

**FORM # 4, Part 1**

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

RE: Proposed Amendment to NAC 459 HAZARDOUS MATERIALS, specifically adding mercury to the list of highly hazardous substances (NAC 459.9533) regulated under NDEP’s Chemical Accident Prevention Program (CAPP)  
By: Nevada Division of Environmental Protection (NDEP), Bureau of Air Pollution Control

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. If questions 1 and 2 are answered with a NO, then a small business impact statement is not required. If either question is answered with a YES then a small business impact statement is required prior to the conduct of public workshops by the petitioning agency.

*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).*

**1. Does this proposed regulation impose a direct and significant economic burden upon a small business?** ANSWER: NO.

The proposed regulation adds elemental mercury to the list of highly hazardous substances that are regulated under NDEP’s CAPP. The threshold amount that is regulated is 100 tons (200,000 pounds). Only one business or facility in Nevada has been identified as potentially dealing with that amount of mercury; the Hawthorne Army Depot, which does not qualify as a small business. The proposed regulation, therefore, will not impose a direct economic burden on a small business.

**2. Does this proposed regulation restrict the formation, operation or expansion of a small business?** ANSWER: NO.

NDEP does not believe that this proposed regulation will pose such a restriction. See number 1 above.

**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.  
ANSWER: Not applicable.

B. Attach the Small Business Impact Statement (part 2) as part of Form #4 upon submission of the proposed regulation to the State Environmental Commission when Form #1 (petition to the Commission) is submitted. ANSWER: Not applicable.