

**NEVADA BOARD TO REVIEW CLAIMS
SMALL BUSINESS IMPACT DISCLOSURE PROCESS
PURSUANT TO 233B “Nevada Administrative Procedures Act”**

Re.: LCB File No. P2015-06

By: Nevada Division of Corrective Actions, Petroleum Fund Program

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 Nevada Board to Review Claims (Board) 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 or part-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. See SBIS #8.

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. See SBIS #8.

If **Yes** to either of questions 1 & 2, a SBIS must be noticed and available at the public workshop.

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 identified as a small business.)*

Not Applicable.

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

Not Applicable

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

- a. Both adverse and beneficial effects
- b. Both direct and indirect effects

The estimated economic effect on small businesses will be beneficial because the amendment will incentivize the owner/operator to make timely payments to his or her consultants/vendors who, in Nevada, are predominantly small businesses. In addition, consultants will have a longer period of time to submit documentation to NDEP regarding receipt of the payment and will have a workload reduction as a result of preparing fewer bid packets for work associated with corrective actions. These are direct, beneficial effects. No adverse effects are anticipated.

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. 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.

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.)*

There will be no additional cost to the NDEP for enforcing 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.

This regulation amendment does not propose new or increased 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 an explanation of why such duplicative or more stringent provisions are necessary.

This regulation amendment will not overlap or duplicate any Local, State or Federal regulation.

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

The Nevada Board to Review Claims (Board) approves and makes payment to the owner/operator for corrective actions work. That person is then responsible for paying his or her consultants/vendors within 30 days of receiving the Petroleum Fund (Fund) money. The amendments will have a positive impact on small businesses because the changes will incentivize prompt payment by the owner/operator to the consultants/vendors, who, in Nevada, are predominantly small businesses. Withholding subsequent claims from payment by the Board will not have a negative impact on small businesses if the small business manages its contract with the owner/operator effectively. If the small business has reason to believe an owner/operator will not make timely payments, the Petroleum Fund program has a mechanism the consultant can invoke for Fund payments to be made directly to the consultant/vendor if both parties (owner and consultant) agree.

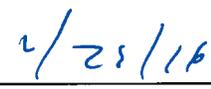
The amendment that redefines the word "site" is to ensure a non-small business cannot be designated as a small business and consequently receive small business benefits for a corrective action cleanup.

The amendments also positively impact small businesses because the consultants will have more time to provide documentation to NDEP verifying they received the Fund money. Also, the dollar value for corrective action work that requires a consultant to secure three bids will be increased which will reduce the level of effort required by consultants.

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 is accurate.



Administrator, NDEP



Date

