

**FORM # 4, Part 1**

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

**Note: Small Business is defined as a "business conducted for profit which employs fewer than 150 full-time or part-time employees" (NRS 233B.0382).**

RE: Proposed Amendment to NAC 445B.001-445B.3689, "AIR CONTROLS: AIR POLLUTION"

By: Nevada Division of Environmental Protection (NDEP), Bureau of Air Pollution Control and Bureau of Air Quality Planning

1. Does this proposed regulation impose a direct and significant economic burden upon a small business?

ANSWER: No. The proposed Class IV operating permit program applies to area sources, including more than a dozen Nevada industries that were previously not regulated. "Area" sources are those sources that emit less than 10 tons annually of a single hazardous air pollutant (HAP) or less than 25 tons annually of a combination of HAPs. Many of these are small businesses.

The NDEP is proposing to create a new, streamlined permitting program (Class IV) designed specifically for permitting these newly regulated area sources. The regulation provides a new fee structure for Class IV operating permit applications and annual program maintenance fees. Without these changes, owners or operators of a business/industry with an area source would be subject to the current Class II application fee of \$3000 and an annual fee ranging from \$1,000 to \$5,000, depending on amount of emissions the source is allowed to release. The Class IV program provides for a reduced application fee of \$50 and annual fee of \$50, and a shorter permit processing timeline. The fees will be used to cover agency costs for implementing the program.

2. Does this proposed regulation restrict the formation, operation or expansion of a small business?

ANSWER: No. The NDEP has proposed minimal fees so that the formation, operation or expansion of a small business will not be impacted.

3. If **Yes** to either of questions 1 & 2, the following action must be taken:

A. Was a small business impact statement prepared and was it available at the public workshop(s). ANSWER: No; not applicable.

B. Attach the Small Business Impact Statement (Part 2) as part of Form #4 upon submission of the proposed regulation to the State Environmental Commission when Form #1 (petition to the Commission) is submitted. ANSWER: Not applicable.

*This small business impact disclosure is being made available at the public workshops being held in Carson City on June 1, 2011 and in Las Vegas on June 3, 2011. Copies may also be obtained by calling Paul Williams in the Bureau of Air Quality Planning at (775) 687-9543 or e-mailing [pawilliams@ndep.nv.gov](mailto:pawilliams@ndep.nv.gov).*