

FORM #4

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

Part 1

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.

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).

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 and simply referred to; and if yes reference the small business impact statement as attached)*

Yes. The Solid Waste program fee proposal only affects the six largest solid waste landfill facilities in the State, one of which is a small business. NDEP has reached out to each facility owner/operator and gained acceptance of the proposed fee.

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 and simply referred to; and if yes reference the small business impact statement as attached)*

Yes. See Small Business Impact Statement attached.

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)*

Yes.

B. Attach the Small Business Impact Statement 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.

See attached.

FORM #4
Part 2
SMALL BUSINESS IMPACT STATEMENT
(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.)*

The Solid Waste program fee proposal only affects the six largest solid waste landfill facilities in the State, one of which is a small business. NDEP has reached out to each facility owner/operator and gained acceptance of the proposed fee. The proposed fees are targeted toward the larger landfill disposal sites in an effort to minimize the impact on smaller scale operations.

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

The NDEP reviewed its permit files for all facilities that would be impacted by the proposed regulation. The Solid Waste program fee proposal only affects the six largest solid waste landfill facilities in the State, one of which is a small business. NDEP has reached out to the owner/operator of the impacted small business and gained acceptance of the proposed fee.

3. The estimated economic effect of the proposed regulation on small businesses:
- a. Both adverse and beneficial effects
 - b. Both direct and indirect effects

The proposed fees would apply to a small number of landfill disposal facilities, representing the larger facilities within NDEP's jurisdiction, including: Lockwood Regional Landfill serving Reno-Sparks/Washoe County and owned/operated by Waste Management Inc., Carson City Municipal Landfill, City of Elko Regional Landfill, an industrial waste landfill in Lincoln County owned/operated by Western Elite, Inc., and coal ash landfills associated with coal-fired generating facilities operated by NV Energy and Newmont Energy Investment LLC. With each facility the amount of the fee is relatively nominal compared to the scale of the operation and for all but one facility the fee can be incorporated into their rate structure. Each of the affected facility owners was contacted individually regarding the impact and their acceptance of the proposed fees. All of the facility owners were accepting of the proposed fees after discussion and negotiation; to accommodate industry concerns, the fees applicable to coal ash landfills will be modified to include three tiers based on annual disposal rate. The benefit of the proposed fees is that it helps to maintain a robust regulatory program that ensures the integrity of facility operations and prevents the need for federal intervention by US EPA.

4. 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.

To address revenue shortfalls and minimize the need for additional fee revenue, NDEP has reduced expenditures through vacancy savings and reductions in contract support. However, program cuts alone are insufficient to bridge the gap. Consequently, we are also proposing to establish a modest schedule of solid waste fees. The proposed fees are targeted toward the larger landfill disposal sites in an effort to minimize the impact on smaller scale operations.

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

There will be no additional cost to the agency for implementing the proposed fee schedule. The number of accounts is small and existing systems for fee collection and processing can be used.

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.

It is anticipated that the proposed annual permit fees would generate \$165,000 per year. Additional revenue may be available if new permit applications or requests to modify permits are received; however, the amount cannot be predicted. This revenue would be used to offset the Division's costs for regulating waste management facilities.

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 the proposed regulation is duplicative or more stringent and why it is necessary.

The proposed regulation does not include provisions which are duplicative or more stringent than a federal regulation.

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

The proposed fee schedule is limited and applicable to a small universe of regulated facilities, enabling individual dialogue with owners and operators regarding 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 that the information contained in this statement is accurate.

SC David Gaskin
Colleen Cripps, Ph.D.
Administrator, NDEP

11/15/13
Date