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 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 regulation of small businesses. The establishment of water quality standards is required by the Clean Water Act. Water quality standards are set to protect the designated uses of the water. Water quality standards in of themselves have no direct regulatory mechanism, but are used as the basis for discharge permits.

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.)*

A rationale, explaining the proposed changes to water quality standards regulations, was posted on the NDEP web site. A mailing summarizing the proposed changes and announcing the workshops was sent to stakeholders. Workshops to explain the proposed regulation changes were held in Carson City on June 6, Elko on June 7, and Las Vegas on June 10. The written comment period was open until July 1.

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

Not applicable.

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

Not applicable.

a. Both adverse and beneficial effects:

Not applicable.

b. Both direct and indirect effects:

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.)*

If selenium concentrations in a surface-water discharge exceeded the standard, a variance could be granted to new or renewing permittees. The water quality standard regulations at 40 CFR 131.3(o) define a variance as "a time-limited designated use and criterion for a specific pollutant (s) or water quality parameter(s) that reflect the highest attainable condition during the term of the water quality standard variance."

A. Simplification of the proposed regulation:

Not applicable.

B. Establishment of different standards of compliance for a small business:

Not applicable.

C. Modification of fees or fines so that a small business in authorized to pay a lower fee or fine:

No, a variance is a more reasonable approach. For example, if selenium was measured at 4.5 µg/L in a surface-water discharge to a stream or river; thereby meeting the old standard of 5 µg/L, a variance could be issued if the new standard of 3.9 µg/L was not economically attainable at present.

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

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.

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 and explanation of why such duplicative or more stringent provisions are necessary.

The proposed regulation is not more stringent than federal regulations. It aligns Nevada's standards with the most-current criteria recommended by EPA, while making appropriate modifications for the range of fish species found in Nevada's waters. Sturgeon (and related species, such as paddlefish) do not occur in Nevada. Accordingly, NDEP applied EPA's "Recalculation Procedure" (EPA 2013) to modify the selenium criterion values. The statewide values proposed by NDEP are less restrictive than EPA's national values (EPA 2016).

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

Selenium standards already exist. The proposed revisions are not expected to have a significant economic impact on small businesses.

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.

Administrator, NDEP

Date 7/25/19

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