

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, the proposed regulation amendment would not have a significant economic burden upon small businesses. See discussion below.

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, the proposed regulation amendment would not restrict the formation, operation, or expansion of a small business. See discussion below.

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.)*

The Nevada Division of Environmental Protection, Bureau of Air Pollution Control, Chemical Accident Prevention Program (CAPP) regulates approximately 60 facilities that handle highly hazardous substances and/or explosives in quantities that exceed thresholds established in the Nevada Administrative Code. CAPP will hold a regulatory workshop to engage with it's regulated community on this proposed regulatory amendment. However, NDEP has determined that the proposed regulation amendment does not impose a direct and significant economic burden upon a small business; nor does it restrict the formation, operation or expansion of a small business because the proposed fee increases are consistent with the National Consumer Price Index and their implementation has been delayed until July 1, 2023 for annual fees to allow the regulated community to plan for the increase.

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

NDEP has determined that the proposed regulation amendment does not impose a direct and significant economic burden upon a small business; nor does it restrict the formation, operation or expansion of a small business.

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

Not Applicable.

a. Both adverse and beneficial effects:

b. Both direct and indirect effects:

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

A. Simplification of the proposed regulation:

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

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

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 is no additional cost to the Division for enforcement of the proposed regulation.

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 proposed regulatory amendment do address fees. NDEP estimates that in the first full fiscal year that the amendment take effect (FY 2024) the agency will collect an additional \$200,000. The fees will be used to support CAPP activities and current staffing.

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 such duplicative or more stringent provisions are necessary.

The proposed regulation does not overlap or duplicate any other regulations.

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

The proposed regulation amendment has been determined to not have an impact on small business through (pending) outreach efforts and the proposed fee increases are consistent with the National Consumer Price Index.

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.

DocuSigned by:

Greg Lovato
Administrator, NDEP

6/21/2022 | 9:53 AM PDT

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>