

FORM #4

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

RE: P2017-01. Amendments to NAC 445B.001 to 445B.3689; Amendments to NAC 459; Amendments to NAC 486A; and related matters.

By: Nevada Division of Environmental Protection (NDEP), Bureaus of Air Pollution Control and Air Quality Planning

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)*

Answer: Yes. The NDEP published an average of 36 public notices annually between 2013 and 2015 and spent an average of \$6,600 annually between 2013 and 2015 on these publications in newspapers. Since the proposed regulations remove the requirements for publishing public notices in newspapers for various actions, the newspaper industry will no longer be receiving those funds from the NDEP. While the proposed amendments will have a direct economic impact on small businesses, the NDEP does not believe that this will be a significant economic burden on these businesses.

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)*

Answer: 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)*

Answer: Yes; please see the attached.

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.

Answer: Please see the attached document.

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.)*

Answer: Comment was solicited through a workshop held in Carson City and video conferenced to Las Vegas on July 25, 2017. Notices of the workshop and an invitation for comments were posted in all county public libraries, the 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 was also emailed to an extensive distribution list maintained by the NDEP Bureau of Air Quality Planning. A summary of the workshop will be posted on the SEC web site at <http://sec.nv.gov/index.htm> under the heading for the February 7, 2018 SEC Hearing.

2. The manner in which the analysis was conducted.

Answer: The NDEP performed an analysis to determine how much is spent annually on publishing public notices in newspapers.

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

Answer: a. Adverse and beneficial effects. Since the proposed regulations remove the requirements for publishing public notices in newspapers for various actions, the newspaper industry across Nevada will no longer be receiving approximately \$6,600 annually from the NDEP.

b. Direct and indirect effects. Any economic impacts will be directly associated with not publishing public notices for various actions in newspapers.

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.)*

A. Simplification of the proposed regulation.

Answer: The proposed regulation is simple and concise. The amendments propose to revise the public notice rule provisions for air quality program actions by removing the mandatory requirement to provide public notice of a draft air permit, as well as certain other program actions, through publication in a newspaper and instead provide for e-notice of these actions.

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

Answer: The proposed regulation does not establish standards of compliance.

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

Answer: The proposed regulation does not address fees or fines.

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

Answer: The proposed regulation does not require enforcement by the agency; therefore there are no associated costs.

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.

Answer: The proposed regulation does not address 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 the proposed regulation is duplicative or more stringent and why it is necessary.

Answer: The regulation does not duplicate nor is it more stringent than any existing federal, state or local regulations.


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

Answer: The conclusions regarding the impact of the regulation on small businesses are based on the analyses conducted by the agency (see Part 1, #1 and Part 2, #s 2, 3 and 4) and outreach to the regulated community (see Part 2, #1).

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.



Greg Lovato
Administrator, NDEP



Date