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 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 permit limits for discharges to surface water.

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 under NAC 445A.1236, will be posted on the NDEP web site. A mailing summarizing the proposed changes and announcing the workshops will be sent to stakeholders.

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:

None.

a. Both adverse and beneficial effects:

This regulation revises the water quality standard for beryllium from 0 ug/L to the drinking water standard of 4 ug/L for surface waters that have "municipal or domestic supply" (MDS) as a beneficial use. MDS is the most restrictive use (i.e., it is less than the standard for irrigation).

b. Both direct and indirect effects:

All surface waters currently listed as "impaired" for beryllium (see: Nevada 2020-2022 Water Quality Integrated Report) under a water quality standard of 0 ug/L will not be classified as "impaired" under a standard of 4 ug/L. Permits for which beryllium is a pollutant of concern will be written to a standard of 4 ug/L rather than 0 ug/L.

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.)*

Not applicable.

A. Simplification of the proposed regulation:

This regulation revises the water quality standard for beryllium from 0 ug/L, to the drinking water standard of 4 ug/L for surface waters that have "municipal or domestic supply" as a beneficial use. The regulation also changes one word in NAC 445A.1236. The change in language under NAC 445A.1236(1)(c) from "detection limit of a method" to "reporting limit of a method" will align the regulatory language with how laboratories typically report data.

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:

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.)*

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

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 standard recommended by EPA.

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

The regulation will raise the water quality standard from an unrealistic value of 0 ug/L, to the drinking water standard of 4 ug/L to protect the beneficial use of "municipal or domestic supply" for surface waterbodies.

One supportive comment was received on the proposed regulation from Z. Blumberg, NDOT. No other comments were received on the proposed revision to the beryllium standard.

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

6/23/2022
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