**FORM #4**

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

**RE: P2019-01 Amendments to NAC 445A.070 – 445A.2234, "Standards for Water Quality." The NDEP is proposing to amend Nevada Administration Code ((NAC) 445A.070 – 445A.2234), *Standards for Water Quality*, by making changes to the water quality standards (WQS) tables in the lower Colorado River basin from Las Vegas Valley to the Nevada/California state line.**

**By: Nevada Division of Environmental Protection, Bureau of Water Quality Planning**

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).

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)*

Answer: No. See SBIS #8.

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)*

Answer: No. See SBIS #8.

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.)*

Answer: The proposed revisions are not expected to have an economic effect on existing surface water discharge permits issued to regulated business and industry nor will they have economic effects on current or future regulated businesses and industries. Including the Lake Las Vegas into the NAC should not have an impact as NDEP is formalizing the standards from the 1988 208 Plan into the NAC with appropriate USEPA updates.

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

Answer: The NDEP reviewed existing surface water discharge permits held by small businesses. The potential impact on future, unknown, permitted activities is unquantifiable. The evaluation and assumptions will be included during public workshops in order to seek comment on confirmation or disagreement with the assumptions.

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

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

Answer: Not applicable.

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.

Answer: Not applicable.

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

Answer: No additional costs are expected. Permit compliance is already built into the Bureau of Water Pollution Control permit fee structure.

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.

Answer: 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.

   Answer: The proposed regulation is not more stringent than federal regulations. It aligns Nevada's standards with the most current EPA recommended criteria.

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

   Answer: The NDEP reviewed existing surface water discharge permits held by small businesses. The potential impact on future, unknown, permitted activities is unquantifiable. The evaluation and assumptions will be included during public workshops in order to seek comment on confirmation or disagreement with the assumptions.

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.

Greg Lovato
Administrator, NDEP

7/25/19
Date