

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. This proposed regulation will not have a negative impact or significant economic burden on small businesses. This regulation: (1) provides clarification of existing sewage holding tank regulations for improved understanding implementation; and (2) provides a solution to a permitting problem created by legislation that could have had an adverse impact on operating limited potential small business locations, as related to certain prohibited sewage disposal options.

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. This regulation does not provide any barrier to the formation, operation or expansion of a small business.

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.)*

On March 29, 2023, NDEP held a preliminary workshop to solicit comments on proposed regulatory amendments related to sewage holding tank clarifications as a part of Governor Lombardo's Executive Order 2023-003. Additionally, comments will be solicited on the original proposed amendments, as well as new additions in 2024, through a workshop in August, 2024 to be held in Carson City with virtual participation available. Notices of the workshops and an invitation for comments will be posted in all county libraries, the Nevada Division of Environmental Protection (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 will be emailed to an extensive distribution list maintained by NDEP's Bureau of Water Pollution Control. A summary of the workshop will be posted on the State Environmental Commission website at <http://sec.nv.gov/meetings>.

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

The agency determined that small business will not be adversely impacted (see Small Business Impact Disclosures #1 and #2).

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

The proposed changes in Section 5 could have a slight economic impact on a regulated small business pertaining to paying permit application fees, but the effect is offset. Other changes in the petition are clarifications of existing regulation with no economic effect.

a. Both adverse and beneficial effects:

The minor economic effect of Section 5 relates to the fact that an existing application fee is required for new individual permits; however, this impact is offset by the fact that entities will be able to seek a permit to operate and conduct business.

b. Both direct and indirect effects:

No significant direct or indirect effects.

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.

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.)

The proposed regulations apply to existing permitting programs, supported by established fees of the program. No additional cost to the agency for enforcement of the proposed regulations is expected.

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 proposed regulations do not address fees.

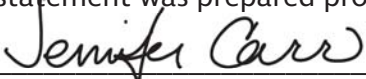
7. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, provide an explanation of why such duplicative or more stringent provisions are necessary.

The proposed amendments do not duplicate other federal, state or local standards or regulations, likewise they are not more stringent.

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

In addition to general cleanup of existing holding tank regulations in response to Executive Order 2023-003, the proposed regulatory amendments provide a solution to a problem created by legislation in 2023. The legislation created regulatory conflict between Local prohibitions for constructing certain sewage treatment and disposal options versus State regulations pertaining to sewage holding tank standards. These regulation amendments provide a solution to the new regulatory conflict, potentially allowing a small business, in certain areas of Clark County, to become established and operational.

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

8/6/2024

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>