

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 ~~formatted material~~ is material to be omitted.

AN ACT relating to water; authorizing the State Department of Conservation and Natural Resources to develop plans, recommendations and policies to address water pollution resulting from diffuse sources; 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; 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 1.5** of this
4 bill authorizes the State Department of Conservation and Natural Resources to
5 develop plans, recommendations and policies to manage, control and mitigate water
6 pollution from diffuse sources in this State which may include identifying the major
7 categories of diffuse sources that contribute to water pollution in this State.

8 **Section 3.5** of this bill sets forth a legislative declaration that the people of this
9 State have a right to clean water and that it is the policy of this State to mitigate the
10 degradation of the waters of the State.

11 **Section 4** of this bill authorizes the Commission to adopt regulations for
12 controlling the infiltration of contaminants into underground water resulting from
13 contaminated fluids or soil, if the underground water supplies, or may be
14 reasonably expected to supply, a public water system, which may address, without



15 limitation, sewage treatment and effluent disposal, wastewater management and
16 community planning and the management of fluids, effluent and septic systems.
17 **Section 1** of this bill makes conforming changes to require the State Board of
18 Health to adopt regulations consistent with the regulations adopted by the
19 Commission, if such regulations impact residential individual systems for the
20 disposal of sewage.

21 **Section 4** also requires the Commission to consider any disproportionate
22 impacts on underserved communities when adopting regulations, standards of water
23 quality and effluent limitations.

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

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

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

45 Existing law requires the Department to notify each interested person and
46 appropriate governmental agency of each complete application for a permit. (NRS
47 445A.590) **Section 13** of this bill requires the Department to notify affected Indian
48 tribes upon receiving a complete application for a permit. **Section 14** of this bill
49 requires the Commission to adopt regulations to provide for Indian tribes to request
50 a public hearing on a permit application.

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

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

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

1 **Section 1.** NRS 444.650 is hereby amended to read as follows:
2 444.650 1. The State Board of Health shall adopt regulations
3 to control the use of a residential individual system for disposal of
4 sewage in this State. Those regulations are effective except in health
5 districts in which a district board of health has adopted regulations
6 to control the use of a residential individual system for disposal of
7 sewage in that district.



1 2. A board which adopts such regulations shall consider and
2 take into account the geological, hydrological and topographical
3 characteristics of the area within its jurisdiction.

4 3. The regulations adopted pursuant to this section must not
5 conflict with the provisions of NRS 445A.300 to 445A.730,
6 inclusive, and any regulations adopted pursuant to those provisions.

7 *If any regulations adopted by the State Environmental*
8 *Commission pursuant to subsection 2 of NRS 445A.425 impact*
9 *residential individual systems for disposal of sewage, the State*
10 *Board of Health shall adopt regulations consistent with such*
11 *regulations adopted by the State Environmental Commission.*

12 4. As used in this section, "residential individual system for
13 disposal of sewage" means an individual system for disposal of
14 sewage from a parcel of land, including all structures thereon, that is
15 zoned for single-family residential use.

16 **Sec. 1.5.** Chapter 445A of NRS is hereby amended by adding
17 thereto a new section to read as follows:

18 *1. In addition to any controls prescribed by the Commission*
19 *pursuant to NRS 445A.570, the Department may develop plans,*
20 *recommendations and policies consistent with any applicable*
21 *federal requirements for diffuse sources to manage, control and*
22 *mitigate water pollution resulting from diffuse sources. Such*
23 *plans, recommendations and policies may, without limitation:*

24 *(a) Identify surface waters of this State that cannot reasonably*
25 *be expected to attain or maintain state water quality standards and*
26 *goals without additional action by the State to control water*
27 *pollution resulting from diffuse sources;*

28 *(b) Identify the major categories of diffuse sources that*
29 *contribute significant pollution to the surface waters of the State;*

30 *(c) Determine methods to facilitate the implementation of the*
31 *best management practices, projects and measures to control each*
32 *category of diffuse sources identified pursuant to paragraph (b);*
33 *and*

34 *(d) Identify public and private sources of expertise, technical*
35 *assistance, financial assistance, education assistance, training and*
36 *technological resources to address water pollution resulting from*
37 *diffuse sources.*

38 *2. The Department shall make any information received*
39 *pursuant to paragraph (d) of subsection 1 available to the public*
40 *upon request.*

41 **Sec. 2.** (Deleted by amendment.)

42 **Sec. 3.** (Deleted by amendment.)



1 **Sec. 3.5.** NRS 445A.305 is hereby amended to read as
2 follows:

3 445A.305 1. The Legislature finds that pollution of water in
4 this State:

- 5 (a) Adversely affects public health and welfare;
- 6 (b) Is harmful to wildlife, fish and other aquatic life; and
- 7 (c) Impairs domestic, agricultural, industrial, recreational and
8 other beneficial uses of water.

9 2. The Legislature declares that *the people of this State have a*
10 *right to clean water and* it is the policy of this State and the purpose
11 of NRS 445A.300 to 445A.730, inclusive ~~[-]~~, *and section 1.5 of*
12 *this act:*

13 (a) To maintain the quality of the waters of the State consistent
14 with the public health and enjoyment, the propagation and
15 protection of terrestrial and aquatic life, the operation of existing
16 industries, the pursuit of agriculture, and the economic development
17 of the State; ~~[-and]~~

18 (b) *To mitigate the degradation of the waters of the State; and*

19 (c) To encourage and promote the use of methods of waste
20 collection and pollution control for all significant sources of water
21 pollution (including point and diffuse sources).

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

23 445A.425 1. Except as specifically provided in NRS
24 445A.625 to 445A.645, inclusive, the Commission shall:

25 (a) Adopt regulations carrying out the provisions of NRS
26 445A.300 to 445A.730, inclusive, *and section 1.5 of this act,*
27 including standards of water quality and amounts of waste which
28 may be discharged into the waters of the State.

29 (b) Adopt regulations providing for the certification of
30 laboratories that perform analyses for the purposes of NRS
31 445A.300 to 445A.730, inclusive, *and section 1.5 of this act* to
32 detect the presence of hazardous waste or a regulated substance in
33 soil or water.

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

41 (d) Advise, consult and cooperate with other agencies of the
42 State, the Federal Government, other states, interstate agencies and
43 other persons in furthering the provisions of NRS 445A.300 to
44 445A.730, inclusive ~~[-]~~, *and section 1.5 of this act.*



1 (e) Determine and prescribe the qualifications and duties of the
2 supervisors and technicians responsible for the operation and
3 maintenance of plants for sewage treatment.

4 2. *The Commission may adopt regulations for controlling the*
5 *infiltration of contaminants into underground water through*
6 *contaminated fluids or soil where:*

7 (a) *The underground water directly supplies a public water*
8 *system or could be reasonably expected to supply a public water*
9 *system through a surface-to-groundwater connection; and*

10 (b) *The infiltration of contaminants into the public system may*
11 *result in:*

12 (1) *The public water system not complying with any*
13 *standard or regulation regarding primary drinking water; or*

14 (2) *A danger to the health and safety of persons.*

15 *↪ Any regulations adopted by the Commission pursuant to this*
16 *subsection may address, without limitation, sewage treatment and*
17 *effluent disposal, wastewater management and community*
18 *planning and the management of fluids, effluent and septic*
19 *systems.*

20 3. *Before adopting any regulations pursuant to subsection 2,*
21 *the Commission shall:*

22 (a) *Consider:*

23 (1) *The economic and technological feasibility of the*
24 *proposed regulations; and*

25 (2) *The potential costs for a local government to implement*
26 *the proposed regulations.*

27 (b) *Notify the State Board of Health if the proposed*
28 *regulations would impact residential individual systems for the*
29 *disposal of sewage.*

30 4. The Commission may by regulation require that supervisors
31 and technicians responsible for the operation and maintenance of
32 plants for sewage treatment be certified by the Department. The
33 regulations may include a schedule of fees to pay the costs of
34 certification. The provisions of this subsection apply only to a
35 package plant for sewage treatment whose capacity is more than
36 5,000 gallons per day and to any other plant whose capacity is more
37 than 10,000 gallons per day.

38 ~~[3.]~~ 5. In adopting regulations, standards of water quality and
39 effluent limitations pursuant to NRS 445A.300 to 445A.730,
40 inclusive, *and section 1.5 of this act*, the Commission shall
41 recognize ~~[the]~~ *and consider:*

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

44 (b) *Any disproportionate impact on underserved communities*
45 *in the respective river basins of this State.*



1 ~~[4.]~~ 6. The Commission may hold hearings, issue notices of
2 hearings, issue subpoenas requiring the attendance of witnesses and
3 the production of evidence, administer oaths and take testimony as it
4 considers necessary to carry out the provisions of this section and
5 for the purpose of reviewing standards of water quality.

6 ~~[5.]~~ 7. As used in this section ~~[, "plant"]~~:

7 (a) *"Block" means the smallest geographic unit whose*
8 *boundaries were designated by the Bureau of the Census of the*
9 *United States Department of Commerce in its topographically*
10 *integrated geographic encoding and referencing system.*

11 (b) *"Block group" means a combination of blocks.*

12 (c) *"Census tract" means a combination of blocks whose*
13 *numbers begin with the same digit.*

14 (d) *"Plant for sewage treatment" means any facility for the*
15 *treatment, purification or disposal of sewage.*

16 (e) *"Public water system" has the meaning ascribed to it in*
17 *NRS 445A.840.*

18 (f) *"Underserved community" means:*

19 (1) *A census tract in which, in the immediately preceding*
20 *census:*

21 (I) *The median household income was less than 60*
22 *percent of the median household income in this State;*

23 (II) *At least 25 percent of the households had a*
24 *household income below the federally designated level signifying*
25 *poverty; or*

26 (III) *At least 20 percent of households were not*
27 *proficient in the English language; or*

28 (2) *A community in this State with at least one public*
29 *school:*

30 (I) *In which 75 percent or more of the enrolled pupils*
31 *during the immediately preceding school year were eligible for*
32 *free or reduced-price lunches under the National School Lunch*
33 *Act, 42 U.S.C. §§ 1751 et seq.; or*

34 (II) *That participates in universal meal service pursuant*
35 *to Section 104 of the Healthy, Hunger-Free Kids Act of 2010,*
36 *Public Law 111-296.*

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

38 445A.435 If a regulation which is to be considered by the
39 Commission provides a standard of water quality or waste
40 discharge, notice of the hearing on the regulation must be published
41 at least once in ~~[a]~~:

42 1. A newspaper of general circulation in the area to which the
43 standard, if adopted, will apply ~~[i]~~; and

44 2. A digital format that is generally accessible in the area and
45 to any affected communities to which the standard, if adopted, will



1 *apply. As used in this subsection, “digital format” includes,*
2 *without limitation, an online newspaper or community forum.*

3 **Sec. 6.** NRS 445A.450 is hereby amended to read as follows:
4 445A.450 The Director may:

5 1. Perform any acts consistent with the requirements of state
6 and federal legislation concerning the control of the injection of
7 fluids through a well and the control of water pollution and
8 conditions thereof relating to participation in and administration by
9 this State of the National Pollutant Discharge Elimination System;

10 2. *Submit recommendations to the Commission for the*
11 *adoption of regulations deemed necessary to control the*
12 *infiltration of contaminants into underground water resulting*
13 *from contaminated fluids or soils pursuant to NRS 445A.425;*

14 3. Advise, consult and cooperate with other agencies of the
15 State, the Federal Government, other states, interstate agencies ,
16 *Indian tribes* and with other persons in furthering the purposes of
17 NRS 445A.300 to 445A.730, inclusive ~~§~~, *and section 1.5 of this*
18 *act;*

19 ~~§~~ 4. Take the steps necessary to qualify for, accept and
20 administer loans and grants from the Federal Government and from
21 other sources, public or private, for carrying out any functions under
22 NRS 445A.300 to 445A.730, inclusive ~~§~~, *and section 1.5 of this*
23 *act;*

24 ~~§~~ 5. Award subgrants to eligible persons to assist the
25 Director in carrying out any functions under NRS 445A.300 to
26 445A.730, inclusive ~~§~~, *and section 1.5 of this act;*

27 ~~§~~ 6. Encourage, request, participate in or conduct studies,
28 surveys, investigations, research, experiments, demonstrations and
29 pilot programs by contract, grant or other means;

30 ~~§~~ 7. Maintain or require supervisors and operators of
31 treatment plants which are privately owned or owned by a
32 municipality or other public entity to maintain records and devices
33 for continuing observation and establish or require these supervisors
34 and operators to establish procedures for making inspections and
35 obtaining samples necessary to prepare reports;

36 ~~§~~ 8. Collect and disseminate information to the public as the
37 Director considers advisable and necessary for the discharge of his
38 or her duties under NRS 445A.300 to 445A.730, inclusive ~~§~~, *and*
39 *section 1.5 of this act;*

40 ~~§~~ 9. Hold hearings and issue subpoenas requiring the
41 attendance of witnesses and the production of evidence as the
42 Director finds necessary to carry out the provisions of NRS
43 445A.300 to 445A.730, inclusive ~~§~~, *and section 1.5 of this act;*



1 ~~19.1~~ **10.** Exercise all incidental powers necessary to carry out
2 the purposes of NRS 445A.300 to 445A.730, inclusive ~~10.1~~, *and*
3 *section 1.5 of this act*; and

4 ~~11.0~~ **11.** Delegate to the Division any function or authority
5 granted to the Director under NRS 445A.300 to 445A.730, inclusive
6 ~~11.1~~, *and section 1.5 of this act*.

7 **Sec. 7.** (Deleted by amendment.)

8 **Sec. 8.** (Deleted by amendment.)

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

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

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

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

26 **Sec. 10.** (Deleted by amendment.)

27 **Sec. 11.** (Deleted by amendment.)

28 **Sec. 12.** (Deleted by amendment.)

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

30 445A.590 1. The Department shall notify each interested
31 person, ~~and~~ appropriate governmental agency *and affected Indian*
32 *tribe* of each complete application for a permit, and shall provide
33 them an opportunity to submit their written views and
34 recommendations thereon. The provisions of this subsection do not
35 apply to an application for a temporary permit issued pursuant to
36 NRS 445A.485.

37 2. Notification must be in the manner provided in the
38 regulations adopted by the Commission pursuant to applicable
39 federal law.

40 3. If the treatment works are to discharge into any waters of
41 this State which flow directly or ultimately into an irrigation
42 reservoir upstream from which are located urban areas in two or
43 more counties and if each county has a population of 55,000 or
44 more, the Department must include in its notification each city,
45 county, unincorporated town and irrigation district located



1 downstream from the point of discharge. Notice to an
2 unincorporated town must be given to the town board or advisory
3 council if there is one.

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

5 445A.595 The Commission shall provide by regulation:

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

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

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

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

16 445A.655 To enforce the provisions of NRS 445A.300 to
17 445A.730, inclusive, *and section 1.5 of this act* or any regulation,
18 order or permit issued thereunder, the Director or authorized
19 representative of the Department may, upon presenting proper
20 credentials:

21 1. Enter any premises in which any act violating NRS
22 445A.300 to 445A.730, inclusive, *and section 1.5 of this act*
23 originates or takes place or in which any required records are
24 required to be maintained;

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

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

29 4. Have access to and sample any discharges or injection of
30 fluids into waters of the State which result directly or indirectly
31 from activities of the owner or operator of the premises where the
32 discharge originates or takes place or the injection of fluids through
33 a well takes place.

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

35 445A.675 1. Except as otherwise provided in NRS
36 445A.707, if the Director finds that any person is engaged or is
37 about to engage in any act or practice which violates any provision
38 of NRS 445A.300 to 445A.730, inclusive, *and section 1.5 of this*
39 *act*, any standard or other regulation adopted by the Commission
40 pursuant to those sections, or any permit issued by the Department
41 pursuant to those sections, except for any violation of a provision
42 concerning a diffuse source, the Director may:

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

44 (b) Commence a civil action pursuant to NRS 445A.695 or
45 445A.700; or



1 (c) Request that the Attorney General institute by indictment or
2 information a criminal prosecution pursuant to NRS 445A.705 and
3 445A.710.

4 2. The remedies and sanctions specified in subsection 1 are
5 cumulative, and the institution of any proceeding or action seeking
6 any one of the remedies or sanctions does not bar any simultaneous
7 or subsequent action or proceeding seeking any other of the
8 remedies or sanctions.

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

10 445A.680 Except as otherwise provided in NRS 445A.707, if
11 the Director finds that any person is engaged or about to engage in
12 any act or practice which violates any provision of NRS 445A.565
13 and 445A.570, *and section 1.5 of this act*, or any standard or other
14 regulation adopted pursuant thereto, with respect to a diffuse source:

15 1. The Director may issue an order:

16 (a) Specifying the provision or provisions of NRS 445A.300 to
17 445A.730, inclusive, *and section 1.5 of this act* or the regulation or
18 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 ↪ but no civil or criminal penalty may be imposed for failure to
24 obey the order.

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

27 (a) The Director may commence a civil action pursuant to NRS
28 445A.695; or

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

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

33 445A.690 1. Except as otherwise provided in NRS
34 445A.707, if the Director finds that any person is engaged or is
35 about to engage in any act or practice which constitutes or will
36 constitute a violation of any provision of NRS 445A.300 to
37 445A.730, inclusive, *and section 1.5 of this act*, or of any rule,
38 regulation or standard promulgated by the Commission, or of any
39 permit or order issued by the Department pursuant to NRS
40 445A.300 to 445A.730, inclusive, *and section 1.5 of this act*, the
41 Director may issue an order:

42 (a) Specifying the provision or provisions of NRS 445A.300 to
43 445A.730, inclusive, *and section 1.5 of this act* or the regulation or
44 order alleged to be violated or about to be violated;



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

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

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

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

10 445A.695 1. Except as otherwise provided in NRS
11 445A.707, the Director may seek injunctive relief in the appropriate
12 court to prevent the continuance or occurrence of any act or practice
13 which violates any provision of NRS 445A.300 to 445A.730,
14 inclusive, *and section 1.5 of this act* or any permit, rule, regulation
15 or order issued pursuant thereto.

16 2. On a showing by the Director that a person is engaged, or is
17 about to engage, in any act or any practice which violates or will
18 violate any of the provisions of NRS 445A.300 to 445A.730,
19 inclusive, *and section 1.5 of this act* or any rule, regulation,
20 standard, permit or order issued pursuant to those provisions, the
21 court may issue, without bond, any prohibitory and mandatory
22 injunctions that the facts may warrant, including temporary
23 restraining orders issued ex parte or, after notice and hearing,
24 preliminary injunctions or permanent injunctions.

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

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

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

32 445A.700 1. Except as otherwise provided in NRS 445C.010
33 to 445C.120, inclusive, a person who violates or aids or abets in the
34 violation of any provision of NRS 445A.300 to 445A.730, inclusive,
35 *and section 1.5 of this act* or of any permit, regulation, standard or
36 final order issued thereunder, except a provision concerning a
37 diffuse source, shall pay a civil penalty of not more than \$25,000 for
38 each day of the violation. The civil penalty imposed by this
39 subsection is in addition to any other penalties provided pursuant to
40 NRS 445A.300 to 445A.730, inclusive **[]**, *and section 1.5 of this*
41 *act*.

42 2. Except as otherwise provided in NRS 445C.010 to
43 445C.120, inclusive, in addition to the penalty provided in
44 subsection 1, the Department may recover from the person actual
45 damages to the State resulting from the violation of NRS 445A.300



1 to 445A.730, inclusive, *and section 1.5 of this act*, any regulation or
2 standard adopted by the Commission, or permit or final order issued
3 by the Department, except the violation of a provision concerning a
4 diffuse source.

5 3. Damages may include:

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

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

11 4. In addition to any other remedy provided by this chapter, the
12 Department may compel compliance with any provision of NRS
13 445A.300 to 445A.730, inclusive, *and section 1.5 of this act*, or of
14 any permit, regulation, standard or final order adopted or issued
15 thereto, by injunction or other appropriate remedy. The Department
16 may institute and maintain in the name of the State of Nevada any
17 such enforcement proceedings.

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

19 445A.710 1. Any person who knowingly makes any false
20 statement, representation, or certification in any application, record,
21 report, plan or other document filed or required to be maintained by
22 the provisions of NRS 445A.300 to 445A.730, inclusive, *and*
23 *section 1.5 of this act*, or by any permit, rule, regulation or order
24 issued pursuant thereto, or who falsifies, tampers with or knowingly
25 renders inaccurate any monitoring device or method required to be
26 maintained under the provisions of NRS 445A.300 to 445A.730,
27 inclusive, *and section 1.5 of this act*, or by any permit, rule,
28 regulation or order issued pursuant thereto, is guilty of a gross
29 misdemeanor and shall be punished by a fine of not more than
30 \$10,000 or by imprisonment in the county jail for not more than 364
31 days, or by both fine and imprisonment.

32 2. The penalty imposed by subsection 1 is in addition to any
33 other penalties, civil or criminal, provided pursuant to NRS
34 445A.300 to 445A.730, inclusive ~~§~~, *and section 1.5 of this act*.

35 **Sec. 22.** NRS 445A.715 is hereby amended to read as follows:

36 445A.715 Hearings initiated pursuant to NRS 445A.300 to
37 445A.730, inclusive, *and section 1.5 of this act* shall be held before
38 the Commission and comply with the provisions of such rules and
39 regulations as the Commission may prescribe.

40 **Sec. 23.** NRS 445A.725 is hereby amended to read as follows:

41 445A.725 Nothing in NRS 445A.300 to 445A.730, inclusive,
42 *and section 1.5 of this act* shall be construed to amend, modify or
43 supersede the provisions of title 48 of NRS or any rule, regulation or
44 order promulgated or issued thereunder by the State Engineer.



- 1 **Sec. 24.** 1. This section becomes effective upon passage and
2 approval.
3 2. Sections 1 to 23, inclusive, of this act become effective:
4 (a) Upon passage and approval for the purpose of adopting any
5 regulations and performing any other preparatory administrative
6 tasks; and
7 (b) On January 1, 2022, for all other purposes.

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