

CITY OF NORTH LAS VEGAS

Business Impact Statement Ordinance No. 3039

Amendment to the City of North Las Vegas Municipal Code TO AMEND CHAPTER 13.28 OF THE NORTH LAS VEGAS MUNICIPAL CODE TO MAKE VARIOUS CHANGES RELATIVE TO FEES, AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.

Upon request, a copy of this Business Impact Statement may be obtained from the City of North Las Vegas City Clerk's Office. Requests should be sent to:

City of North Las Vegas
City Clerk
2250 Las Vegas Boulevard North, Suite 800
North Las Vegas, NV 89030

Description of the Proposed Ordinance:

The City of North Las Vegas has proposed an amendment to the City of North Las Vegas Municipal Code, Title 13, Chapter 13.28 that establishes wastewater surcharges to an industrial user whose discharge waste strength is in excess of the normal domestic strength wastewater pursuant to Section 13.28.40.

The surcharge fee shall apply to wastewater discharge strengths in excess of the surcharge threshold for the following key pollutants: total suspended solids (TSS) – three hundred (300) mg/L; biochemical oxygen demand (BOD₅) – three hundred (300) mg/L; and phosphorus – five (5) mg/L. For discharges containing pollutant concentrations under these limits, there is no surcharge for that month for that pollutant. Discharges that exceed these limits shall be surcharged to recover the costs associated with treatment by the City's Water Reclamation Facility using the following formula and surcharge rates:

Concentration of pollutant over the threshold (mg/L) x Total flow (MGD) x 8.345 x (Surcharge (\$/lb.))

Pollutant	Surcharge Threshold Concentration, mg/L	Extra Strength Surcharge, \$/lb.
Total Suspended Solids (TSS)	300	\$0.10
Biochemical Oxygen Demand (BOD ₅)	300	\$0.15
Phosphorus (P)	5	\$1.66

Intent of the Proposed Ordinance:

The intent of the proposed ordinance is to implement cost recovery to treat regulated pollutants discharged into the wastewater system in concentrations higher than allowed by permit and the EPA without burdening existing customers with the cost.

Description of the manner in which public comments, data and/or arguments were solicited from affected businesses:

A Business Impact Notification was published in the Las Vegas Review Journal on July 30, 2020. Additionally, all industrial permit holders were mailed notices inviting comment on August 5, 2020.

Summary of public comments, data or arguments received:

One email was received regarding the proposed ordinance expressing concern over unanticipated costs and area competitiveness affecting their business. Staff responded to clarify that this fee was reflective of actual costs, and historically would not have an impact on the business in question and informed them that other agencies already have these fees in place, so other jurisdictions would not receive a competitive advantage.

A letter was received from Farm Fresh Foods indicating they believed the ordinance would have an impact to their daily operating cost and would restrict their opportunities to add additional shifts which would further increase their discharge of the targeted pollutants and cost. Staff responded recognizing the likely impact to this business due to their history of high phosphorus discharge and clarified that this ordinance was a cost recovery measure reflecting the costs incurred by the City to treat their high-strength wastestream and offered assistance to troubleshoot ways reduce potential impacts.

Estimated economic effect of the proposed ordinance on businesses:

The proposed ordinance will create a "Pretreatment Surcharge Fee" for industrial users of the City's pretreatment program. Said fee will charge cost recovery costs for the treatment of specific pollutants that exceed the concentration threshold for normal domestic strength discharge, specifically for the following:

- Total Suspended Solids, \$0.10/lb. for concentrations that exceed 300 mg/L.
- Biochemical Oxygen Demand, \$0.15/lb. for concentrations that exceed 300 mg/L.
- Phosphorus, \$1.66/lb. for concentrations that exceed 5 mg/L.

For businesses that have a high-strength discharge for these pollutants, they will be responsible for the cost to treat their discharges which they currently do not have, or in the best interest of the industry, they would need to make changes to their operational processes and procedures to reduce or eliminate the high-strength pollutants in their wastestream.

Explanation of a new fee, or increase to an existing fee, including a projection of the annual revenue expected to be collected and the manner in which the revenue will be utilized:

The cost recovery fees collected under Ordinance 3039 will cover the cost for wastewater treatment of the identified pollutants and will only be collected from Tier I-permitted industrial users that discharge into the City's wastewater system at higher concentrations than their permits allow. Anticipated revenue would be approximately \$100,000 per year.

Assessment of provisions of the proposed ordinance, which may duplicate or are more stringent than Federal, State or local standards regulating the same activity:

The proposed ordinance does not duplicate nor is it more stringent than Federal, State or local standards regulating the same activity and is in line with other local jurisdictions. The City of Las Vegas (CLV), the City of Henderson (COH), and the Clark County Water Reclamation District (CCWRD) previously established this cost recovery fee as reflected below:

Pollutant	Surcharge Threshold Concentration, mg/L			Extra Strength Surcharge, \$/lb.		
	CLV	COH	CCWRD	CLV	COH	CCWRD
Total Suspended Solids (TSS)	750	300	400	0.09	0.28	0.133
Biochemical Oxygen Demand (BOD ₅)	600	300	400	0.15	0.27	0.107
Phosphorus (P)	14	None	6.5	1.64	None	13.3
Ammonia-Nitrogen (NH ₃ -N)	61	None	28	0	None	0.747

Description of the methods that local government considered to modify the proposed ordinance; or otherwise reduce the impact of the proposed ordinance on businesses, and a statement of the methods used:

Although the surcharge fee proposed for industrial customers will be new, the current ordinance allows for fines up to \$10,000 per day. The proposed surcharge is in line with current surcharges by other local agencies and is more practicable.

Reasons for the conclusions regarding the impact of the proposed ordinance change on businesses:

Although there will be an impact on industrial users with higher than normal domestic strength concentrations for these pollutants, the costs reflect the City's cost to treat these pollutants at the City's Water Reclamation Facility, are in line with charges from other local agencies, and will encourage process and procedural improvements that will have beneficial effects on the industry and environment.

Certification of Business Impact Statement:

I certify that, to the best of my knowledge or belief, the information contained in this Business Impact Statement was prepared properly and is accurate.

 Ryann Juden, City Manager

 Date