

**FORM 4:
NEVADA STATE ENVIRONMENTAL COMMISSION SMALL BUSINESS IMPACT DISCLOSURE
PROCESS PURSUANT TO 233B "Nevada Administrative Procedures Act"**

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

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.

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.)

NDEP completed an analysis based on available information prior to holding workshops and determined that these proposed NAC 445A regulation changes would not have an effect on small mining projects. Section 23 proposed changes to NAC445A.433 required additional review for potential economic effects. This section proposes to raise minimum design standards for process components to withstand storm events following mine closure. NDEP has determined that operators who qualify as a "small business" as defined at NRS 233B.0382 generally operate small physical separation mine operations or small chemical facilities which will not be affected by this regulation change. This change applies to large mine components such as tailings impoundments and heap leach pads that are not present at small physical separation mine or chemical operations. NDEP also evaluated the additional design storm event implications across the State. There will only be a small incremental cost for additional storm-water controls when compared to the overall closure of these mine components, which is already required in existing regulation. Section 13 was proposed to drop public newspaper notice requirements for new permits and major permit modifications. The 445A program spends less than \$5,700 per year on public notices which are spread throughout all of the newspapers across the State and as such this was determined to be an insignificant impact.

[During the month of April three public workshops were held in Winnemucca, Elko and Tonopah, newspaper notices were sent out through six Nevada newspapers, email notices were sent to over 800 email contacts, and notices were posted in 10 public posting locations across the State and on the Division public notice web page. NDEP findings that concluded no significant impacts to small business were reviewed at the public workshops in detail. There were no follow up questions or concerns from the public regarding our review and determination of no significant financial impact to small business.]

2. The manner in which the analysis was conducted (if an impact was determined).

The majority of the regulatory revisions would only apply to larger mining facilities that would not be considered a small business.

3. The estimated economic effect of the proposed regulation on small businesses:

There will be inconsequential economic effect of the proposed regulation on small business.

a. Both adverse and beneficial effects:

There are no adverse effects to for small business anticipated for the proposed regulation changes.

b. Both direct and indirect effects:

The direct effect is that the public and regulated community will have a clearer understanding of the State expectations and requirements. An indirect effect will be the additional assurance that the waters of the State will be protected for both the long and short term.

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.)*

The proposed regulation will not impact small business.

A. Simplification of the proposed regulation:

Discussed above.

B. Establishment of different standards of compliance for a small business:

Discussed above.

C. Modification of fees or fines so that a small business is authorized to pay a lower fee or fine:

Fees are not affected by these regulation amendments.

5. The estimated cost to the agency for enforcement of the proposed regulation. *(Include a discussion of the methods used to estimate those costs.)*

The proposed regulation primarily provides clarification to existing regulation. Any change in the level of effort required of NDEP to oversee the changes will be absorbed into existing staff resources.

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.

The proposed regulation amendments do not address fees, except that a clarification to 445A.418 is proposed to clarify a type of fee included in the schedule.

7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, provide an explanation of why such duplicative or more stringent provisions are necessary.

The regulation does not duplicate nor is it more stringent than any existing federal, state or local regulations.

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

The conclusions regarding the impact of the regulation on small businesses are based on the inconsequential burden.

The definition of small business was reviewed and based on the types of operations affected by these regulations and their impacts we determined prior to outreach that there was no financial impact. We reviewed our findings in detail through the public outreach process and subsequently there was no response from the public regarding concerns related to financial impacts.

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

8/20/18

Date

<http://www.leg.state.nv.us/Statutes/77th2013/Stats201314.html#Stats201314page2304>