

FORM #4

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

RE: R186-18. Amendments to NAC 444.641, 444.84555, 445A.234, 445A.239, 445A.402, 445A.67558, 445A.67584, 445A.67589, 445A.67595, 445A.67597, 445A.67612, 445A.745, 445A.751, 445A.756, 445A.875, 519A.185, and related matters.

By: Nevada Division of Environmental Protection (NDEP), Bureaus of Mining Regulation & Reclamation, Sustainable Materials Management, Water Pollution Control & the Office of Financial Assistance

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 (SEC).

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).

PART 1

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)*

No. Please see #8 on Part 2, Small Business Impact Statement.

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)*

No. The proposed amendments do not restrict the formation, operation or expansion of a small business.

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)*
Not Applicable

B. Attach the Small Business Impact Statement as part of Form #4 upon submission of the proposed regulation to the SEC when Form #1 (petition to the Commission) is submitted.

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.)*

Not Applicable

2. The manner in which the analysis was conducted.

Not Applicable

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

Not Applicable

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.)*

Not Applicable

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

Not Applicable

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.

Not Applicable

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.

Not Applicable

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

NDEP is required to provide public notice to encourage public participation in its various administrative processes. NDEP has objectively determined that a single publication in a

newspaper does not effectively achieve that goal. This determination was based on the fact that over the last many years, few to no comments have been received in response to newspaper legal notices. Public participation related to NDEP actions are generally from individuals who are in some way associated with the action or are on an electronic mail or regular mail distribution list. NDEP has therefore determined that posting the notices on a NDEP website for an extended period of time and electronically mailing public notices to individuals requesting to be on a distribution list targets members of the public that are interested in participating in the administrative process.

Newspapers are not in NDEP's regulated universe. The potential economic effect discussed herein is an indirect effect. In a 2010 publication entitled "Public Policy and Funding the News" https://fundingthenews.usc.edu/files/2015/07/Funding-the-News_report-optimized.pdf, it is cited that the National Newspaper Association estimated in 2000 that public notices accounted for 5 percent to 10 percent of all community newspaper revenue. NDEP programs associated with the proposed amendments published an average of 83 public notices annually between the State Fiscal Years 2017 and 2018 and spent an average of \$10,545 annually on publications with newspapers meeting the small business criteria. While the proposed amendments may have a direct economic impact on some of these small businesses, it will not be significant due to the small dollar amount received from NDEP that contributes to a small percentage of total revenue that is reduced even further when distributed amongst multiple newspapers.

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 was prepared properly and is accurate.



Greg Lovato
Administrator, NDEP

10/12/18

Date