

Form #4

Small Business Impact Disclosure and Statement

Approved 5-2-2014



NEVADA
**STATE ENVIRONMENTAL
COMMISSION**

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, this regulation will not have an impact or significant economic burden on small businesses. This regulation will improve efficiency in administering Nevada's Air Program and will minimize the resources needed to understand the regulatory requirements that may affect businesses and the public.

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, this regulation does not provide any barrier to the formation, operation, or expansion of small business. The proposed amendments will repeal or amend regulations that no longer serve a purpose.

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.)*

On March 30, 2023, NDEP held a preliminary public workshop to solicit comments on this proposed regulatory amendment. Additional, comments will be solicited through a workshop held in Carson City and video conferenced to Las Vegas. Notices of the workshop and an invitation for comments will be posted in all county public libraries, the Nevada Division of Environmental Protection (NDEP) buildings in Carson City and Las Vegas, the NDEP website, the Legislative Council Bureau's website, and the official State website. The workshop notice will also be emailed to an extensive distribution list maintained by NDEP's Bureau of Air Quality Planning. A summary of the workshop will be posted on the SEC website at <http://sec.nv.gov/meetings> when notice is posted for this proposed regulation to go before the SEC as an item for action.

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

The agency determined that small business would not be impacted (see Small Business Impact Disclosure #1 and #2).

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

Not applicable (see Small Business Impact Statement #2).

a. Both adverse and beneficial effects:

Not applicable (see Small Business Impact Statement #2).

b. Both direct and indirect effects:

Not applicable (see Small Business Impact Statement #2).

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.)*

Not applicable (see Small Business Impact Statement #2).

A. Simplification of the proposed regulation:

Not applicable (see Small Business Impact Statement #2).

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

Not applicable (see Small Business Impact Statement #2).

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

Not applicable (see Small Business Impact Statement #2).

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 regulations do not impose functions or costs on the agency, it is amending or repealing existing regulations.

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 regulation does not create new fees or increase existing fees.

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


Only one of the proposed amendments overlaps with a federal requirement and that is for the amendment of NAC 445B.288(2)(h). This amendment will reduce confusion when determining compliance with all regulatory requirements by improving consistency with federal regulations. Inclusion of certain federal regulations in the NAC's, such as the one being amended in this proposal, is necessary to allow for NDEP to be the agency that enforces the requirements instead of the U.S. Environmental Protection Agency. In general, the sources regulated by NDEP prefer NDEP be the enforcing agency instead of the U.S. EPA. The remaining regulations are only to repeal and amend existing regulations to remove unnecessary requirements.

The proposed amendments do not include requirements that are more stringent than federal regulations.

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

The regulation amendment does not impose any requirements, burdens, or fees on any businesses.

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.


Jennifer Carr (May 23, 2024 10:22 PDT)

Administrator, NDEP

05/23/2024

Date

Supporting Documents



Attach copies of the comments received and copies of any workshop attendance sheets, noting which are identified as a small business.

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