

**INFORMATIONAL STATEMENT FOR ADOPTED REGULATIONS,
AS REQUIRED BY NRS 233B.066
LCB FILE R068-20**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 534.

1. A clear and concise explanation of the need for the adopted regulation.

The Division of Water Resources (Division) is amending existing regulations to clarify and simplify existing language, and to update descriptions of materials and methods used, in order to reflect current best practices in the water well and related drilling industry. The amendments included updated definitions; licensing, renewal and examination procedures; continuing education requirements; license reinstatement procedures; limited scope licenses; duties of well drillers in designated and non-designated basins; drilling of domestic wells; Notices of Intent to drill/plug a well and well driller reports; responsibilities of drillers at well drilling sites; drilling, construction and plugging of water wells, monitoring wells and boreholes; waivers; and enforcement of the regulations and statutes.

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

On November 8, November 18, and November 20, 2019, the Division held workshops in Las Vegas, Carson City, and Elko, respectively. The proposed regulations were also posted on the Division website. Questions from the public posed at the workshop were addressed by Division staff, and written comments were accepted until December 13, 2019.

Following the workshop, the Division held a formal public hearing to adopt the regulation on December 1, 2020. Due to COVID-19 and the Governor's Emergency Directive 006, there was no physical location for the hearing, and it was held virtually. A public notice for the hearing, including a copy of the proposed regulation and an agenda for the hearing, were posted on the Division website, the LCB website, the Division of Administration website, and provided to the Division's email distribution list for those interested in administration regulations and well drillers.

The general public response was supportive of the changes being proposed in the regulations. Much of the public comment was questions seeking further explanation of how the proposed regulation would operate. Other public comment was requesting that the proposed regulations make changes that were inconsistent with other established law, which the Division explained it could not do. In response to many comments, the Division changed the proposed regulation and removed language determined to be unnecessary, contradictory, or unclear.

A summary of public comment is available from the Division by contacting Shannon McDaniel, Smcdaniel@water.nv.gov.

3. **The number of persons who:**
 - (a) **Attended each hearing:** November 8, 2019: 6; Nov. 18, 2019: 7; Nov. 20, 2019: 31; Dec. 1, 2020: 46
 - (b) **Testified at each hearing:** November 8, 2019: 6; Nov. 18, 2019: 4; Nov. 20, 2019: 12; Dec. 1, 2020: 3.
 - (c) **Submitted to the agency written comments:** 10

4. **A list of names and contact information, including telephone number, business address, business telephone number, electronic mail address, and name of entity or organization represented, for each person identified above in #3, as provided to the agency, is attached as Exhibit A.**

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

Comments were solicited from affected businesses through a questionnaire sent October 11, 2019, to licensed well drillers, some of which own well drilling companies and to well drilling companies that operate in the state. The questionnaire requested input on the proposed changes and asked for additional information on the makeup of the companies including number of employees, and any anticipated adverse or beneficial economic impacts from the proposed regulations. The Division received no responses to the questionnaire.

The Division also encouraged comment during the public workshops and at the December 1, 2020 hearing. At the December 1 hearing, there was some discussion of impacts on businesses, but it was discussed as no negative effect. The recording of the hearing is available from the Division.

6. **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 regulation was amended in the hearing, prior to adoption. The changes were made to revert to the original language in NAC 534.065 regarding the definition of “cement-bentonite grout,” in section 19; to correct a clerical error on the required minimum depth of well casing, in section 52; and to remove a certified or registered mail requirement in section 14. The amendments were made in response to public comment.

7. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
 - (a) **Both adverse and beneficial effects; and**
 - (b) **Both immediate and long-term effects.**

Regulated Business/Industry. The regulation will have no adverse economic impact on regulated business or industry. Some regulated businesses may have an economic benefit due to the simplified process to have extensions of well waivers handled in the new process where multiple wells of the same type can be extended under a single application.

The effects will be both immediate and long-term, primarily as well waivers expire and are due for renewal.

Public. The regulation will have no economic impact on the public.

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

With the adopted amendments, there is no additional cost to the agency for enforcement of the adopted regulations.

9. 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 adopted regulations do not overlap, duplicate, or conflict with any regulations of other governmental agencies.

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

There are no federal regulations that apply.

11. 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.

This regulation does not provide a new fee or increase an existing fee.