

Form #4

Small Business Impact Disclosure and Statement

Approved 5-2-2014



NEVADA
**STATE ENVIRONMENTAL
COMMISSION**

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 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 regulation does not impose direct and significant economic burden on small businesses. The establishment of water quality standards is required by the Federal Clean Water Act to protect the designated uses of the water. Water quality standards in and of themselves have no direct regulatory mechanism, but are used as limitations in permits on discharges to surface water. This regulation proposes to set standards for toxins that can be produced from cyanobacterial (blue-green) algae. As a result, discharge limits for algal toxins will not be written directly into surface discharge permits. Limitations on discharges of nutrients that may contribute to excessive toxic algal growth could be included in permits if assessment indicated a downstream waterbody impairment and subsequent development of a total maximum daily load. However, stringent nutrient criteria are in place for the vast majority of waterbodies where discharge permits currently exist, and dischargers are already implementing controls to meet these limits. Further, nonpoint sources of pollution could be significant contributors of nutrients contributing to toxic algal blooms. However, nonpoint source implementation within Nevada remains voluntary.

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 regulation does not restrict the formation, operation, or expansion of a small business (see explanation in #1 above).

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

FORM 4: SMALL BUSINESS IMPACT STATEMENT (NRS 233B.0609)
(Provide attachments as needed)

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 identified as a small business.)*

As stated above, NDEP does not anticipate the regulation will affect small business. However, small businesses will have the opportunity to review the regulation language and a rationale document explaining the purpose and reason for adoption of the regulation and can provide comment at the public workshop. A public workshop will be held August 11, 2025, to solicit public and stakeholder feedback on the proposed regulation. Verbal and written comments will be accepted during the workshop. Additionally, written comments will be accepted until 5:00 PM PST, August 14, 2025, and will be retained and considered for the draft regulation presented to the SEC for possible action. A rationale document explaining the proposed changes and reasoning for changes has been made available on the NDEP website. A mailing summarizing the proposed changes and announcing the workshop was sent to stakeholders.

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

The proposed regulation does not impose direct and significant economic burden on small businesses.

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

The proposed regulation does not impose direct and significant economic burden on small businesses.

a. Both adverse and beneficial effects:

Businesses, the public, and wildlife all benefit from surface water that fully supports its designated beneficial uses, providing sufficient wildlife habitat and recreational opportunities.

b. Both direct and indirect effects:

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.)*

The proposed regulation does not impose direct and significant economic burden on small businesses.

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:

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 does not impose direct and significant economic burden on small businesses.

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 new or expanded 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 such duplicative or more stringent provisions are necessary.

The proposed regulation is not more stringent than federal regulations. It aligns with the most current regulations and guidance provided by EPA under section 304(a) of the Clean Water Act for development of algal toxin criteria values supporting the Recreation Involving Contact With the Water beneficial use (NAC 445A.122(d)).

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

The proposed regulation does not impose direct and significant economic burden on small businesses. The establishment of water quality standards is required by the Federal Clean Water Act to protect the designated uses of the water. Water quality standards in and of themselves have no direct regulatory mechanism, but are used as limitations in permits on discharges to surface water. This regulation proposes to set standards for toxins that can be produced from cyanobacterial (blue-green) algae. As a result, discharge limits for algal toxins will not be written directly into surface discharge permits. Limitations on discharges of nutrients that may contribute to excessive toxic algal growth could be included in permits if assessment indicated a downstream waterbody impairment and subsequent development of a total maximum daily load. However, stringent nutrient criteria are in place for the vast majority of waterbodies where discharge permits currently exist, and dischargers are already implementing controls to meet these limits. Further, nonpoint sources of pollution could be significant contributors of nutrients contributing to toxic algal blooms. However, nonpoint source implementation within Nevada remains voluntary.

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 the information contained in this statement was prepared properly and is accurate.


Jennifer Carr (Aug 1, 2025 09:04:27 PDT)

Administrator, NDEP

08/07/25

Date

Supporting Documents



Attach copies of the comments received and copies of any workshop attendance sheets, noting which are identified as a small business.

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






FORM 4, Small Business Impact Disclosure and Statement

Final Audit Report

2025-08-07

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