

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 5815 and simply referred to; and if yes, reference the attached 5815)

No, the proposed amendments do not impose a direct and significant economic burden upon a small business. One amendment places a cap on engineering plan review fees for treatment plant reviews, and one amendment removes the requirement for a transient public water system to submit a Preliminary Engineering Report (PER) to the Bureau of Safe Drinking Water (BSDW) for review and approval. The other amendments remove redundancy between state and federal regulations and provide for newly accepted types of construction for specific items to be allowed in the design of drinking water systems.

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 5815 and simply referred to; and if yes, reference the attached 5815)

No, the proposed amendments do not restrict the formation, operation, or expansion of a small business.

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.)

The BSDW solicited comments for several of the modifications during a public workshop on March 29, 2023 in response to Governor Lombardo's Executive Order 2023-003. Revisions to NAC 445A.454, 445A.54026, 445A.66785 and 445A.6681 were included in this workshop, and no comments were received. NDEP will solicit public comment regarding the proposed amendments during a public workshop for all of the proposed amendments. No economic impact is foreseen on a small business or the public.

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

No financial impact is foreseen.

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

In general, these proposed amendments will not have an economic effect on small businesses.

a. Both adverse and beneficial effects:

Adverse: One amendment removes the requirement that transient public water systems hire an engineer to produce and submit a Preliminary Engineering Report (PER) prior to submitting design plans for groundwater treatment facilities. The privately owned public water system may take on extra risk if they do not perform a cost benefit analysis of alternatives to comply with the regulations.

Beneficial: One amendment removes the requirement that transient public water systems hire an engineer to produce and submit a PER prior to submitting design plans for groundwater treatment facilities. This may reduce expenses for small businesses and decrease the time to comply with water quality standards. For all public water systems, the water treatment facility plan review fee will be capped.

b. Both direct and indirect effects:

Direct: None

Indirect: None

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.)

These proposed amendments are geared towards streamlining, clarifying and improving the regulations for the regulated community. There is a section that caps water project review fees for water treatment facilities to align with the regulations and not place excessive financial burden on the regulated community for large water treatment projects. It is not anticipated that the proposed amendments will have an impact on small businesses.

A. Simplification of the proposed regulation:

The proposed amendments clean up regulations and do not add regulations, remove redundancy between state and federal regulations, and allow for newly accepted types of products in the design and construction of drinking water systems.

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

None.

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

One amendment caps engineering plan review fees for water treatment facilities.

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

There are no additional costs to BSDW to enforce the proposed amendments.

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.

Not applicable.

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.

NAC 445A.454 removes similar language to criteria found in the US Environmental Protection Agency's regulation in 40 C.F.R. § 141.23(j)(i), which is adopted by reference in NAC 445A.4525. As NDEP adopts the regulation for determining compliance with the drinking water standards by reference, removing similar yet non-identical language reduces confusion in determining compliance.

NAC 445A.6681 currently duplicates other federal (Occupational Safety and Health Administration) and state (Division of Industrial Relations of the Department of Business and Industry) agencies' law and regulations. Since BSDW does not have regulatory authority over these laws and regulations, BSDW is requesting to remove this regulation.

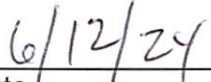
8. The reasons for the conclusions regarding the impact of a regulation on small businesses.

Based on the nature of what was requested per Executive Order (EO 2023-003), these proposed amendments help clarify and improve regulations.

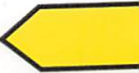
I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on a small business and the information contained in this statement was prepared properly and is accurate.



Administrator, NDEP



Date



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>