

FORM # 4, Part 1

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

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).

RE: Proposed Amendment to NAC 445B.221 in AIR CONTROLS: AIR POLLUTION
By: Nevada Division of Environmental Protection (NDEP), Bureau of Air Pollution Control and Bureau of Air Quality Planning

1. Does this proposed regulation impose a direct and significant economic burden upon a small business?

ANSWER: No. The New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants that we are proposing to adopt as a permanent regulation are federal rules, and the regulated business/industry must comply with them regardless of whether EPA or NDEP implements them. Therefore, there will be no added economic impacts to the regulated industry due to NDEP's proposed adopt-by-reference regulation update. In fact, industry prefers that NDEP implement the federal rules.

2. Does this proposed regulation restrict the formation, operation or expansion of a small business?

ANSWER: No. The New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants that we are proposing to adopt as a permanent regulation are federal rules, and the regulated business/industry must comply with them regardless of whether EPA or NDEP implements them.

The small business impact statement was made available at the public workshop held in

Carson City on May 28, 2009. Copies may be obtained by calling Paul Williams in the Bureau of Air Quality Planning at (775) 687-9543 or e-mailing pawilliams@ndep.nv.gov.

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Part 2 of Form #4 is not applicable to the amendments being proposed here by NDEP.