

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 regulatory changes apply to the Fund for Brownfields Projects (Fund) as created under NRS 459.860 - 459.898. The Fund has been capitalized through a sole grant received from USEPA, and in accordance with NRS 459.878, receives no revenue from the collection of fees. NRS 459.888 does allow NDEP to establish a fee under regulation to defray administrative costs incurred by the program, but no such fee has yet been established or proposed in these revisions. Further, only municipalities, 501(c)(3) non-profit organizations, and tribes are eligible to apply for and receive financial assistance through the Fund per NAC 459.99916.

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. No fees or regulatory requirements are imposed on the public under these regulations.

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.)*

Based on the assessment for the Small Business Impact Disclosure, NDEP did not include a SBIS with the public workshop for the proposed regulation language change. General comments on the proposed regulation language changes were solicited during a workshop held in Carson City, video conferenced to Las Vegas, and offered via virtual connection (Teams) on May 15, 2024. Notices of the workshop and an invitation for comments were posted at the Nevada Division of Environmental Protection (NDEP) buildings in Carson City and Las Vegas, the NDEP website, the Legislative Counsel Bureau's website, and the official State website. The workshop notice was also emailed to an extensive distribution list of certified environmental managers (CEMs) maintained by NDEP's Bureau of Corrective Actions. Nevada CEMs are the small business professionals likely to be directly involved in brownfield projects financed through the Fund, which is the subject of these proposed regulatory changes. NDEP received no comments at the public workshop held on May 15, 2024 or during the 7-day post-workshop comment period ending on May 22, 2024. A summary of the workshop will be posted on the SEC website at <http://sec.nv.gov/meetings> once the petition has been added to a meeting agenda.

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

NDEP has determined there will be no impact to small business due to adoption of the proposed regulations.

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

The proposed revisions will broaden the scope of brownfield projects eligible for financial assistance through the Fund. As such, it is reasonable to expect the number of projects addressed, and the tasks completed may create new business opportunities.

a. Both adverse and beneficial effects:

No adverse effects identified. Beneficial effects include potential increase of projects financed through the Fund, and in accordance with NAC 459.99938(1-8), an applicant for and recipient of financial assistance shall comply with the requirements of federal law concerning the participation of disadvantaged businesses.

b. Both direct and indirect effects:

NDEP has determined no direct effects on small businesses by the proposed regulation changes. Indirect effects include greater business opportunity due to more work financed by the Fund and requirement of recipients to provide fair share opportunity to disadvantaged businesses.

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.)

NDEP has determined there are no negative impacts to small businesses due to the proposed regulatory changes.

A. Simplification of the proposed regulation:

Not applicable.

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

Not applicable.

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.)

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.

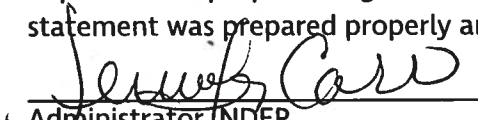
7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, provide an explanation of why such duplicative or more stringent provisions are necessary.

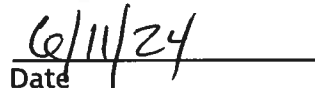
NDEP has determined there are no duplicative or overlapping regulations to the proposed revisions.

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

The proposed revisions apply to regulations under NAC 459.9991- 459.99939 creating the regulatory framework to administer the Fund for Brownfield Projects. It is funded through a federal grant obligated by USEPA and at present has no other funding source including fees and appropriations. There are no compliance mandates imposed upon the public under these regulations and all financial obligations are voluntary and acquired by those who apply for and receive financial assistance from the Fund. As such, NDEP concludes the regulatory revisions have no impact on small business. Further, eligible entities receiving financial assistance from the Fund are obligated to consider contracting services from disadvantaged businesses, which may include small businesses.

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


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>