

FORM #4

NEVADA STATE ENVIRONMENTAL COMMISSION
SMALL BUSINESS IMPACT DISCLOSURE PROCESS
PURSUANT TO 233B "Nevada Administrative Procedures Act"

Re: Petition 2015-07 Proposed Lower Humboldt Class Waters - Water Quality Standards Revisions

The purpose of this Form is to provide a framework pursuant to NRS 233B.0608 for drafting and submitting a Small Business Impact Statement (SBIS) to the State Environmental Commission (SEC) and to determine whether a SBIS is required to be noticed and available at the public workshop. A SBIS must be completed and submitted to the Legislative Counsel Bureau for ALL adopted regulations.

Note: Small Business is defined as a "business conducted for profit which employs fewer than 150 full-time or part-time employees" (NRS 233B.0382).

To determine whether a SBIS must be noticed and available at the public workshop, answer the following questions:

1. Does this proposed regulation impose a direct and significant economic burden upon a small business? *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

No. The proposed regulations are not likely to impose a direct and significant economic burden upon a small business. Water quality standards in and of themselves do not directly regulate small businesses, although standards do form the basis for effluent limits imposed by NDEP through the National Pollutant Discharge Elimination System (NPDES) permit program and Clean Water Act Section 401 certification for any dredging or filling activity in Nevada waters. There are no current NPDES permits associated with small businesses for any of the waters affected by this regulation. Water quality standards already exist and the proposed revisions are not expected to adversely impact any future permit activities; however, this would need to be evaluated on a case by case basis. NDEP strives to work with public agencies and industry to encourage economic growth while meeting water pollution control standards.

2. Does this proposed regulation restrict the formation, operation or expansion of a small business? *(state yes or no. If no, please explain and submit the applicable documentation, which can also be addressed in #8 on the SBIS and simply referred to; and if yes, reference the attached SBIS)*

No. The proposed regulations do not restrict the formation, operation, or expansion of a small business.

If Yes to either of questions 1 & 2, a SBIS must be noticed and available at the public workshop.

FORM #4
SMALL BUSINESS IMPACT STATEMENT
(NRS 233B.0609)

1. Describe the manner in which comment was solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary. *(Attach copies of the comments received and copies of any workshop attendance sheets noting which are small businesses.)*

A rationale explaining the proposed changes to the water quality standards was prepared and distributed to a broad audience through email, the NDEP website, and at public workshops. Workshops to present the proposed changes and to solicit input were held in Carson City and Winnemucca on November 2 and 3, 2015, respectively. Notices for these workshops were published in the Reno Gazette Journal, Nevada Appeal, and Elko Free Press, distributed via email, and posted on the following websites: NDEP, Legislative Counsel Bureau, Department of Administration, and State Environmental Commission. See attached sign in sheets for attendees. No small businesses were in attendance. No written comments were received.

2. The manner in which the analysis was conducted (if an impact was determined).

Not applicable. The proposed regulations impose no direct and significant impacts to small businesses.

3. The estimated economic effect of the proposed regulation on small businesses:

- a. Both adverse and beneficial effects
- b. Both direct and indirect effects

Not applicable. The proposed regulations impose no direct and significant impacts to small businesses.

4. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of the methods. *(Include a discussion of any considerations of the methods listed below.)*

- A. Simplification of the proposed regulation
- B. Establishment of different standards of compliance for a small business
- C. Modification of fees or fines so that a small business is authorized to pay a lower fee or fine.

Not applicable. The proposed regulations impose no direct and significant impacts to small businesses.

5. The estimated cost to the agency for enforcement of the proposed regulation. *(Include a discussion of the methods used to estimate those costs.)*

The proposed regulation changes will not affect the cost to the agency for enforcement.

6. If this regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and manner in which the money will be used.

No fees are proposed.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, provide an explanation of why the proposed regulation is duplicative or more stringent and why it is necessary.

The proposed regulations are not duplicative or more stringent than other water quality standards.

8. The reasons for the conclusions regarding the impact of a regulation on small businesses.

Water quality standards in of themselves do not directly regulate small businesses, although standards do form the basis for effluent limits imposed by NDEP through the National Pollutant Discharge Elimination System (NPDES) permit program and Clean Water Act Section 401 certification for any dredging or filling activity in Nevada waters. There are no current NPDES permits associated with small businesses for any of the waters affected by this regulation. Water quality standards already exist and the proposed revisions are not expected to adversely impact any future permit activities; however, this would need to be evaluated on a case by case basis. NDEP strives to work with public agencies and industry to encourage economic growth while meeting water pollution control standards.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on a small business and that the information contained in this statement is accurate.



David Emme
Administrator, NDEP

11/24/15

Date

<http://www.leg.state.nv.us/Statutes/77th2013/Stats201314.html#Stats201314page2304>