

**MINUTES OF THE
SENATE COMMITTEE ON NATURAL RESOURCES**

**Eighty-first Session
March 30, 2021**

The Senate Committee on Natural Resources was called to order by Chair Fabian Donate at 4:19 p.m. on Tuesday, March 30, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Fabian Donate, Chair
Senator Melanie Scheible, Vice Chair
Senator Chris Brooks
Senator Pete Goicoechea
Senator Ira Hansen

GUEST LEGISLATORS PRESENT:

Senator James Ohrenschall, Senatorial District No. 21
Senator James A. Settelmeyer, Senatorial District No. 17

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Policy Analyst
Allan Amburn, Counsel
Christine Miner, Committee Secretary

OTHERS PRESENT:

Tick Segerblom, Clark County Commissioner
Steve Rowland, Ph.D., Citizens for Active Management of Sunrise & Frenchman Mountain Area
Helen Mortenson, Secretary/Treasurer, Citizens for Active Management of Sunrise & Frenchman Mountain Area
Warren Hardy
Teresa Crawford, Sierra Club Toiyabe Chapter
Bill Curran
Christi Cabrera, Nevada Conservation League
Patrick Donnelly, Nevada State Director, Center for Biological Diversity

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Misty Grimmer, Waste Management of Nevada, Inc.
Douglas Farris, Administrator, Animal Industry, State Department of Agriculture
Jennifer Ott, Director, State Department of Agriculture
Angela O'Callaghan, Ph.D.
Jessica Clark, Starseeds
Michael DeLee
Cody Witt, Full Circle Soils & Compost
Stephen Andracki, M.D.
Jennifer Lazovich, Republic Services
Brian Northam, Environment Health Supervisor, Southern Nevada Health District
Mackenzie Warren, C&S Waste Solutions
Greg Lovato, Administrator, Division of Environmental Protection, State
Department of Conservation and Natural Resources

VICE CHAIR SCHEIBLE:

We will open the hearing on Senate Joint Resolution (S.J.R.) 10.

SENATE JOINT RESOLUTION 10: Urges Congress to protect the public lands including and adjacent to Sunrise Mountain, Frenchman Mountain and Rainbow Gardens. (BDR R-101)

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):

I have a painting by Cliff Segerblom of Frenchman Mountain and Rainbow Gardens which are the areas represented in S.J.R. 10. These areas in southern Nevada are treasures holding great potential. The resolution urges Congress to provide protection for these public lands.

TICK SEGERBLOM (Clark County Commissioner):

The Great Unconformity in Nevada is unprotected. Western Las Vegas has Red Rock Canyon National Conservation Area. The eastern area of Las Vegas Valley is of historic geologic significance, and creating protections for this area is critically important.

STEVE ROWLAND, PH.D. (Citizens for Active Management of Sunrise & Frenchman Mountain Area):

The Citizens for Active Management of Sunrise & Frenchman Mountain Area (CAM) is a nonprofit grassroots group that has been working with the Bureau of Land Management (BLM) on management issues on the east side of the

Las Vegas Valley for over 25 years. The introduction of S.J.R. 10 is an optimistic call to action.

I am a retired geology professor from the University of Nevada, Las Vegas (UNLV), and am actively continuing research. The Great Unconformity interpretive site is a neglected parcel of public lands and is one of the jewels of geology in North America. Nowhere else on earth has so much geology accessibly exposed, and the site contains twice as much geology as the Grand Canyon. People from everywhere come to see the Great Unconformity, which is at the west base of Frenchman Mountain. Here 500-million-year-old rock rests on 1.7-billion-year-old rock. It is a wonderful place to talk with everyone from school age kids to graduate students about geologic times and earth history. This is only one aspect of the geology of Frenchman Mountain. The whole history of life on earth is recorded in the rocks.

East of Frenchman Mountain is scenic Rainbow Gardens. Here are opportunities to develop outdoor recreation and education. Many trails of all ability levels from very steep to gentle grace the landscape. None of the trails are specified with trailheads, and there are no covered picnic areas. There is potential for equestrian and hiking trails and outdoor geology. It is an undeveloped and neglected area of southern Nevada public lands belonging to BLM.

The CAM developed a geologic interpretive site at the Great Unconformity in the 1990s. A beautiful plaque was dedicated overlooking the valley. U.S. Senator Harry Reid and Interior Secretary Bruce Babbitt attended the dedication. Within three years, it was completely vandalized, and BLM had to remove the plaque. Vandalism is rampant there. The BLM does not have the law enforcement to protect it.

The solution for proper protection is to create a special conservation area allowing for its own management staff and law enforcement. It is difficult to stay abreast of the broken glass, graffiti, trash and vandalism. A higher level of protection is needed.

HELEN MORTENSON (Secretary/Treasurer, Citizens for Active Management of Sunrise & Frenchman Mountain Area):

In 1939, my relatives came to see the Great Unconformity in Nevada. Many people from Europe come to study this unusual and rare formation. Part of it can be seen in the Grand Canyon. There is a roadside turnoff where school

buses stopped and allowed students to touch the line where 500-million-year-old rock contacts 1.7-billion-year-old rock. Fossils show ages of animals from this area. It is important for geologists worldwide to see this magnificent area on the edge of Las Vegas Valley. The unprotected area needs federal protection. The National Park Service would be a logical choice.

The Las Vegas Valley is beautifully developed on the west side with Red Rock Canyon National Conservation Area. The north side of the Valley has National Park Service's Tule Springs Fossil Beds National Monument. The east side is where Frenchman Mountain, Sunrise Mountain and Rainbow Gardens are located.

In 2019, Recreational Equipment, Inc. sponsored a cleanup because there is so much trash, and 100 people came to participate the day after Thanksgiving. Citizens for Active Management of Sunrise & Frenchman Mountain Area participates in the Adopt-a-Highway program to keep the area cleaned up. This area needs to be saved so people can enjoy and observe uniqueness not found elsewhere.

I fully support S.J.R. 10. Dr. Rowland has written management plans for the area and is the key person and spokesman.

In 2007, *National Geographic Magazine* rated the Las Vegas area as the top recreational location in Nevada and the Nation. Within 200 miles of McCarran International Airport in Las Vegas is Zion National Park, Death Valley National Park, Grand Canyon National Park and many national monuments. The infrastructure of Las Vegas can support development of the Great Unconformity areas with its hotels, restaurants, gaming and exploring opportunities.

New revenue can be created for the Great Unconformity areas. Outdoor enthusiasts, bikers, hikers, astronomy clubs and many others could enjoy the area, and a new industry could be built. It is important to recognize the area's uniqueness and realize attention, recognition and support are needed for its protection.

Gypsum Cave, which lies at the base of Frenchman Mountain, holds some of the earliest evidence of human inhabitation in the Western U.S. It is significant to American Indian tribes who worship there. It was excavated in the 1930s, and many Indian artifacts and cave paintings were discovered. The artifacts and

fossils from this expedition later became integrated into different museum collections.

Nevada has many unique features which need to be protected, allowing for visitation and tourism.

SENATOR OHRENSCHALL:

There are many treasures of natural beauty near Sunrise Mountain, Frenchman Mountain and Rainbow Gardens. Gypsum Cave is an important cultural site both archeologically and paleontologically in terms of treasures. There are no protections, and the Great Unconformity area is significant to geologists. Many opportunities can be made available for learning, science, recreation and things needing preservation.

WARREN HARDY:

I am testifying as myself. I am a resident of Sunrise Mountain. I learned about the Great Unconformity while at UNLV, and I have spent my life recreating on the Mountain. I hiked up to the saddle when in Boy Scouts of America and have taken Boy Scouts to the Gypsum Cave. I was recently at Rainbow Gardens and Lava Butte where the views are some of the most beautiful in the Country and Nevada. Registered vehicles are permitted on the trails and roads. My family visits the area often, and designated trails are needed. Trash is everywhere, and protections are needed to preserve this phenomenal recreation area for future generations.

TERESA CRAWFORD (Sierra Club Toiyabe Chapter):

The Sierra Club Toiyabe Chapter and its more than 40,000 members support S.J.R. 10. The iconic sentinels of eastern Las Vegas Valley carry unparalleled opportunities for solitude, views, hiking, photography, introduction to geology and joy of exploration.

The opportunities for education and ecotourism abound in Las Vegas Valley, and this designation outlined in S.J.R. 10 will be a positive addition. I recently learned the extinct Shasta ground sloth was a pollinator for Joshua trees which are foundations of our landscape.

Gypsum Cave is a place of religious and cultural significance to the Southern Paiutes. A principle of Sierra Club is to respect, honor, conserve and preserve native sites when possible. Keeping vandalism and disrespect from the area is of

great importance. The goal of protecting 30 percent of public lands by 2030 is important, and this designation would contribute.

BILL CURRAN:

My first visit to Red Rock Canyon was in 1974, and I was advised to fill up my tank and pack a lunch prior to my visit. I am sensitive to environmental issues. As a parent and grandparent, I am concerned for our desert heritage and viewing opportunities. More residential development is planned near Red Rock, and I fear this type of commercial development in the areas outlined in S.J.R. 10. Protections will create unique opportunities for our community.

CHRISTI CABRERA (Nevada Conservation League):

The Nevada Conservation League supports S.J.R. 10. Sunrise Mountain, Frenchman Mountain and Rainbow Gardens are unique and remarkable areas worthy of protection and federal designation. They are home to historic sites, indigenous communities and hold ample opportunities for outdoor recreation.

Nevada's lands and open spaces have become more important today for families seeking solace, recreation and health benefits of the outdoors. This affirms the connection between our land health, community health and economy. It is important to protect these spaces for future generations.

PATRICK DONNELLY (Nevada State Director, Center for Biological Diversity):

The Center for Biological Diversity supports S.J.R. 10. Protection for this area is essential because of its vital essential habitat for the persistence and recovery of the imperiled Las Vegas bearpoppy, a native wildflower. Rainbow Gardens is one of the most important remaining habitats for this rare plant.

In 2019, the Center for Biological Diversity submitted a petition to the U.S. Fish and Wildlife Service to protect the Las Vegas bearpoppy under the Endangered Species Act of 1973. The alarming loss of habitat and population experienced over the last several decades prompted this action. The petition has advanced to the second stage of evaluation.

Providing protections for Frenchman Mountain and Rainbow Garden areas would provide protections for the bearpoppy. The protections are needed from people, many of whom use the area for recreation. The area appears to be suffering from overuse. It is likely a campaign to put the area under a protective designation will serve to further drive users to the area. A protective designation

is not accompanied by a substantial increase in resources for the BLM for planning, education and law enforcement. It could be counterproductive to conservation. Designations without accompanying allocations of federal dollars for increased management could have counterproductive impacts.

MISTY GRIMMER:

I am testifying as myself in support of S.J.R. 10. I hike the area of Rainbow Gardens, and it is a heartbreak to see the amount of trash deposited on the land. I support protections for the area and a funding request for BLM to increase its ability to protect this area.

SENATOR OHRENSCHALL:

The idea for S.J.R. 10 came years ago from a conversation I had with the late State Senator Thomas J. Hickey, who represented that area. It was his idea, and if the federal government acknowledges Nevada's request for protections of these treasures, the area and community will benefit tremendously. Once the federal government intervened and increased protections for Red Rock Canyon, it became a treasure. The same potential exists for the eastern side of Las Vegas Valley.

CHAIR DONATE:

I went to East Career Technical Academy on Sunrise Mountain and for many years acknowledged the sunrises and the sunsets during my school years.

I will close the hearing on S.J.R. 10. We will open the work session on S.B. 34.

SENATE BILL 34: Makes various changes relating to agriculture. (BDR 50-330)

JENNIFER RUEDY (Policy Analyst):

I will read the summary of the bill and the amendments from the work session document ([Exhibit B](#)).

There was one fiscal note from the Risk Management Division, Department of Administration.

SENATOR GOICOECHEA:

Will this bill be referred to the Senate Committee on Finance?

CHAIR DONATE:

Considering the amount of the fiscal note, that is my inclination.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED
AND RE-REFER S.B. 34 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR BROOKS SECONDED THE MOTION.

SENATOR GOICOECHEA:

I will support the motion because it is being referred to the Senate Committee on Finance. I have concerns on how the bill will be funded.

SENATOR HANSEN:

I will vote no on S.B. 34. I did not hear enough evidence to expand law enforcement in rural Nevada. I do not see the justification.

DOUGLAS FARRIS (Administrator, Animal Industry, State Department of Agriculture):

If S.B. 34 does not move forward, the hiring, training and loss of staff for the law enforcement positions will continue for possibly extended periods. It took two years to find an officer in Elko. There is a vacancy in Ely. Hiring and losing staff to other agencies or having extended periods of vacancy are the challenges.

THE MOTION PASSED. (SENATOR HANSEN VOTED NO.)

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CHAIR DONATE:

We will move to the work session on S.B. 125.

SENATE BILL 125: Revises provisions related to falconry. (BDR 45-158)

Ms. REUDY:

I will read the summary of the bill and the amendments from the work session document ([Exhibit C](#)). The fiscal note is a zero fiscal impact from the Department of Wildlife (NDOW).

SENATOR HANSEN:

Is the amendment considered a friendly one?

SENATOR JAMES A. SETTELMAYER (Senatorial District No. 17):

Yes, the amendment is friendly. The amendment addresses concerns necessary to move the bill forward. The industry stakeholders support the amendment, and NDOW has to craft the regulations, so it was important to address its concerns.

SENATOR GOICOECHEA MOVED TO AMEND AND DO PASS AS AMENDED S.B. 125.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DONATE:

We will move to S.B. 54.

SENATE BILL 54: Revises provisions relating to the State Board of Agriculture.
(BDR 50-263)

MS. REUDY:

I will read the summary of the bill as introduced from the work session document ([Exhibit D](#)). The attached amendment includes a one-page visual to aid in the understanding of the amendment. It is further changing the membership of the State Board of Agriculture from the bill as introduced. As introduced, the bill kept membership at 11 members.

Attached is an amendment submitted subsequent to the hearing of the bill by the Director of the State Department of Agriculture in lieu of certain amendments presented at the hearing on February 23 by the chair of the State Board of Agriculture, the executive vice president of the Nevada Farm Bureau Federation, and the Nevada Veterinary Medical Association.

The attached amendment increases the number of members of the Board from 11 to 13. The bill as introduced was going to eliminate three members engaged

in range or semirange cattle production and one member engaged in range or semirange sheep production and replace them with two members in livestock production and two new members, one who is working in the field of supplemental nutrition distribution and one who is actively engaged in food manufacturing or animal processing.

The amendment will retain one sheep producer, one of the three cattle producers and two other cattle producers will be one livestock producer and one a member who has veterinary experience in a mixed animal or large animal practice and a Nevada-licensed veterinarian.

The new positions are one in the field of supplemental nutrition and one actively engaged in food manufacturing or animal processing,

The member engaged in growing row crops spaced to permit mechanical cultivation and the member engaged in general farming will now be two members engaged in growing crops, at least one of which has a specialty crop harvested by mechanical cultivation.

Section 2 of the bill as introduced has not changed. Each member who is serving on the State Board of Agriculture on June 30, 2022, will continue to serve until the expiration of his or her term or until a vacancy occurs, whichever occurs first. The Governor is required to appoint the members representing supplemental nutrition distribution and food manufacturing or animal processing to terms commencing on July 1, 2022.

The amendment deletes the proposed change to require that the two members who are actively engaged in livestock production and the two members who are actively engaged in growing crops be residents from different counties.

SENATOR HANSEN:

What is the total number of members on the State Board of Agriculture?

Ms. REUDY:

Members will increase from 11 to 13 with the amendment.

SENATOR HANSEN:

Did the Board review and approve the amendment?

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JENNIFER OTT (Director, State Department of Agriculture):

There has not been a Board meeting to approve the amendment. I worked on the amendment with the chair of the Board, who is agreeable.

SENATOR GOICOECHEA:

Is the amendment submitted on the day of the hearing from the Nevada Farm Bureau being considered?

ALLAN AMBURN (Counsel):

The proposed amendment from the State Department of Agriculture does not reflect the amendment from the Nevada Farm Bureau.

SENATOR GOICOECHEA:

I will oppose the bill because the key issue has not been addressed: the duties of the Board of Agriculture.

CHAIR DONATE:

Ms. Ott, what conversations have you had since the hearing and the proposed amendment we have before us?

Ms. OTT:

I have had several conversations on the bill and the amendment. The language reflecting the veterinarian experience came out of my conversations with the Nevada Veterinary Medical Association to assure them veterinarian experience is retained on the Board. I have conversed with the chair of the Board of Agriculture, and reached out to the Nevada Farm Bureau and did not discuss the amendment. The Office of the Governor, who appoints the members of the Board, approved the amendment.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 54.

SENATOR BROOKS SECONDED THE MOTION.

SENATOR HANSEN:

I have concerns with the growth and size of the Board. The ability of 13 members to function declines, and this is a slow dilution of the intent of the Board. The agricultural component seems to be a less significant majority. I will vote no.

SENATOR GOICOECHEA:

I am not concerned about the makeup of the Board of Agriculture. Moving to 13 members spreads the Board out. The Board is set somewhat differently in statute and seems to be moving away from being governed by an agricultural board and creating an advisory board in its place, which may not lead us in the direction we seek. I will oppose the motion. I would like to see language outlining the duties of the Board.

CHAIR DONATE:

I would like to work with the Nevada Farm Bureau and the Department of Agriculture to address concerns brought up from its amendment at the hearing and see how that conversation can continue beyond this legislation.

THE MOTION PASSED. (SENATORS GOICOECHEA AND HANSEN VOTED NO.)

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CHAIR DONATE:

We will open the hearing on S.B. 349.

SENATE BILL 349: Revises provisions relating to public health. (BDR 40-90)

SENATOR JAMES OHRENSCHALL (Senatorial District No. 21):

As a proud parent of two, it is my job to ensure my children eat healthy. They love bananas, and they consume many. I have good intentions to compost the banana peels, and those intentions have not come to pass.

Senate Bill 349 is an innovative idea making it easier to recycle food waste. I have been unsuccessful in growing my own garden. The preference is more waste going to the composter instead of the landfill.

Recycling of plastics and aluminum is convenient and easy, but it was not always so easy. Some of the definitions in the bill are concerning to some stakeholders, and I want to work with them and address all concerns.

ANGELA O'CALLAGHAN, PH.D.:

I am a cooperative extension social horticulture specialist. I am involved in any way plants affect people. I want to establish a comprehensive composting

approach for southern Nevada. Las Vegas is a large city and has not been recycling compostable waste. Work is being done to improve our southern Nevada agriculture. Planting in southern Nevada is a challenge because the soil is infertile. To compost food waste will serve growers by improving soils for growing local food.

The composting proposed in S.B. 349 is an anaerobic composting method sealed from the time it is garbage to when a valuable soil amendment is produced. It will not attract pests nor will it smell. Residents can contribute to it for use in the community. It is a small approach to limit or decrease food waste going to dumps. This method of composting can improve the carbon footprint and Nevada soils. It will allow communities to be involved in the process of creating soil amendments and, ultimately, fresh food products. Those living in apartments typically do not compost, yet they generate food garbage. This is one way to improve local urban agriculture. The U.S. Department of Agriculture is requesting more proposals for urban and peri-urban agriculture. It is possible to grow high value crops with the method I have been describing. Southern Nevadans would have access to fresh local vegetables and help farmers improve their soils.

JESSICA CLARK (Starseeds):

Starseeds is a small microgreen and sprout farm in Las Vegas. Starseeds has a food trailer selling its greens and other products including eggs and organic squash from local producers.

Starseeds composts all of its farm and produce waste with Viva La Compost. Viva La Compost started its journey ten years ago and began creating organic gardens. It collects food waste in buckets from its 100 customers. The food waste is taken to Terra Firma Organics, the only permitted compost facility in Las Vegas. Terra Firma collects a variety of products to compost.

Starseeds seeks to send its farm and production waste to farms for composting and sell the resulting produce from the farms. The small portion of nutrient-dense waste at Terra Firma gets lost in the mix of hundreds of thousands of pounds of other matter, including palm trees, weed waste and landscape trimmings. There are no soil nutrients in that compost.

The anaerobic method uses completely closed bins which do not create pests. The nutrient-dense produce waste goes to local farms where local organic food

can be created for sale. This would complete a needed local sustainability cycle. Prior to this meeting, Starseeds received 40 comments on the bill. I will read some.

A comment from Lonnie reads:

Please pass this bill. It is a positive step towards sustainability and environmentalism for our State. With all the food waste created, we must have measures to effectively reduce methane emissions and send these nutrients back to our soils as part of a healthy ecosystem.

A comment from Cassie Snow reads:

This bill is a crucial step in the right direction to making composting more accessible to all members of our community and to a more sustainable future for all. We must push for continued landfill diversion and a circular mindset. Compostable materials are valuable and should be looked at in that way moving forward. By diverting compostable materials to be made into useable and beneficial nutrient matter, we are able to reduce methane creation from landfills dramatically.

A comment from Sundown Mushrooms reads: "Please pass this bill. We need to follow suit. We are the best caretakers we can be by passing this bill. It is a step toward leaving the land better. It is the right thing to do."

A comment from Ellen Soy reads:

As a major tourist city, we need to set an example of sustainability. We should be doing everything we can to create a sustainable lifestyle as desert dwellers. We face the inevitable challenges caused by climate change. This is one step we must make and implement to improve our chances of a more sustainable future. As a society we need to reassess our notion of throwing things away out of sight and out of mind. With this bill, we can confront many things. We can reduce the amount of waste going into landfills, reduce the greenhouse gasses created when compostable materials break down anaerobically and the need for

chemical fertilizers that have been shown to deplete the soil and cause desertification. This bill will allow us to move forward and away from plastic packaging. We must continue to reevaluate the norm that sales must always include single-use plastic packaging which uses fossil fuels in its creation and pollutes the planet with its disposal. As a consumer, there is only so much that can be done on an individual level. I implore the passage of the bill so we may see a change on a larger scale on the local level.

Starseeds has presented a plan to the Clark County Health Department to enable Starseeds to accept some of the nutrient-dense waste. Starseeds cannot do this now because it is technically considered waste by definition. This composting proposal could add nutrition to our soils, create a local sustainable food cycle and support small businesses.

MICHAEL DELEE:

Senate Bill 349 aims too low. The intent was to incorporate additional materials beyond the narrow definition as stated in the bill. The idea was not to upset the apple cart. The language in S.B. 349 was adopted from bokashi fermentation methods in Ohio. It is suited to the business model with the proposal for Clark County. It is an acid anaerobic fermentation process and does not produce methane and carbon dioxide created by traditional composting. Less is needed because there is no reason to raise the temperature to kill pathogens. It was developed in East Asia and has become more popular in the U.S.

The U.S. Environmental Protection Agency has a domestic goal to reduce food waste by half by the year 2030. Many states, such as California, Maine, Connecticut, Massachusetts and Vermont, have brought policies forward to meet the food waste target.

Many jurisdictions collect composting materials. Southern Nevada residents have not reached this point. The proposals in S.B. 349 will allow small businesses to use innovative ways to collect residential food waste for farm use. Farmers need kitchen waste to benefit the soil. The standards at the farm level are built into statute. The Food Safety Modernization Act guides what needs to be done with compostable materials. Food safety is important. It is our goal to meet national goals of reducing food waste.

Regulations concerning farmers markets are included in S.B. 349. The goal is to open up the field of kitchens to farms in a safe way to be inclusive, democratic and as widespread as possible.

CODY WITT (Full Circle Soils & Compost):

Full Circle Soils & Compost has the longest-running compost site in the State. It has been operating for 24 years, and in 2020, processed over 87,000 cubic yards of material kept from the landfill. It is the equivalent of pulling 30,000 cars off of the road annually through carbon sequestration. Carbon sequestration is the conversion of organic materials into what can be put into the agricultural setting for growing more plants and food.

The mission of Full Circle is to take materials normally headed for the landfill and convert them into compost. That organic matter can increase the health and nutrition of poor Nevada soils and in turn increase fertility of soil nutrient density.

The 87,000 cubic yards kept out of the landfill is a blend of fire prevention materials, yard waste, agricultural waste, soils, excavation materials and food waste.

Full Circle is neither for nor against S.B. 349 but supports the composting movement and is here as an informational resource. Full Circle has pioneered some of the first composting efforts in Nevada, and some of the largest residential programs are operating through Full Circle in northern and southern Nevada. Composting is more than specific definitions. The composting process requires three parts carbon to one part nitrogen. Often, the search for carbon sources to blend with food waste is a challenge.

The bokashi method of composting is a great program used in Japan. It has produced successful case studies for companies using this method, but it is small in scale. A solid waste bill opens up new avenues for composting needs to include all stakeholders, including composters, agriculturalists, waste haulers, those who are composting and those who want to begin to make future progressive composting movements. The specific definitions reviewed should include items that could possibly be left out, including composting methodology that is not used locally.

Composting is simple, but the composting industry is dynamic and large. To process the amount of materials being processed requires a lot of capital in a low profit margin business. The world of waste is complicated. There needs to be efficient waste collection. The narrow definition in this bill should not allow loopholes for inefficient handling of food waste. Food waste is the most contaminated and hard-to-compost material. Agricultural and yard waste, manures and fire prevention materials are easier to handle.

Food waste comes with pathogens and necessitates processing and oversight. Although there are rules and regulations in place, few governing bodies oversee them. As a permitted compost site, Full Circle is allowed to take specific feed stocks with specific amounts of materials. It requires annual permits and sampling of every batch of local compost. Some food waste residents come with five times the allowed *Escherichia coli* levels. I invite you to check out Full Circle's composting site.

Nevada is behind in the world of composting. Full Circle wants to see progressive composting measures, new and improved systems for waste and regulations for it to come together collaboratively with as many stakeholders as possible to be sure it is done correctly the first time.

In Carson City, a new regulation was put into place for residential yard waste recycling. Full Circle is the beneficiary of the material but spends huge amounts of money and capitol sorting materials for conversion into beneficial end products. Prior to approving any legislation, the overall scope of the process needs to be reviewed. Full Circle is 100 percent in support of farmers creating their own sustainable feed stocks to increase nutrient-dense food. This process needs to be done under a full regulatory environment for all materials being transported to certain places.

Considering the amount of time it has taken to implement strategies in northern Nevada, Full Circle wants to be connected to the discussion in southern Nevada, a different region. There is more progress in northern Nevada with larger-scale recycling programs using composting.

SENATOR HANSEN:

Composting has changed since I was a youth piling up grass clippings and potato peels. Are there contracts with garbage waste haulers collecting the trash? Do they have their own composting areas? The dump has segregated

sections for various materials. Will this affect those who are in the business of trash collecting?

SENATOR OHRENSCHALL:

Some will speak in opposition to S.B. 349, and it is my goal to produce correct language. As an individual, I can compost in my backyard. Many residents do not have the means or the time. The options in southern Nevada are limited for composting to be turned into an agricultural product.

SENATOR SCHEIBLE:

I prefer mandatory recycling, but I want to better understand if a part of the bill requires municipalities or companies to develop policies and plans for composting. Or does the bill simply remove a barrier in health and safety codes?

SENATOR OHRENSCHALL:

The bill removes barriers to allow for this composting procedure.

SENATOR SCHEIBLE:

That is how I am reading it and wanted to confirm the intent of the bill.

DR. O'CALLAGHAN:

Southern Nevada does not have food waste, agricultural or organic waste recycling. Companies are working with composters but not to clean up food waste. This small approach is attempting to involve more of southern Nevada where community is still being invented. This inclusion can make a huge difference for progression.

SENATOR GOICOECHEA:

The bill states the containers can be "delivered promptly to a person who holds a certificate as an actual producer of farm products." Who is doing that certification? Is the Department of Agriculture responsible to certifying farmers?

MR. AMBURN:

Nevada Revised Statutes (NRS) 576.128 requires the State Department of Agriculture to adopt regulations requiring certain persons who are producers of certain farm products to obtain certification as an actual producer of farm products.

MS. CABRERA:

The food system contributes 20 percent to 30 percent of global climate pollution. It can be reduced by expanding urban agriculture, farmer-to-consumer sales and composting. Forty percent of municipal solid waste is compostable but often thrown in the trash ending up in landfills and emitting greenhouse gases. Expanding composting in Nevada can significantly reduce the amount of trash in landfills, decrease greenhouse gas emissions, enrich soils with nutrients and reduce the need for fertilizers and pesticides. It will allow produce at farmers markets to be sold without packaging, which will reduce waste and costs for local farmers. Farmers markets can increase access to local health foods while supporting local businesses and reducing food miles.

Nevada Conservation League supports S.B. 349 for its benefits to the environment.

STEPHEN ANDRACKI, M.D.:

I am a medical doctor in Pahrump and support S.B. 349. My wife and I operate a small scale organic farm and believe in holistic and renewable resources. We have been struggling economically with food production and see the benefits to continue to supply organic produce to the Las Vegas market. The opportunity to collect and compost for reuse of discarded materials is of great value to our organic farm. I am well aware of pathogens. I treat our produce for prevention of pathogens, smells and rodents.

The bokashi method is a safe and viable way to make Las Vegas and the world better by practicing sustainable organic farming. We will lead the model for sustainability, and we hope others will take part in eating fresh and organic produce.

JENNIFER LAZOVICH (Republic Services):

Republic Services is opposed to S.B. 349. Republic Services has franchise agreements with Clark County, Las Vegas, North Las Vegas and Henderson. These agreements are negotiated and based on what is included in the collection, transportation and disposal of solid waste. Solid waste is a defined term that S.B. 349 is attempting to change.

Republic Services employs over 1,200 people to service its local contracts. Given its franchise agreements, it cannot support any changes to the definition

of solid waste, which would take solid waste that is expressly part of its franchise agreements and give it to another commercial operation.

There is an assumption that all organic waste goes into the landfill. It is true some waste goes into landfills to keep them operating for the lifespan needed. Republic Services uses organic waste to make methane gas. The methane gas is cleaned and turned into renewable energy. Republic Services strives to help the environment and reuse when possible. Changing the definition will negatively affect our customers, landfills, employees and local government partners.

BRIAN NORTHAM (Environment Health Supervisor, Southern Nevada Health District):

Southern Nevada Health District appreciates the goals to increase diversion of food waste from landfills and decrease greenhouse gas emissions generated by landfills. Changing section 1 of S.B. 349 to exempt compostable materials from the definition of solid waste is not necessary. The operations described are allowed under existing solid waste regulations with a permit. The District permits a compost plant in Clark County a permanent facility previously operated in a manner described by the bill. Compostable waste was collected in Clark County then transferred to a compost plant outside the county. That operation was conducted in a safe and sanitary manner with a solid waste management permit.

MISTY GRIMMER (Waste Management of Nevada, Inc.):

Waste Management opposes S.B. 349 because of the effects this would have on its franchise agreements. There is nothing in law or its franchise agreements to prevent the homeowner from composting. Gardening is a challenge in Las Vegas. In areas Waste Management serves, the availability of separate food waste collection varies based on the location of a processing facility for food waste delivery. In Reno, franchises have flexibility if a local government decides to move toward providing separate collections for food waste. This would require a customer rate increase.

In Carson City there is a separate collection of food waste as part of the franchise agreement if the customer chooses. There is a processing facility in Carson.

Changing the definition of waste in S.B. 349 will affect the franchise agreements with local governments. Each agreement is customized to meet the needs of the community served. We encourage local control.

MACKENZIE WARREN (C&S Waste Solutions):

C&S Waste Solutions is an independently owned family waste collection and recycling operation in Nye and Inyo Counties. C&S Waste Solutions opposes S.B. 349. C&S brought the first sustainable recycling program to rural Nevada. Connecting farms directly with consumers is a concept C&S supports, and it supports customers composting at home. The definition change of solid waste proposed in S.B. 349 is in direct violation of the franchise agreements in Nye County. The agreements were thoughtfully negotiated and tailored to fit the needs of the communities and adhere to the obligations under NRS 444. Substantial investment in infrastructure accompanies the franchise agreements. Local jurisdictions are best positioned to customize waste solutions for their community's needs. Carving out compostable materials from the solid waste definition would allow potentially foreign unlicensed and unregulated commercial operators to haul this material, charging customers and diverting the waste stream without oversight or regulatory authorization. The waste and recycling business is one that is highly regulated, and this proposal will eliminate the abilities of local governments to manage their waste.

GREG LOVATO, Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources):

I will read my written testimony in neutral to S.B. 349 ([Exhibit E](#)).

SENATOR OHRENSCHALL:

Senate Bill 349 has much potential and can increase recycling and composting of food waste. I respect the positions of all stakeholders. There is a way to increase recycling and composting of food waste to be used in agriculture and find a common ground.

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CHAIR DONATE:

Having no further business, we will close the hearing at 6:25 p.m.

RESPECTFULLY SUBMITTED:

Christine Miner,
Committee Secretary

APPROVED BY:

Senator Fabian Donate, Chair

DATE: _____

| EXHIBIT SUMMARY | | | | |
|------------------------|-----------------------|-----------------------|---|-----------------------|
| Bill | Exhibit Letter | Begins on Page | Witness / Entity | Description |
| | A | 1 | | Agenda |
| S.B. 34 | B | 1 | Jennifer Reudy | Work Session Document |
| S.B. 125 | C | 1 | Jennifer Reudy | Work Session Document |
| S.B. 54 | D | 1 | Jennifer Reudy | Work Session Document |
| S.B. 349 | E | 1 | Greg Lovato / Division of Environmental Protection / State Department of Conservation and Natural Resources | Written Testimony |