

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

Petition Number: P2016-10

FORM #4

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 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? No

(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)

A direct and significant burden will not be imposed on small business because the \$100 fee to apply to be certified as a provider of an approved UST training program and to be renewed every two years is voluntary and is only required if the business or individual wants to do this type of work in Nevada.

2. Does this proposed regulation restrict the formation, operation or expansion of a small business? No

(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)

These regulations do not restrict the formation, operation or expansion of a small business. The \$100 fee to become and remain eligible to provide an approved UST training program for underground storage tank operators in Nevada is considered a nominal fee to provide these services for a fee.

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

FORM #4
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.)*

Comment was solicited through stakeholder meetings held May 25, 2016, in Elko, May 27, 2016, in Las Vegas, and June 1, 2016, in Reno (see attached Stakeholder Meeting flyer and attendance sheet) and an email regarding the NAC change was sent directly to all CEMs and to the currently listed persons providing the training programs. Notices of the stakeholder meetings and an invitation for comments were posted in all county public libraries, the NDEP buildings in Carson City and Las Vegas, and to the NDEP website. Comments were also invited via e-mail and telephone. The meeting minutes will be posted under Program Administration under the title: Stakeholder Meeting Transcript - Notice to Solicit Comments on Proposed Underground Storage Tank and Certification Program Regulations Potential Small Business Impact: http://ndep.nv.gov/bca/ust_home.htm. There has been no response to date on these regulations.

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

The agency determined that small businesses would not be impacted (see Part 1, #s 1 and 2). Because the agency determined that small businesses would not be impacted, questions 2 - 4 are not applicable (NRS 233B.0608).

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

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

Not applicable (see Part 2 #2).

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.)*

Not applicable (see Part 2 #2).

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 a minimum cost to the agency for employee time associated with reviewing applications submitted by prospective providers of an approved UST training program, but this cost is built into the current grant funding structure by the Bureau of Corrective Actions.

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.

There is an initial \$100 filing fee and a subsequent, bi-yearly renewal fee of \$100. The agency expects to collect an initial \$100 from approximately 15 training programs (\$1500) and \$1500 every-other-year thereafter. The monies will be deposited into the Certification Program budget account and used for staff support.

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 regulation is not duplicative of or more stringent than federal, state or local standards regulating the same activity.

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

The \$100 fee to apply to be certified as a provider of an approved UST training program and to be renewed every two years is voluntary and is only required if the business or individual wants to do this type of work in Nevada. The \$100 fee to become and remain eligible to provide an approved UST training program for underground storage tank operators in Nevada is considered a nominal fee to provide these services for a fee.

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. *and was prepared properly. DE*



Administrator, NDEP

7/7/16

Date

<http://www.leg.state.nv.us/Statutes/77th2013/Stats201314.html#Stats201314page2304>

