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Environmental Protection; Package Sewage Treatment Plants

Don H. Gallian

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ENVIRONMENTAL PROTECTION; PACKAGE SEWAGE TREATMENT PLANTS

Adds to NRS Chapters 244, 268, 455

Amends NRS 278.377, 445.133, 445.201, 445.214, 445.227, 704.340

AB 541 (Bedrosian); STATS 1979, Ch 696

(Effective June 7, 1979)

Chapter 696 provides for the licensing and regulation of package plants for sewage treatment. A package plant is any plant which is privately owned and operated to treat waste for a limited area and consists of units or modules designed for construction, assembly, connection and installation at the site for the treatment of sewage.¹ The provisions of Chapter 696 do not apply to plants for the treatment of domestic sewage whose capacity is less than 5,000 gallons.² In addition, no provision of this chapter prevents a local governing body from imposing more stringent conditions on a package plant or requiring prior approval of any proposed plant.³

A permit to discharge water from a package plant for sewage treatment is issued by the Department of Conservation and Natural Resources (hereinafter "Department") for a period not exceeding five years, reviewed annually by the Department.⁴ The permit may not be issued unless all the following are satisfied: (a) sewage disposal provided by a public utility, municipality or other public entity is not available; (b) the local government assumes responsibility for continued operation and maintenance of the plant in case of default; (c) sufficient surety is furnished for continued maintenance for five years or until 75% of all the lots or parcels serviced by the package plant are sold, whichever is later; (d) the land owners record a declaration of covenants creating an equitable servitude running with the land providing that each lot will be assessed for its proportionate share of the plant's cost if there is a default and inadequate security, and that the local governing body may require all users at their expense to connect into available sewers provided by public entities; and (f) provisions are made for the plant's disposition after the users have connected into available sewers.⁵ Additionally, no radiological, chemical or biological warfare agent or high-level radioactive waste which would substantially impair anchorage and navigation and which is inconsistent with an applicable areawide waste treatment management plan.⁶ Public utilities subject to the jurisdiction of the public service commission which were providing sewerage on June 7, 1979, are exempt from the requirements of a permit.⁷ The

local governing body may assess each lot or parcel for its proportionate share of the cost of connecting into the sewers if the local government requires such connecting.⁸

If the Department determines that any of the conditions of the permit are violated, it may give written notice to correct the violation.⁹ If the violation is not corrected within a reasonable time, the local governing body or board of county commissioners may give the owners of the plant thirty days to correct it and thereafter may obtain a court order authorizing it to assume control of the plant.¹⁰ If immediate action is necessary to protect the public health and welfare, the local governing body or board of county commissioners may take control of the plant for not more than thirty days.¹¹ If the local governing body or board of county commissioners determines that the plant is exempt from the provisions requiring a permit under Chapter 696, not serving its users, and that a public utility is reasonably available, it may require the users to hook up to the public utility.¹²

Don H. Gallian

FOOTNOTES

1. 1979 Nev. Stats. ch. 696 (hereinafter "Ch. 696") §2 ¶1 (adding to NRS Ch. 445).
2. Id. §2 ¶2 (adding to NRS Ch. 455).
3. Id. §5 (adding to NRS Ch. 455).
4. Id. §9 (amending NRS 445.227).
5. Id. §3 (adding to NRS Ch. 445).
6. See NRS 445.221 to 445.241.
7. Ch. 696 §2.5 (Adding to NRS Ch. 445).
8. Id. §3 ¶6 (adding to NRS Ch. 445).
9. Id. §3.6 ¶1(a) (adding to NRS Ch. 445).
10. Id. §3.6 ¶1 (adding to NRS Ch. 445, 244).
11. Id. §§3.6 ¶2, 10 ¶3 (adding to NRS Ch. 445, 244).
12. Id. §10 ¶1 (adding to NS Ch. 244).