

SENATE BILL NO. 37—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE STATE DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES)

PREFILED DECEMBER 5, 2008

Referred to Committee on Natural Resources

SUMMARY—Authorizes the award of subgrants for certain purposes relating to the control of water pollution. (BDR 40-360)

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

~

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

AN ACT relating to water pollution; authorizing the Division of Environmental Protection of the State Department of Conservation and Natural Resources to award subgrants for set-aside programs authorized by the federal Safe Drinking Water Act; authorizing the Director of the Department to award subgrants for certain purposes relating to the control of water pollution; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law creates the Account to Finance the Construction of Projects in the
2 Fund for Water Projects Loans. This account is commonly referred to as the
3 Account for the Revolving Fund. (NRS 445A.255) Existing law also creates an
4 account to fund activities, other than projects, that are authorized by the federal
5 Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq. This account is created in the
6 Fund for the Municipal Bond Bank and is commonly referred to as the Account for
7 Set-Aside Programs. (NRS 445A.255) The Division of Environmental Protection of
8 the State Department of Conservation and Natural Resources administers the
9 accounts, is authorized to accept grants from the Federal Government and any other
10 public or private source for the accounts and is authorized to use the money in the
11 accounts only for the purposes set forth in the Safe Drinking Water Act. (NRS
12 445A.255, 445A.265) The purposes for which the Division may use the money in
13 the Account for Set-Aside Programs include causing the performance of set-aside
14 programs authorized by the Safe Drinking Water Act through an interagency
15 agreement, contract or memorandum of understanding. (NRS 445A.265) **Section 1**
16 of this bill authorizes the Division to award subgrants for such purposes.



* S B 3 7 *

Existing law authorizes the Director of the Department to take certain actions relating to the control of water pollution in Nevada, including taking all steps necessary to qualify for, accept and administer loans and grants from the Federal Government and any other public and private source relating to the control of water pollution and the assurance of water quality. (NRS 445A.450) **Section 2** of this bill authorizes the Director to award subgrants for such purposes.

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

Section 1. NRS 445A.265 is hereby amended to read as follows:

445A.265 1. The Division shall:

(a) Use the money in the Account for the Revolving Fund and the Account for Set-Aside Programs for the purposes set forth in the Safe Drinking Water Act.

(b) Determine whether public water systems which receive money or other assistance from the Account for the Revolving Fund or the Account for Set-Aside Programs comply with the Safe Drinking Water Act and regulations adopted pursuant thereto.

2. The Division may:

(a) Prepare and enter into required agreements with the Federal Government for the acceptance of grants of money for the Account for the Revolving Fund and the Account for Set-Aside Programs.

(b) Bind itself to terms of the required agreements.

(c) Accept grants made pursuant to the Safe Drinking Water Act.

(d) Manage the Account for the Revolving Fund and the Account for Set-Aside Programs in accordance with the requirements and objectives of the Safe Drinking Water Act.

(e) Provide services relating to management and administration of the Account for the Revolving Fund and the Account for Set-Aside Programs, including the preparation of any agreement, plan or report.

(f) Perform, or cause to be performed by the Nevada Rural Water Association or other persons, agencies or organizations through interagency agreement, **subgrant**, contract or memorandum of understanding, set-aside programs pursuant to 42 U.S.C. § 300j-12 of the Safe Drinking Water Act.

3. The Division shall not:

(a) Commit any money in the Account for the Revolving Fund for expenditure for the purposes set forth in NRS 445A.275; or

(b) Establish the priorities for determining which public water systems will receive money or other assistance from the Account for the Revolving Fund,



1 ➤ without obtaining the prior approval of the Board for Financing
2 Water Projects.

3 **Sec. 2.** 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. Advise, consult and cooperate with other agencies of the
11 State, the Federal Government, other states, interstate agencies and
12 with other persons in furthering the purposes of NRS 445A.300 to
13 445A.730, inclusive;

14 3. Take the steps necessary to qualify for, accept and
15 administer loans and grants from the Federal Government and from
16 other sources, public or private, for carrying out any functions under
17 NRS 445A.300 to 445A.730, inclusive;

18 4. *Award subgrants to eligible persons to assist the Director*
19 *in carrying out any functions under NRS 445A.300 to 445A.730,*
20 *inclusive;*

21 5. Encourage, request, participate in or conduct studies,
22 surveys, investigations, research, experiments, demonstrations and
23 pilot programs by contract, grant or other means;

24 ~~15-1~~ 6. Maintain or require supervisors and operators of
25 treatment plants which are privately owned or owned by a
26 municipality or other public entity to maintain records and devices
27 for continuing observation and establish or require these supervisors
28 and operators to establish procedures for making inspections and
29 obtaining samples necessary to prepare reports;

30 ~~16-1~~ 7. Collect and disseminate information to the public as he
31 considers advisable and necessary for the discharge of his duties
32 under NRS 445A.300 to 445A.730, inclusive;

33 ~~17-1~~ 8. Hold hearings and issue subpoenas requiring the
34 attendance of witnesses and the production of evidence as he finds
35 necessary to carry out the provisions of NRS 445A.300 to
36 445A.730, inclusive;

37 ~~18-1~~ 9. Exercise all incidental powers necessary to carry out the
38 purposes of NRS 445A.300 to 445A.730, inclusive; and

39 ~~19-1~~ 10. Delegate to the Division any function or authority
40 granted to him under NRS 445A.300 to 445A.730, inclusive.

41 **Sec. 3.** This act becomes effective upon passage and approval.

