

Nevada Farm Bureau Thoughts/Questions For AB 146

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Section 2 calls on the Department of Conservation and Natural Resources to establish a program to reduce, control and mitigate water pollution from diffuse sources...

- I think we need to understand what the current program involves. This includes highlighting where problems exist that the current program/approach is not working. Where these specific unmet needs are not being met, what is the nature of the diffuse source contribution to create the problems that are taking place.
- 2 (a) What do you envision for the results to be given that federal requirements for management and control of diffuse sources are based on voluntary programs and incentives for implementing best management practices?
- 2 (b) What extent do the plans and policies need to “dictate” end results/requirements?
- 2 (c) What standards apply to meet expectations of “reasonably be expected to attain...?”
- 2 (d) Are the intentions to “identify the major categories of diffuse sources” supposed to be a statewide list of all “diffuse sources” or are there intentions to consider specific impaired waters and associate diffuse source issues on those specific circumstances?
- 2 (e) Current use of best management practices are based on voluntary implementation, with incentives to assist in installing tools that connect to best management practices – This seems to imply more of a regulatory model? Also what extent does “control” mean?

Section 3 – requires approval for a permit (NRS 445A.475 or 445A.480) to have an applicant to file a bond or other surety in the amount fixed by the Commission... and (NRS 445A.300 to 445A.730)

Section 4 (d) – Adopt regulations for controlling the infiltration of contaminants into underground water through contaminated fluids or soil...

- What is considered to be “contaminated fluids” and “contaminated soil”? Are there already regulations or controls already in place which deal with “contaminated fluids” and/or “contaminated soil”?

Sub (2) (II) {page 4 – line 35} speaks to “A danger to the health and safety of persons” – this seems like a fairly expansive scope...how will this be dealt with in regulatory specifics?

Sub (3) (a) includes historic irrigation and (b) “Any disproportionate impact on historically oppressed or marginalized communities in the respective river basins of this State.” -- this seems like a retribution for possible historic adjudication (Federal Court adjudication/court order) ... What is the solution for accomplishing the intended recognition and consideration? How are “disproportionate impact,” “historically oppressed” and “marginalized communities” defined and linked?

Section 7 – (NRS 445.490) deals with permits for injection of fluids through a well. What is the new subsection (6) supposed to cover? I’m struggling to understand what fluids are being injected into wells, in Nevada where the new subsection would apply?

Section 8 – This section again zeros in on injections of fluid into wells and proposes to intermix consideration of the injection of fluids through a well and disproportionate impact on historically oppressed or marginalized communities... As we have noted earlier we would like to have a better understanding of what injection of fluids are being targeted and the connection for populations that are identified. How are “disproportionate impact,” “historically oppressed” and “marginalized communities” defined and linked?

Section 10 – The proposed new language seems to over-ride beneficial use in relationship to water quality standards and make the default requirement that all water bodies would establish water quality standards to include propagation of wildlife and municipal or domestic water? Is that the intention – for all water bodies to be covered in this fashion?

New Sub (4) for Section 10... Quoting exactly – ***“The water quality standards established by the Commission must include, without limitation, numeric water quality criteria for the major categories of diffuse sources that contribute to water pollution in this State as identified by the Department pursuant to section 2 of this act.”***

We don’t understand how numeric water quality criteria is determined for diffuse sources? Our experience has been that the water quality numeric standards are applied to an impaired water body in question and not on every diffuse source (on a statewide basis) that have been identified by an agency... We also question there being a process to outline the science and process for establishing numeric water quality criteria that would be applied to specific water bodies that relate to impaired water designations. In the process, natural occurring water contaminants need to be identified and factored in with a clear background which deal with contaminants that might be related to diffuse sources in a site specific fashion.

Section 11 – This section takes away the discretion for the Commission to determine whether controls for diffuse sources are prescribed (delete “may” and replace with “shall”).

Section 12 – this section requires the Department to produce “procedures for addressing the major categories of water pollution from diffuse sources...” We perceive this directive to push the Department into a mandatory prescription for diffuse source controls. This runs counter to voluntary implementation for best management practices and incentives to assist in implementing those voluntary actions.