

Permanent Regulation - Informational Statement

A Regulation Relating to NDEP Administrative Services

Legislative Review of Adopted Regulations as Required
by Administrative Procedures Act, NRS 233B.066 & 233B.0603.10(f)

State Environmental Commission (SEC) LCB File No: R099-14

Regulation R099-14:

On October 8, 2014, the SEC adopted a regulation modification related to the NDEP Bureau of Administrative Services program. The proposed regulation provides for general updates, language clarification, streamlining, organization and cleanup.

1. Need for Regulation:

The requested changes are general language clarification and cleanup. The requested additions also encourage system sustainability already included in the annual Intended Use Plan.

2. A description of how public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary.

On September 24, 2014, NDEP conducted a public workshop on LCB's Proposed Draft Regulation R099-14. The workshop was held in Carson City. The meeting location was Carson City at the Bryan Building located at 901 S. Stewart Street (Great Basin Conference Room).

One (1) member of the public commented at the workshop. That person was:

Brien Walters, Consulting Engineer, Reno

Questions from the public presented at the workshop were addressed by NDEP staff; summary minutes of the workshop are posted on the SEC website at:
http://sec.nv.gov/main/hearing_1014.htm .

Following the workshop, the SEC held a formal regulatory hearing on October 8, 2014 at the Nevada Department of Conservation and Natural Resources, 901 South Stewart Street, Carson City, Nevada. A public notice and agenda for the regulatory meeting was posted at the meeting location, at the State Library in Carson City, at the Office of the

Division of Environmental Protection in Las Vegas, at the Division of Minerals in Carson City, at the Division of Wildlife, on the LCB website, on the Division of Administration website and on the SEC website.

Copies of the agenda, the public notice, and the proposed permanent regulation R099-14 were also made available at all public libraries throughout the state as well as to individuals on the SEC mailing list.

The public notice for the proposed regulation was published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the SEC regulatory meeting. Other information about this regulation was made available on the SEC website at: http://sec.nv.gov/main/hearing_1014.htm .

3. The number of persons who attended the SEC Regulatory Hearing:

- (a) Attended October 8, 2014 hearing: 16 (approximately)
- (b) Testified on this Petition at the hearing: 0
- (c) Submitted to the agency written comments: 0

4. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected entities through broad e-mail notification and a public workshop and at the October 8, 2014 SEC hearing as noted in number 2 above.

5. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted with a change. LCB agreed that inserting the statement “of electronic bank posting of payment or” was a non-substantive change. The SEC agreed and adopted the regulation with the recommended change:

Section 19. NAC 445A.67626 is hereby amended to read as follows:

1. A recipient:

(a) May submit to the Division periodic requests for the disbursement of money pursuant to the loan. Each request must be on a form provided by the Division.

(b) Shall submit to the Division [proof] **documentation demonstrating** that any prior disbursements of money pursuant to the loan have been distributed by the recipient in an appropriate manner. The [proof] **documentation** must consist **of electronic bank posting of payment or** copies of [~~the front and back of~~] cancelled checks issued by the recipient for the payment of reimbursable costs.

2. The disbursement of any money to a recipient must comply with the loan contract.

3. The approval of each payment must be based on the actual reimbursable costs incurred to date.

6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

- (a) Regulated Business/Industry. As the changes are primarily cleanup, there is no immediate or long-term adverse or beneficial effect on business (water systems).
- (b) Public. As the changes are primarily cleanup, there would be no direct cost to the water system users. Under certain circumstances the proposed regulation may enhance sustainability and allow systems to place higher on the priority list.

7. The estimated cost to the agency for enforcement of the adopted regulation.

As the changes are primarily cleanup, there will be no additional cost to the Agency.

8. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

This regulation does not duplicate any other federal, state or local regulation.

9. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

The regulation is not more stringent than any federal regulation or guidance.

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

The regulation does not address fees.