

Form #1

Petition to Adopt, Amend, or Repeal Commission Regulations

Approved 10-3-1995



NEVADA
STATE ENVIRONMENTAL
COMMISSION

1. Name, address, telephone number, and signature:

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Date of Petition: 05/23/2022

Representative capacity and signature of petitioner, authorized individual, officer or attorney:

2. Specific type of petitioner (individual, partnership, corporation, government agency, or other) and the exact occupation or business, including a description of the occupation or business if necessary:

The Bureau of Water Pollution Control (BWPC) is within the Nevada Division of Environmental Protection (NDEP) NDEP is a Division of the Nevada Department of Conservation and Natural Resources (DNCR). The BWPC has regulatory authority to protect the waters of the state from pollution. The Legislature declared the the purpose of the BWPC regulations found in NRS 445A.300 to 445A.730 were to maintain the quality of the waters of the State consistent with the public health and enjoyment, the propagation and protection of terrestrial and aquatic life, the operation of existing industries, the pursuit of agriculture, and the economic development of the State; and to encourage and promote the use of methods of waste collection and pollution control for all significant sources of water pollution (including point and diffuse sources).

3. Exact and specific nature of changes sought, including delineation of the regulations, statutory provisions of Commission decisions involved. May include a statement of the written term or substance of the proposed regulatory action, or a description of the subjects and issues involved:

This regulatory amendment proposes to increase the fees for the Division to ensure the BWPC can continue to perform it's statutory requirements including permitting, inspection, technical assistance and compliance of facilities, and administrative assistance to the public. NRS 445A.425 establishes the authority of the State Environmental Commission (SEC) to adopt regulations as necessary to enable to Division to carry out provisions of NRS 445A.305. NRS 445A.430 provides the authority of the SEC to establish annual fees and permit fees. The proposed fee increase addresses fees in NAC 445A.232, NAC 445A.268, and NAC 445A.963 and also adds an optional 3% increase to the annual fees found NAC 445A.232, NAC 445A.872 and NAC 445A.963 each fiscal year to account for the possibility for inflation in the future. This regulatory amendment also addresses general clean-up of regulations.

4. A statement of the need for and purpose of the proposed regulations:

The proposed regulations include increases to fees required to obtain general, temporary and 5-year permits to authorize discharges to the environment (surface or groundwater). The permits are required for all discharges including private individuals as well as private, industry and public entities. The fee increases are necessary to ensure adequate NDEP staff is available for the timely review and approval of permit applications, to ensure adequate technical services are available for our permittees, to ensure timely and necessary compliance and enforcement actions are initiated and to provide the necessarily administrative assistance to the public. A review of the projected revenue and expenditures generated from the existing fee schedules reveals that sufficient revenue is not generated to cover existing FTE merit increases in upcoming fiscal years. Staffing levels are currently not sufficient to adequately respond to increasing permit applications, technical review requests and compliance issues throughout the state. These shortfalls in permitting and compliance have been documented in audits conducted by EPA. The program is also working to ensure fiscal sustainability in the event discretionary federal grant fund programs (including those from the Department of Energy) are reduced in future years. These grant programs are not mandated by yearly Congressional appropriations and may be subject to re-programming based on future federal administration priorities and funding limitations.

5. A statement of the:

(a) Estimated economic effect of the regulation on the business which it is to regulate:

An economic effect on any business is not expected.

(1) Both adverse and beneficial effects:

Permit applicants will be required to pay increased fees to obtain necessary permits from the BWPC which could be viewed as an adverse effect. NDEP will hire new staff with the increased revenue. This will have a beneficial effect on business as permit applications will be reviewed and processed in a more timely manner. In addition, more staff will provide additional individuals to respond to public inquiries.

(2) Both immediate and long-term effects:

The direct effect of the regulation change will be increased fees for applicants. Fee increases tied to the 5-year, individual permits, are proposed to be implemented over a three-year period to reduce direct impacts on any business.

(b) Estimated economic effect on the public:

A direct economic effect on the public is not expected. Increases in fees were carefully evaluated and minimized to the extent feasible to avoid potential impacts to permitted entities. Increased fees for regulated entities, if passed onto rate payers, would be minimal when distributed to the rate base.

(1) Both adverse and beneficial effects:

NDEP will hire new staff with the increased revenue. This will have a beneficial effect to the public as more staff will be available to review and issue permits more timely, to inspect our permitted facilities and also bring these facilities back into compliance more expeditiously. No adverse effects to the public have been identified.

(2) Both immediate and long-term effects:

Fee increases tied to 5-year, individual permits, are proposed to be implemented over a three-year period. Therefore additional staff resources will be brought on as the increased revenue becomes available.

(c) Estimated cost by the agency for enforcement of the proposed regulation:

There are no costs to the agency for this regulation change.

6. A description of any regulations for 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 proposed regulation change does not overlap another state or government agency regulations. The proposed regulation does not overlap any federal regulation.

7. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions. The statement must include the specific citation of the federal statute or regulation requiring such adoption:

The proposed regulations do not regulate the same activity as a federal statute or regulation.

8. 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:

The increase in revenue will be used to increase financial sustainability, ensure the program can keep pace with expenses, hire new staff to review and issue permits, to increase inspections of our permitted facilities, to provide technical assistance for wastewater facility improvements and to address compliance issues throughout the state. The program is also working to ensure fiscal sustainability in the event discretionary federal grant fund programs (including those from the Department of Energy) are reduced in future years. These grant programs are not mandated by yearly Congressional appropriations and may be subject to re-programming based on future federal administration priorities and funding limitations. The fee increases tied to individual permits are proposed to be implemented over a three year-period to reduce impacts on any small business. Fee increases for small general permits were kept low to also reduce impacts. The agency anticipates collecting an additional \$1,534,522 per year by the end of FY27.

Supporting Documents



When submitting this form, attach a second document to your email with your proposed regulatory language. Include other supporting documents as needed.