

**NEVADA STATE ENVIRONMENTAL COMMISSION  
SMALL BUSINESS IMPACT DISCLOSURE PROCESS  
PURSUANT TO 233B “Nevada Administrative Procedures Act”  
P2011-07 – September 07, 2011**

The purpose of this Form is to provide a framework pursuant to NRS 233B.0608 to determine whether a small business impact statement is required for submittal of a proposed regulation before the State Environmental Commission. If questions 1 and 2 are answered with a NO, then a small business impact statement is not required. If either question is answered with a YES then a small business impact statement is required prior to the conduct of public workshops by the petitioning agency. *(This form must be submitted with regulatory petition form #1 when a regulation is submitted for drafting by LCB and adoption by the State Environmental Commission.)*

**FORM # 4 - Part 1**

1. Does this proposed regulation impose a direct and significant economic burden upon a small business? *(state yes or no, and please explain and submit the applicable documentation if no; and if yes reference the small business impact statement as attached)*

No. The proposed regulation does not impose a significant economic burden upon a small business. While underground storage tank systems are a component of some small businesses, the operator training requirement does not impose a significant economic burden. Satisfaction of the operator training requirements in the proposed regulation for Class A and Class B operators could involve costs for participation in approved training programs offered by independent companies or groups. Costs for these courses, as surveyed from other States that have already instituted operator training programs in a manner similar to that in the proposed regulation, can range from \$75 to \$150 per operator. The Division does not foresee any costs for Class C operators. The Division has drafted the proposed regulation to minimize the impact that potential course costs could have on the regulated community by allowing the maximum flexibility to satisfy requirements under federal guidelines. This includes allowing Class A and Class B operators to oversee multiple systems, allowing appropriate persons to serve as both a Class A and Class B operator for a storage tank, including multiple options for satisfaction of training requirements, not requiring renewals other than as a result of compliance retraining, and keeping administrative requirements to a minimum.

2. Does this proposed regulation restrict the formation, operation or expansion of a small business? *(state yes or no, and please explain and submit the applicable documentation if no; and if yes reference the small business impact statement as attached)*

No. The proposed regulation does not restrict the formation, operation or expansion of a small business. Underground storage tank systems are already substantially regulated under federal law, and the UST program is implemented by the State of Nevada in a manner that is no stricter than federal requirements. The regulation of the installation, operation, and removal of underground storage tanks is intended to prevent costly releases and environmental cleanups.

**Form adopted by the State Environmental Commission on April 20, 2000**

**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).**

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. *(yes or no, attach a copy of the statement or if a statement was not completed please explain)*

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.

Page 1 of 2  
**Form 4 - Part 1**

**SMALL BUSINESS IMPACT STATEMENT**  
**FORM #4 - Part 2**  
(NRS 233B.0609)

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 small businesses.)*
  
2. The estimated economic effect of the proposed regulation on small businesses:
  - a. Both adverse and beneficial effects
  - b. Both direct and indirect effects
  
3. A description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses. *(Include a discussion of any considerations of the methods listed below.)*
  - A. Simplification of the proposed regulation
  - B. Establishment of different standards of compliance for a small business
  - C. Modification of fees or other monetary interests that a small business is authorized to pay a lower fee.
  
4. The estimated cost to the agency for enforcement of the proposed regulation. *(Include a discussion of the methods used to estimate those costs.)*
  
5. 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.
  
6. 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 the proposed regulation is duplicative or more stringent and why it is necessary.

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