

FORM #4

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

The purpose of this Form is to provide a framework pursuant to NRS 233B.0608 to determine whether a small business impact statement is required for submittal of a proposed regulation before the State Environmental Commission.

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).

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 and simply referred to; and if yes reference the small business impact statement as attached)*

No. There is no direct and significant economic burden to small businesses due to the Nevada Division of Environmental Protection’s (NDEP) proposed update to the water quality standards regulations. The Nevada Administrative Code (NAC) currently contains water quality standards for several waterbodies or portions of waterbodies located on tribal lands. However, Nevada has no authority to regulate water quality on federally recognized Indian Reservations. The proposed regulations correct these errors by removing the inappropriate standards for tribal waters from the NAC.

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 and simply referred to; and if yes reference the small business impact statement as attached)*

No. See #1 and #8.

3. If Yes to either of questions 1 & 2, the following action must be taken:

A. Was a small business impact statement prepared and was it available at the public workshop. *(yes or no, attach a copy of the statement or if a statement was not completed please explain)*

B. Attach the Small Business Impact Statement as part of Form #4 upon submission of the proposed regulation to the State Environmental Commission when Form #1 (petition to the Commission) is submitted.

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 regulations and notice for the public workshops were published in the Reno Gazette Journal, Elko Daily Free Press, Las Vegas Review Journal and Nevada Appeal and posted on NDEP's website. The rationale and workshop notice were also sent electronically to approximately two hundred stakeholders on the NDEP Bureau of Water Quality Planning's email distribution list. Workshops were held in Carson City, Las Vegas and Elko on August 19, 26 and 29, 2013, respectively. No representatives from small businesses attended the Carson City or Elko workshops. A small business representative from Silver State Labs attended the Las Vegas workshop. This person indicated he was interested in learning about how NDEP develops water quality standards and did not express any concern as to how the proposed water quality standard revisions may impact his small business. No written comments on the proposed regulations were received from any small businesses.

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

Not applicable. The proposed regulations impose no 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 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. *(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 other monetary interests that a small business is authorized to pay a lower fee.

Not applicable. The proposed regulations impose no 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.)*

There is no cost to NDEP to enforce the proposed regulation.

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 regulations.

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

There is no direct and significant economic burden to small businesses due to the NDEP's proposed update to the water quality standards regulations. Nevada has no authority to regulate water quality on tribal lands. Therefore, NDEP is removing water quality standards currently contained in the Nevada Administrative Code for waterbodies or portions of waterbodies on federally recognized Indian Reservations.

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.



Colleen Cripps, Ph.D.
Administrator, NDEP



Date

A.B. 408, THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 233B.0608 is hereby amended to read as follows:

233B.0608 1. Before conducting a workshop for a proposed regulation pursuant to NRS 233B.061, an agency shall *make a concerted effort to* determine whether the proposed regulation is likely to:

- (a) Impose a direct and significant economic burden upon a small business; or
- (b) Directly restrict the formation, operation or expansion of a small business.

2. If an agency determines pursuant to subsection 1 that a proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business, the agency shall:

(a) Insofar as practicable, consult with owners and officers of small businesses that are likely to be affected by the proposed regulation.

(b) *Conduct or cause to be conducted an analysis of the likely impact of the proposed regulation on small businesses. Insofar as practicable, the analysis must be conducted by the employee of the agency who is most knowledgeable about the subject of the proposed regulation and its likely impact on small businesses or by a consultant or other independent contractor who has such knowledge and is retained by the agency.*

(c) Consider methods to reduce the impact of the proposed regulation on small businesses, including, without limitation:

- (1) Simplifying the proposed regulation;
- (2) Establishing different standards of compliance for a small business; and
- (3) Modifying a fee or fine set forth in the regulation so that a small business is

authorized to pay a lower fee or fine.

[(c)] (d) Prepare a small business impact statement and make copies of the statement available to the public **[at]** *not less than 15 days before* the workshop conducted and the public hearing held pursuant to NRS 233B.061. *A copy of the statement must accompany the notice required by subsection 2 of NRS 233B.061 and the agenda for the public hearing held pursuant to that section.*

3. The agency shall prepare a statement identifying the methods used by the agency in determining the impact of a proposed regulation on a small business **[.]** *and the reasons for the conclusions of the agency. The director, executive head or other person who is responsible for the agency shall sign the statement certifying that, to the best of his or her knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small businesses and that the information contained in the statement is accurate.*

4. Each adopted regulation which is submitted to the Legislative Counsel pursuant to NRS 233B.067 must be accompanied by a copy of the small business impact statement and the statement made pursuant to subsection 3. If the agency revises a regulation after preparing the small business impact statement and the statement made pursuant to subsection 3, the agency must include an explanation of the revision and the effect of the change on small businesses.

Sec. 2. NRS 233B.0609 is hereby amended to read as follows:

233B.0609 1. A small business impact statement prepared pursuant to NRS 233B.0608 must set forth the following information:

[1.] (a) A description of the manner in which comment was solicited from affected small businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary.

[2.] (b) *The manner in which the analysis was conducted.*

(c) The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

[(a)] (1) Both adverse and beneficial effects; and

[(b)] (2) Both direct and indirect effects.

[3.] (d) 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 those methods.

[4.] (e) The estimated cost to the agency for enforcement of the proposed regulation.

[5.] (f) If the proposed 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.

[6.] (g) If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.

(h) *The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.*

2. The director, executive head or other person who is responsible for the agency shall sign the small business impact statement certifying that, to the best of his or her knowledge or belief, the information contained in the statement was prepared properly and is accurate.