

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 business. 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 Water Pollution Control will hold a regulatory workshop to engage with its regulated community on this proposed regulatory amendment. However, NDEP does not anticipate that the proposed regulation will 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 higher proposed fee increases for individual, 5-year permits, are tied to the National Consumer Price Index and their implementation has been delayed until July 1, 2023 to allow the regulated community time to plan for the increase. NDEP intends to solicit more feedback from permittees regarding the proposed fee increases during the workshop process.

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

A majority of the fees that are proposed for an increase are to align these fees with the Consumer Price Index (CPI). These fees have not increased since 2010. NDEP intends to implement the fee increases over a three-year period to lessen the burden on small business. NDEP intends to solicit more feedback from permittees regarding the proposed fee increases during the workshop process.

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

An economic effect on small business is not expected.

a. Both adverse and beneficial effects:

Permit applicants will be required to pay increased fees to obtain necessary permits from the BWPC which could be viewed as an adverse effect. NDEP will hire new staff with the increased revenue. This will provide a beneficial effect to the public as more staff will be available to review and issue permits more timely, to inspect our permitted facilities and also to bring these facilities back into compliance more expeditiously. In addition, more staff will provide additional individuals to respond to public inquiries.

b. Both direct and indirect effects:

The direct effect of the regulation change will be increased fees for applicants. The fee increases for individual permits are proposed to be implemented over a three-year period to reduce direct impacts on any small business. Fee increases for small general permits were kept low to minimize impacts as well.

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.)

A majority of the fees that are proposed for an increase are to align these fees with the Consumer Price Index (CPI). These fees have not increased since 2010. NDEP intends to implement the fee increases over a three-year period to lessen the burden on small business. NDEP intends to solicit more feedback from permittees regarding the proposed fee increases during the workshop process.

A. Simplification of the proposed regulation:

NDEP made efforts to ensure that only minimal fee increases were proposed for the typical permits used by small business and the public.

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 cost to the agency for enforcement of the proposed 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 increased revenue will be used to increase fiscal sustainability, ensure the program can keep pace with expenses, hire additional staff to timely review and approve permit applications, to ensure adequate technical services are available for our permittees, to ensure timely and necessary compliance and enforcement actions are initiated and to provide the necessarily administrative assistance to the public. Fee increases will be used to cover the revenue needed for merit and COLA increases for existing staff. Staffing levels are currently not sufficient to adequately respond to increasing permit applications, technical review requests and compliance issues throughout the state. These shortfalls in permitting and compliance have been documented in audits conducted by EPA.


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 regulations do not regulate the same activity as a federal statute or regulation.

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

A majority of the fees that are proposed for an increase are to align these fees with the Consumer Price Index (CPI). These fees have not increased since 2010. NDEP intends to implement the fee increases over a three-year period to lessen the burden on the regulated community and small business. NDEP intends to solicit more feedback from permittees regarding the proposed fee increases during the workshop process.

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.



Administrator, NDEP

6/22/22

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>