

Permanent Regulation – Informational Statement

A Permanent Regulation Related to Environmental Programs

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

State Environmental Commission Permanent No: R124-24P

The Nevada State Environmental Commission (SEC) offers the following informational statement in compliance with Nevada Revised Statute (NRS) 233B.066.

1. Need for Regulation

Nevada Revised Statutes (NRS) 349.981 established the program to provide grants of money to purveyors of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned non-transient water systems. The Board for Financing Water Projects may adopt regulations to carry out the provisions of this section per NRS 349.982.

Proposed regulation changes were prompted by changes to the Nevada Revised Statutes. These regulatory amendments are being proposed to align Nevada Administrative Code with Nevada Revised Statutes by expanding the list of eligible recipients of program funds to include wellhead abandonment and septic-to-sewer conversion projects and governmental bodies for the development of Water Resource Plans. The proposed amendments also clarify and streamline some processes, update fee and grant scale language, and clean up outdated language and processes to align with current practices.

2. 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 Legislative Counsel Bureau published its draft, R124-24P, in the Nevada Register on August 14, 2025.

The NDEP held one public workshop for R124-24P on March 31, 2026. The public was invited to participate both virtually and in person in the Bryan Building at 901 South Stewart Street in Carson City, Nevada. The workshop was held to present the substance of, and receive public comment on, the proposed regulation. One member of the public attended the workshop virtually. The Division did not receive any verbal or written questions during or after the public workshop.

A summary of the workshop is included on the NDEP BFWP website.

The proposed regulations were also distributed to the Office of Financial Assistance email distribution list. The Division accepted written comments on R124-24I and R124-24P for 30 days ending on April 30, 2026.

The BFWP held a hybrid regulatory hearing on June 3, 2026, to consider possible action on R124-24P. There were no public comments on R124-24P during the June 3, 2026, BFWP meeting and the proposed regulations were adopted by the BFWP on June 3, 2026.

The BFWP posted its public notice, which included a link¹ and instructions to access R124-24P and pertinent documents and information supporting the regulation, for the regulatory meeting at the State Library in Carson City, at Division offices located in both Carson City and Las Vegas, at all county libraries throughout the state, and to the BFWP email distribution list. The BFWP also posted the public notice at the Division of Minerals in Carson City, at the Department of Agriculture, on the LCB website, on the Division of Administration website, and on the NDWP BFWP website.

3. The number of persons who attended the BFWP Regulatory Hearings:

(a) Attended June 3, 2026, hearing: four (approximately)

(b) Testified on this petition at the hearing: 1

1. Sheryl Fontaine, on behalf of the Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, Nevada 89701
(775) 687-9374
sfontaine@ndep.nv.gov

(c) Submitted to the agency written comments: None

4. 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.

Comments were solicited from affected businesses through one public workshop and during the June 30, 2026, BFWP hearing as noted in number 2 above. There were no verbal or written comments received regarding the regulatory amendments during the BFWP meeting.

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

The BFWP unanimously adopted R124-24P with NDEP-proposed changes on June 3, 2026, because the Board was satisfied with the amended proposed regulation.

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

Regulated Business/Industry:

The proposed regulations expand the eligibility of the program. The entity or organization may or may not be a business defined by NRS 233B.0382. This proposed regulation does not introduce any new fees; however, the proposed amendments do clarify that grant funds may not be used to pay for existing program fees. The proposed regulations are not anticipated to

¹ <https://ndep.nv.gov/water/financing-infrastructure/board-for-financing-water-projects>

have any significant adverse or beneficial effects to the regulated community in the short or long term.

Public:

The public receives a benefit when a wastewater or stormwater system receives a grant from the program versus taking out a loan from the public market. This slight benefit is expected to affect the public in the short and long term.

The service fee may have an adverse impact on the community; however, there is a net benefit because the funds are in the form of a grant instead of a loan. The Division estimates this impact will be minimal and is expected to affect the public in the short and long term.

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

Enforcing Agency.

The proposed changes would not have a significant impact on OFA's ability to enforce program requirements. Existing fees are collected as part of our routine semi-annual debt service collections.

8. 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.

The proposed regulations do not overlap or duplicate other State or federal regulations.

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

The proposed regulations are not more stringent than federal regulations.

10. 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 proposed regulations do not provide for a new fee or an increase to existing fees.