

Permanent Regulation - Filing Statement

Nevada Division of Environmental Protection
Bureaus of Administrative Services

Legislative Review of Adopted Regulations as Required
by Administrative Procedures Act, NRS 233B.066

State Environmental Commission (SEC)
LCB File No. R115-10
SEC # P2010-05

R115-10: Financial Assistance for Construction of Wastewater Treatment & Pollution Control Projects: This regulation amends NAC 445A. Revisions to the regulation govern financial assistance for construction of wastewater treatment & pollution control projects. Revisions to the regulation make the Clean Water and Drinking Water State Revolving Fund more consistent with program elements such as the Division of Environmental Protection's Priority List and the Intended Use Plan.

The revisions also remove the requirement that project design be completed prior to project funding. The removal of this requirement will allow communities, which cannot afford up front engineering cost, to utilize state revolving funds for such activities. The regulation also removes confusing language for calculating fixed amounts for planning and design costs.

1. A description of how public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary.

The Nevada Division of Environmental Protection (NDEP) held a public workshops on the above referenced regulation December 1, 2010 at the NDEP office in Carson City. All support documentation for this regulation is available on the SEC web site at http://www.sec.nv.gov/main/hearing_1210.htm see agenda item #7.

Following the workshop, the State Environmental Commission (SEC) held a regulatory hearing on December 7th 2010. The hearing was held at the Nevada Department of Wildlife's Conference Room A, 1100 Valley Road, Reno, Nevada.

A public notice and agenda for the SEC regulatory hearing was posted at the meeting location, at the State Library in Carson City, and at the Offices of the Division of Environmental Protection in Carson City and Las Vegas. Copies of the agenda, the public notice, and the proposed permanent regulation were also made available to all public libraries throughout the state as well as to individuals on the SEC electronic and ground-based mailing lists.

The public notice was also published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the above referenced SEC regulatory hearing. Other information about the regulation was also made available on the SEC website at: http://www.sec.nv.gov/main/hearing_1210.htm

2. The number persons who attended the SEC Regulatory Hearing:

- (a) Attended December 07, 2010 hearing; 20 (approx.)
- (b) Testified on this Petition at the hearing: 1 (1 NDEP)
- (c) Submitted to the agency written comments: 0

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

This regulation does not directly impact any businesses.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

One minor correction to the language in Section 3 of the proposed regulations was made by the State Environmental Commission at the hearing on December 7th 2010. With this Information Statement, the minor correction was submitted to the Legislative Counsel Bureau as an erratum; the erratum shows the language to be deleted (strikethrough) and new language to be included (underlined).

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

The regulation does not regulate any specific business. There is no economic impact from the amendments on the business community, however there will be positive economic benefits for Nevada communities who seek financial assistance from the State of Nevada for wastewater treatment projects and drink water system improvements.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There will be no additional cost to the Division of Environmental Protection for enforcement of the amendment.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

This regulation does not duplicate any other federal, state or local regulation.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

The regulation is not more stringent than any federal regulation or guidance.

9. If the 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.

No fees are generated by this regulation.