445A.435 If a regulation which is to be considered by the
26 Commission provides a standard of water quality or waste
27 discharge, notice of the hearing on the regulation must be published
28 at least once in ~~the~~ :

29 1. A newspaper of general circulation in the area to which the
30 standard, if adopted, will apply ~~;~~ *and*

31 2. *A digital format that is generally accessible in the area and*
32 *to any affected communities to which the standard, if adopted, will*
33 *apply. As used in this subsection, "digital format" includes,*
34 *without limitation, an online newspaper or community forum.*

35 **Sec. 6.** NRS 445A.450 is hereby amended to read as follows:

36 445A.450 The Director may:

37 1. Perform any acts consistent with the requirements of state
38 and federal legislation concerning the control of the injection of
39 fluids through a well and the control of water pollution and
40 conditions thereof relating to participation in and administration by
41 this State of the National Pollutant Discharge Elimination System;

42 2. *Perform any acts necessary to control the infiltration of*
43 *contaminants into underground water resulting from*
44 *contaminated fluids or soils;*



1 **3.** Advise, consult and cooperate with other agencies of the
2 State, the Federal Government, other states, interstate agencies ,
3 *Indian tribes* and with other persons in furthering the purposes of
4 NRS 445A.300 to 445A.730, inclusive ~~[]~~ , *and sections 2 and 3 of*
5 *this act;*

6 ~~[3.]~~ **4.** Take the steps necessary to qualify for, accept and
7 administer loans and grants from the Federal Government and from
8 other sources, public or private, for carrying out any functions under
9 NRS 445A.300 to 445A.730, inclusive ~~[]~~ , *and sections 2 and 3 of*
10 *this act;*

11 ~~[4.]~~ **5.** Award subgrants to eligible persons to assist the
12 Director in carrying out any functions under NRS 445A.300 to
13 445A.730, inclusive ~~[]~~ , *and sections 2 and 3 of this act;*

14 ~~[5.]~~ **6.** Encourage, request, participate in or conduct studies,
15 surveys, investigations, research, experiments, demonstrations and
16 pilot programs by contract, grant or other means;

17 ~~[6.]~~ **7.** Maintain or require supervisors and operators of
18 treatment plants which are privately owned or owned by a
19 municipality or other public entity to maintain records and devices
20 for continuing observation and establish or require these supervisors
21 and operators to establish procedures for making inspections and
22 obtaining samples necessary to prepare reports;

23 ~~[7.]~~ **8.** Collect and disseminate information to the public as the
24 Director considers advisable and necessary for the discharge of his
25 or her duties under NRS 445A.300 to 445A.730, inclusive ~~[]~~ , *and*
26 *sections 2 and 3 of this act;*

27 ~~[8.]~~ **9.** Hold hearings and issue subpoenas requiring the
28 attendance of witnesses and the production of evidence as the
29 Director finds necessary to carry out the provisions of NRS
30 445A.300 to 445A.730, inclusive ~~[]~~ , *and sections 2 and 3 of this*
31 *act;*

32 ~~[9.]~~ **10.** Exercise all incidental powers necessary to carry out
33 the purposes of NRS 445A.300 to 445A.730, inclusive ~~[]~~ , *and*
34 *sections 2 and 3 of this act;* and

35 ~~[10.]~~ **11.** Delegate to the Division any function or authority
36 granted to the Director under NRS 445A.300 to 445A.730, inclusive
37 ~~[]~~ , *and sections 2 and 3 of this act.*

38 **Sec. 7.** NRS 445A.490 is hereby amended to read as follows:

39 445A.490 No permit may be issued which authorizes any
40 discharge or injection of fluids through a well into any waters of the
41 State:

42 1. Of any radiological, chemical or biological warfare agent or
43 high-level radioactive waste;

44 2. Which would substantially impair anchorage and navigation
45 in any waters of the State;



1 3. Which would result in the degradation of existing or
2 potential underground sources of drinking water;

3 4. Which is inconsistent with an applicable areawide plan for
4 management of the treatment of waste; ~~(e)~~

5 5. Which the Director determines is inconsistent with the
6 regulations and guidelines adopted by the Commission pursuant to
7 NRS 445A.300 to 445A.730, inclusive, *and sections 2 and 3 of this*
8 *act*, including those relating to standards of water quality and
9 injections of fluids through a well ~~(f)~~; *or*

10 6. *Except as otherwise provided in this subsection, which*
11 *would result in the degradation of biological, cultural or wildlife*
12 *resources. The provisions of this subsection do not apply to the*
13 *extent that federal law prohibits the denial of the permit on the*
14 *grounds that the issuance of the permit would result in*
15 *the degradation of biological, cultural or wildlife resources.*

16 **Sec. 8.** NRS 445A.500 is hereby amended to read as follows:

17 445A.500 1. Each permit issued by the Department must
18 ensure ~~(compliance)~~ :

19 (a) *Compliance* with the following factors whenever applicable
20 to the discharge or the injection of fluids through a well for which
21 the permit is sought:

22 ~~(a)~~ (1) Effluent limitations;

23 ~~(b)~~ (2) Standards of performance for new sources;

24 ~~(c)~~ (3) Standards for pretreatment;

25 ~~(d)~~ (4) Standards for injections of fluids through a well; and

26 ~~(e)~~ (5) Any more stringent limitations, including any
27 necessary to meet or effectuate standards of water quality, standards
28 of treatment or schedules of compliance developed by the
29 Department as part of a continuing planning process or areawide
30 plan for the management of the treatment of waste under NRS
31 445A.580 or in furthering the purposes and goals of NRS 445A.300
32 to 445A.730, inclusive ~~(f)~~, *and sections 2 and 3 of this act; and*

33 (b) *Except as otherwise provided in this paragraph, that the*
34 *discharge or the injection of fluids through a well for which the*
35 *permit is sought does not disproportionately impact historically*
36 *oppressed or marginalized communities. The provisions of this*
37 *paragraph do not apply to the extent that the requirement would*
38 *conflict with federal law.*

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

42 3. If an application is made to discharge from a point source
43 into any waters of this State which flow directly or ultimately into
44 an irrigation reservoir upstream from which are located urban areas
45 in two or more counties and if each county has a population of



1 55,000 or more, the Department must give notice of the application
2 to each city, county, unincorporated town and irrigation district
3 located downstream from the point of discharge. Notice to an
4 unincorporated town must be given to the town board or advisory
5 council if there is one.

6 **Sec. 9.** NRS 445A.505 is hereby amended to read as follows:

7 445A.505 1. A holder of a permit for a publicly owned
8 treatment works shall notify and supply the Department with
9 information concerning any new or increased introduction of
10 pollutants into the treatment works.

11 2. All holders of permits issued under NRS 445A.465 to
12 445A.510, inclusive, whose production increases, or whose process
13 modifications or facility expansion result in new or increased
14 discharges or injections of fluids through a well shall report such
15 changes by submitting a new application for a permit to the
16 Department.

17 *3. All holders of permits issued under NRS 445A.465 to*
18 *445A.510, inclusive, whose production increases, or whose process*
19 *modifications or facility expansion result in the infiltration of*
20 *contaminants to underground waters of this State as a result of*
21 *contaminated fluids or contaminated soils shall report the*
22 *contamination to the Department.*

23 **Sec. 10.** NRS 445A.520 is hereby amended to read as follows:

24 445A.520 1. The Commission shall establish water quality
25 standards at a level designed to protect and ensure a continuation of
26 the designated beneficial use or uses which the Commission has
27 determined to be applicable to each stream segment or other body of
28 surface water in the State. *In addition to any other designated*
29 *beneficial use that the Commission finds applicable to a stream*
30 *segment or other body of surface water, the Commission shall*
31 *establish water quality standards to protect the beneficial uses of*
32 *propagation of wildlife and municipal or domestic supply for each*
33 *stream segment or other body of surface water.*

34 2. The Commission shall base its water quality standards on
35 water quality criteria which numerically or descriptively define the
36 conditions necessary to maintain the designated beneficial use or
37 uses of the water. The water quality standards must reflect water
38 quality criteria which define the conditions necessary to support,
39 protect and allow the propagation of fish, shellfish and other wildlife
40 and to provide for recreation in and on the water if these objectives
41 are reasonably attainable.

42 3. The Commission may establish water quality standards for
43 individual segments of streams or for other bodies of surface water
44 which vary from standards based on recognized criteria if such
45 variations are justified by the circumstances pertaining to particular



1 places, as determined by biological monitoring or other appropriate
2 studies.

3 **4. *The water quality standards established by the Commission***
4 ***must include, without limitation, numeric water quality criteria for***
5 ***the major categories of diffuse sources that contribute to water***
6 ***pollution in this State as identified by the Department pursuant to***
7 ***section 2 of this act.***

8 **Sec. 11.** NRS 445A.570 is hereby amended to read as follows:
9 445A.570 1. The Commission ~~may~~ **shall** prescribe controls
10 for diffuse sources as follows:

11 (a) To any diffuse source existing on July 1, 1979, if the
12 Director determines that the source is significantly causing or
13 adding to water pollution in violation of a water quality standard.

14 (b) To any diffuse source created after July 1, 1979, if controls
15 are necessary to prevent the degradation of any water of high quality
16 in the waters of the State.

17 2. The Department shall delegate, to each county or city which
18 so requests, other than a county to which NRS 244A.571 and
19 244A.573 apply or a city within such a county, the Administration
20 of the Department's controls of diffuse sources, if the Director finds
21 that the county or city has the necessary money and staff to
22 administer the program effectively. If such a delegation is made
23 both to a county and to a city within it, the city has authority within
24 its corporate limits and the county has authority outside those limits.

25 **Sec. 12.** NRS 445A.580 is hereby amended to read as follows:
26 445A.580 The Department shall establish a continuing
27 planning process consistent with all applicable federal requirements
28 which results in plans for all waters of the State and includes:

29 1. Adequate effluent limitations and schedules of compliance;

30 2. The incorporation of all elements of any applicable areawide
31 plans for management of waste and plans for basins under NRS
32 445A.300 to 445A.730, inclusive ~~8~~, ***and sections 2 and 3 of this***
33 ***act;***

34 3. Total maximum daily load for pollutants and contaminants;

35 4. Procedures for revision of the plans;

36 5. Adequate authority for intergovernmental cooperation;

37 6. Adequate implementation, including schedules of
38 compliance, for revised or new standards of water quality;

39 7. ***Procedures for addressing the major categories of water***
40 ***pollution from diffuse sources;***

41 8. Controls over the disposition of all residual waste from any
42 treatment of water;

43 ~~8~~ 9. An inventory and ranking, in order of priority, of needs
44 for construction of treatment works; and



1 ~~19.1~~ **10.** Controls over the injection of fluids through a well to
2 prevent the degradation of underground water.

3 **Sec. 13.** NRS 445A.590 is hereby amended to read as follows:

4 445A.590 1. The Department shall notify each interested
5 person, ~~and~~ appropriate governmental agency *and affected Indian*
6 *tribe* of each complete application for a permit, and shall provide
7 them an opportunity to submit their written views and
8 recommendations thereon. The provisions of this subsection do not
9 apply to an application for a temporary permit issued pursuant to
10 NRS 445A.485.

11 2. Notification must be in the manner provided in the
12 regulations adopted by the Commission pursuant to applicable
13 federal law.

14 3. If the treatment works are to discharge into any waters of
15 this State which flow directly or ultimately into an irrigation
16 reservoir upstream from which are located urban areas in two or
17 more counties and if each county has a population of 55,000 or
18 more, the Department must include in its notification each city,
19 county, unincorporated town and irrigation district located
20 downstream from the point of discharge. Notice to an
21 unincorporated town must be given to the town board or advisory
22 council if there is one.

23 **Sec. 14.** NRS 445A.595 is hereby amended to read as follows:

24 445A.595 The Commission shall provide by regulation:

25 1. An opportunity for each permit applicant, interested agency,
26 city, county, *Indian tribe* or irrigation district located downstream
27 from the point of discharge, or any person to request a public
28 hearing conducted by the Director with respect to each permit
29 application; and

30 2. For public notice of the hearing, at least 30 days before the
31 date of the hearing.

32 ↪ The provisions of this section do not apply to an application for a
33 temporary permit issued pursuant to NRS 445A.485.

34 **Sec. 15.** NRS 445A.655 is hereby amended to read as follows:

35 445A.655 To enforce the provisions of NRS 445A.300 to
36 445A.730, inclusive, *and sections 2 and 3 of this act* or any
37 regulation, order or permit issued thereunder, the Director or
38 authorized representative of the Department may, upon presenting
39 proper credentials:

40 1. Enter any premises in which any act violating NRS
41 445A.300 to 445A.730, inclusive, *and sections 2 and 3 of this act*
42 originates or takes place or in which any required records are
43 required to be maintained;

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



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

3 4. Have access to and sample any discharges or injection of
4 fluids into waters of the State which result directly or indirectly
5 from activities of the owner or operator of the premises where the
6 discharge originates or takes place or the injection of fluids through
7 a well takes place.

8 **Sec. 16.** NRS 445A.675 is hereby amended to read as follows:

9 445A.675 1. Except as otherwise provided in NRS
10 445A.707, if the Director finds that any person is engaged or is
11 about to engage in any act or practice which violates any provision
12 of NRS 445A.300 to 445A.730, inclusive, *and sections 2 and 3 of*
13 *this act*, any standard or other regulation adopted by the
14 Commission pursuant to those sections, or any permit issued by the
15 Department pursuant to those sections, except for any violation of a
16 provision concerning a diffuse source, the Director may:

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

18 (b) Commence a civil action pursuant to NRS 445A.695 or
19 445A.700; or

20 (c) Request that the Attorney General institute by indictment or
21 information a criminal prosecution pursuant to NRS 445A.705 and
22 445A.710.

23 2. The remedies and sanctions specified in subsection 1 are
24 cumulative, and the institution of any proceeding or action seeking
25 any one of the remedies or sanctions does not bar any simultaneous
26 or subsequent action or proceeding seeking any other of the
27 remedies or sanctions.

28 **Sec. 17.** NRS 445A.680 is hereby amended to read as follows:

29 445A.680 Except as otherwise provided in NRS 445A.707, if
30 the Director finds that any person is engaged or about to engage in
31 any act or practice which violates any provision of NRS 445A.565
32 and 445A.570, *and section 2 of this act*, or any standard or other
33 regulation adopted pursuant thereto, with respect to a diffuse source:

34 1. The Director may issue an order:

35 (a) Specifying the provision or provisions of NRS 445A.300 to
36 445A.730, inclusive, *and sections 2 and 3 of this act* or the
37 regulation or order alleged to be violated or about to be violated;

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

40 (c) Prescribing the necessary corrective action to be taken and a
41 reasonable period for completing that corrective action,

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

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



1 (a) The Director may commence a civil action pursuant to NRS
2 445A.695; or

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

6 **Sec. 18.** NRS 445A.690 is hereby amended to read as follows:

7 445A.690 1. Except as otherwise provided in NRS
8 445A.707, if the Director finds that any person is engaged or is
9 about to engage in any act or practice which constitutes or will
10 constitute a violation of any provision of NRS 445A.300 to
11 445A.730, inclusive, *and sections 2 and 3 of this act*, or of any rule,
12 regulation or standard promulgated by the Commission, or of any
13 permit or order issued by the Department pursuant to NRS
14 445A.300 to 445A.730, inclusive, *and sections 2 and 3 of this act*,
15 the Director may issue an order:

16 (a) Specifying the provision or provisions of NRS 445A.300 to
17 445A.730, inclusive, *and sections 2 and 3 of this act* or the
18 regulation or order alleged to be violated or about to be violated;

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

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

23 2. Any compliance order is final and is not subject to review
24 unless the person against whom the order is issued, within 30 days
25 after the date on which the order is served, requests by written
26 petition a hearing before the Commission.

27 **Sec. 19.** NRS 445A.695 is hereby amended to read as follows:

28 445A.695 1. Except as otherwise provided in NRS
29 445A.707, the Director may seek injunctive relief in the appropriate
30 court to prevent the continuance or occurrence of any act or practice
31 which violates any provision of NRS 445A.300 to 445A.730,
32 inclusive, *and sections 2 and 3 of this act* or any permit, rule,
33 regulation or order issued pursuant thereto.

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

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



1 4. The court may require the posting of a sufficient
2 performance bond or other security to ensure compliance with the
3 court order within the period prescribed.

4 **Sec. 20.** NRS 445A.700 is hereby amended to read as follows:

5 445A.700 1. Except as otherwise provided in NRS 445C.010
6 to 445C.120, inclusive, a person who violates or aids or abets in the
7 violation of any provision of NRS 445A.300 to 445A.730, inclusive,
8 *and sections 2 and 3 of this act* or of any permit, regulation,
9 standard or final order issued thereunder, except a provision
10 concerning a diffuse source, shall pay a civil penalty of not more
11 than \$25,000 for each day of the violation. The civil penalty
12 imposed by this subsection is in addition to any other penalties
13 provided pursuant to NRS 445A.300 to 445A.730, inclusive **H** ,
14 *and sections 2 and 3 of this act.*

15 2. Except as otherwise provided in NRS 445C.010 to
16 445C.120, inclusive, in addition to the penalty provided in
17 subsection 1, the Department may recover from the person actual
18 damages to the State resulting from the violation of NRS 445A.300
19 to 445A.730, inclusive, *and sections 2 and 3 of this act*, any
20 regulation or standard adopted by the Commission, or permit or
21 final order issued by the Department, except the violation of a
22 provision concerning a diffuse source.

23 3. Damages may include:

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

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

29 4. In addition to any other remedy provided by this chapter, the
30 Department may compel compliance with any provision of NRS
31 445A.300 to 445A.730, inclusive, *and sections 2 and 3 of this act*,
32 or of any permit, regulation, standard or final order adopted or
33 issued thereto, by injunction or other appropriate remedy. The
34 Department may institute and maintain in the name of the State of
35 Nevada any such enforcement proceedings.

36 **Sec. 21.** NRS 445A.710 is hereby amended to read as follows:

37 445A.710 1. Any person who knowingly makes any false
38 statement, representation, or certification in any application, record,
39 report, plan or other document filed or required to be maintained by
40 the provisions of NRS 445A.300 to 445A.730, inclusive, *and*
41 *sections 2 and 3 of this act*, or by any permit, rule, regulation or
42 order issued pursuant thereto, or who falsifies, tampers with or
43 knowingly renders inaccurate any monitoring device or method
44 required to be maintained under the provisions of NRS 445A.300 to
45 445A.730, inclusive, *and sections 2 and 3 of this act*, or by any



1 permit, rule, regulation or order issued pursuant thereto, is guilty of
2 a gross misdemeanor and shall be punished by a fine of not more
3 than \$10,000 or by imprisonment in the county jail for not more
4 than 364 days, or by both fine and imprisonment.

5 2. The penalty imposed by subsection 1 is in addition to any
6 other penalties, civil or criminal, provided pursuant to NRS
7 445A.300 to 445A.730, inclusive ~~H~~, *and sections 2 and 3 of this*
8 *act.*

9 **Sec. 22.** NRS 445A.715 is hereby amended to read as follows:
10 445A.715 Hearings initiated pursuant to NRS 445A.300 to
11 445A.730, inclusive, *and sections 2 and 3 of this act* shall be held
12 before the Commission and comply with the provisions of such
13 rules and regulations as the Commission may prescribe.

14 **Sec. 23.** NRS 445A.725 is hereby amended to read as follows:
15 445A.725 Nothing in NRS 445A.300 to 445A.730, inclusive,
16 *and sections 2 and 3 of this act* shall be construed to amend, modify
17 or supersede the provisions of title 48 of NRS or any rule, regulation
18 or order promulgated or issued thereunder by the State Engineer.

19 **Sec. 24.** 1. This section becomes effective upon passage and
20 approval.

21 2. Sections 1 to 23, inclusive, of this act become effective:

22 (a) Upon passage and approval for the purpose of adopting any
23 regulations and performing any other preparatory administrative
24 tasks; and

25 (b) On January 1, 2022, for all other purposes.

