



# Pacific Law Journal Review of Selected Nevada Legislative

---

Volume 1979 | Issue 1

Article 42

---

1-1-1979

## Environmental Protection; Water Pollution from Nonpoint Sources

Don H. Gallian

Follow this and additional works at: <https://scholarlycommons.pacific.edu/nlr>



Part of the [Legislation Commons](#)

---

### Recommended Citation

Don H. Gallian, *Environmental Protection; Water Pollution from Nonpoint Sources*, 1979 U. PAC. L. REV. (1979).

Available at: <https://scholarlycommons.pacific.edu/nlr/vol1979/iss1/42>

This Legislative Review is brought to you for free and open access by the Journals and Law Reviews at Scholarly Commons. It has been accepted for inclusion in Pacific Law Journal Review of Selected Nevada Legislative by an authorized editor of Scholarly Commons. For more information, please contact [mgibney@pacific.edu](mailto:mgibney@pacific.edu).

## ENVIRONMENTAL PROTECTION; WATER POLLUTION FROM NONPOINT SOURCES

Adds to NRS Chapter 445

Amends NRS 445.132, 445.133, 445.176, 445.196,  
445.201, 445.244, 445.274, 445.317, 445.331, 445.334.

AB 572 (Committee on Environment and Public Resources); STATS 1979, Ch 528

Chapter 528, providing for the control of water pollution from nonpoint sources and the protection of high grade water, was passed in response to the Federal Water Pollution Control Act<sup>1</sup> which requires each state to develop water pollution control programs.<sup>2</sup> The state legislature has declared its policy to: (a) maintain the quality of the waters of Nevada consistent with public health and enjoyment; (b) propagate and protect terrestrial and aquatic life; (c) protect the operation of existing industries, agriculture, and the economic development of the state; and (d) encourage and promote methods of waste collection and pollution control for all significant sources of water pollution including nonpoint and point sources.<sup>3</sup>

A point source is any discernible confined conveyance from which pollutants are discharged, but the term does not include the return flow from irrigated agriculture.<sup>4</sup> A diffuse source is one that is diffused to the extent that it is not readily discernible and cannot be confined to any discernible conveyance.<sup>5</sup>

The state environmental commission (hereinafter "commission") will establish water quality standards necessary to maintain the designated beneficial use of the water.<sup>6</sup> These standards must protect the propagation of fish, shellfish, and other wildlife and provide for recreation in and on the water, if reasonably attainable.<sup>7</sup> Additionally, the commission may prescribe controls for nonpoint sources if the sources are significantly causing or adding to water pollution or if the controls are necessary to prevent the degradation of high quality water.<sup>8</sup>

Chapter 528 also provides that surface water of higher quality than the standards of this chapter must be maintained at that higher quality.<sup>9</sup> Anyone who contributes new or increased pollution to such water must provide pollution controls which (i) if the discharge is from a nonpoint source, are reasonably calculated to achieve control over pollution; and (ii) if the discharge is from a point source,

provide the highest and best degree of waste treatment available.<sup>10</sup> In both cases, the measures employed are further limited to those reasonably consistent with the project's economic capability.<sup>11</sup>

If the director of the State Department of Conservation and Natural Resources finds that any person is engaged or about to engage in any act or practice which violates any provision of this chapter, he may issue an order prescribing the necessary corrective measure.<sup>12</sup> No civil or criminal penalty may be imposed for failure to obey the order from the director,<sup>13</sup> but if the corrective action is not taken, the director may seek injunctive relief to prevent the continuance of the practice.<sup>14</sup> The court may issue the injunction and require that a bond be posted to assure compliance with the court order.<sup>15</sup>

Don H. Gallian

---

#### FOOTNOTES

1. 33 U.S.C §§1251-1376(1976).
2. 33 U.S.C. §1288 (1976).
3. 1979 Nev. Stats. ch. 528 (hereinafter "Ch. 528") §1 (amending NRS 445.132(2)).
4. Id. §2.5 (amending NRS 445.176).
5. Id. §8 (adding to NRS Ch. 445). This section explains that "diffuse sources" is the same as the federal "nonpoint source."
6. Id. §5 (amending NRS 445.224(1)).
7. Id. §5 (amending NRS 445.224(2)).
8. Id. §10 ¶1 (adding to NRS Ch. 445). Compare id. with 33 U.S.C. §1314 (1976) (development of federal guidelines).
9. Id. §9 ¶1 (adding to NRS Ch. 445). Compare id. with 33 U.S.C. §1314 (1976) (development of federal guidelines).
10. Id. §9 ¶2 (adding to NRS Ch. 445). Compare id. with 33 U.S.C §1314(b)(1976) (development of federal guidelines).
11. Id. §9 ¶1 and 2 (adding to NRS Ch. 445).
12. Id. §11 ¶1 (adding to NRS Ch. 445). Compare id. with U.S.C. §1319 (1976) (30 days to correct violation).
13. Ch. 528 §11 ¶1(c) (adding to NRS Ch. 445).
14. Id. §11 ¶2 (adding to NRS Ch. 445). Compare id. with 33 U.S.C. §1319(b)(1976).
15. NRS 445.327.