

**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 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)*

Yes. See Small Business Impact Statement attached.

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)*

Yes. See Small Business Impact Statement attached.

**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)*

Yes.

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.

**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.)*

Comments were solicited through public workshops.

2. 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 regulations do not mandate recycling at multi-family dwellings (MFDs), only require that it be made available. This indicates that there will not be a direct economic effect on small business unless small business choose to participate in recycling at MFDs.

If small business elects to participate in recycling at MFDs, small business recycling haulers may encounter additional equipment or retro-fitting costs if they do not have the appropriate equipment for servicing recycling bins in apartment complexes or condos. Routes may be extended to include participating complexes, costing extra time and fuel, however, the increase in the volume of recyclables collected may serve as an economic benefit, especially if resident participation is high.

Property managers have no legal method to require residents to recycle because few, if any, leases have clauses requiring recycling, and because the use of a recycling clause in the lease does not insure compliance. Also, mandatory recycling ordinances apply to the owner/manager of the MFDs, not the residents. Noncompliance resulting in contaminated recyclables may leave the property manager responsible for paying fines. Another factor for making recycling available at MFDs is the limited space available at some locations. This factor may serve as a disincentive as there may be additional costs or building codes associated with maintaining space for parking, or making space available for recycling containers, depending on how recycling is implemented or made available.

Also, most local recycling programs are designed from the perspective of municipal waste collection and do not always address the complexities of the private or commercial waste collection systems (dumpsters) common to MFDs. Likewise, property managers may not understand the complexities of developing a recycling program, and additional resources may be needed to:

- Establish a tenancy agreement that explains recycling program initiatives
- Create a hand-out or other informational outreach that offers instruction on how to set up a recycling program that compliments the tenancy agreement
- Outline where tenants need to bring their recycling containers once filled

- Direct what days collection takes place

These resources may place some additional financial responsibilities on the managers/owners of MFDs.

Another factor is resident participation. Participation in a recycling program is not mandatory. If recycling is available at a MFD, and resident participation is reduced, it may result in the managers/owners of MFDs paying higher disposal fees, with little added benefit. Unfortunately, many residents in MFDs do not directly recognize the contribution of waste management costs to local taxes, since the taxes are embedded in rent.

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.

SB 417 says that a municipality that provides curbside (source separated) recycling to residential and public buildings must now ensure that service is available to apartment complexes and condominiums (as defined in NRS444A, referred to as MFDs).

SB417 directs municipal planning/zoning agencies to not approve plans for new MFD projects unless they designated space for collecting recyclable materials on the premises.

SB417 does not mandate facilities that are MFDs to actually recycle. This mirrors existing services that require municipalities to provide the services, but doesn't mandate Nevadans to recycle.

SB417 requires municipalities to amend their franchise agreements to add the curbside service to MFDs (if not already available). This action is more directed at the municipal agency that negotiates the franchise agreement not their health districts. By design, the health districts in Clark and Washoe Counties have no authority over the agreements. More often than not, opening a franchise agreement to increase services means rate adjustments.

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

The regulation would not increase costs to the Division for enforcement. Enforcement is not required as SB417 only stipulates that MFDs only make available the services.

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.

The Division will not be impacted by this regulation financially.

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.

This regulation would not be more stringent than Federal regulations and would not duplicate any State or Federal regulations.

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