Form #4

Small Business Impact Disclosure and Statement

Revised: 4/24/2026

NEVADA
STATE ENVIRONMENTAL COMMISSION

Instructions for Completing Form #4

This form is used by Nevada state agencies to document the evaluation of potential impacts that a proposed regulation may have on small businesses, as required under the Nevada Administrative Procedure Act (**NRS 233B.0608** and **NRS 233B.0609**). The purpose of this form is to ensure that agencies assess possible economic effects on small businesses, consult with those businesses when appropriate, and clearly describe the methods, findings, and conclusions of that assessment.

When preparing a Small Business Impact Statement (SBIS), agencies must:

- Determine whether the proposed regulation may impose a direct and significant economic burden on a small business or restrict its formation, operation, or expansion.
- Make a concerted effort to obtain input from affected small businesses when an impact is likely.
- Analyze the potential economic effects of the proposed regulation, including both beneficial and adverse impacts, and both direct and indirect impacts.
- Consider and document methods to reduce the regulatory impact on small businesses.
- Provide detailed information required under Nevada law, including solicitation of comments, analysis methodology, estimated impacts, enforcement cost estimates, fee-related disclosures, explanations of duplicative or more stringent requirements, and the reasons for the agency's conclusions.
- Identify the number of small businesses likely to be affected.
- Identify any chambers of commerce or trade associations notified about the proposed regulation and describe the manner in which they were notified.
- Ensure that the completed SBIS is available to the public as required and submitted to the Legislative Counsel Bureau with the regulation.

A "small business" is defined in **NRS 233B.0382** as a business conducted for profit that employs fewer than **150 full-time or part-time employees**.

Complete all applicable sections of this form and attach supporting documentation as needed. The agency director, executive head, or other responsible designee must certify that the information provided is accurate and that a good-faith effort was made to determine the impact of the proposed regulation on small businesses.

Small Business Impact Disclosure

A "**yes**" response to either question **I** or question **II** indicates that a Small Business Impact Statement (SBIS) is required to be noticed and available at the public workshop.

I. Does the proposed regulation impose a direct and significant economic burden on a small business?

State "yes" or "no." If "no," provide an explanation and submit any supporting documentation (this information may also be addressed in Item 11 of the SBIS and referenced here). If "yes," reference the attached SBIS.

There will be no added economic burden to small businesses due to Nevada Division of Environmental Protection's (NDEP) update to the federal rules adopted by reference in Nevada Administrative Code (NAC) 445B.221. The rules are federal requirements that the regulated business/industry must comply with regardless of whether the U.S. Environmental Protection Agency (USEPA) or NDEP implements them. Therefore, there will be no added economic impacts on the regulated industry due to this update.

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

State "yes" or "no." If "no," provide an explanation and submit any supporting documentation (this information may also be addressed in Item 11 of the SBIS and referenced here). If "yes," reference the attached SBIS.

No, adopting by reference does not have a material impact on the obligation for sources to comply with current existing standards, or the ability of NDEP to enforce standards; however, a small business impact statement was prepared.

Small Business Impact Statement

1. Describe how comments were solicited from affected small businesses, summarize the responses received, and explain how other interested persons may obtain a copy of the summary. Attach all comments received and any workshop attendance sheets, clearly noting which attendees were identified as small businesses.

A public workshop to solicit comment on the proposed regulatory changes will be held on October 28, 2026, in Carson City and video conferenced to Las Vegas, and available virtually on Microsoft Teams. The workshop minutes will be available on NDEP's public website beginning November 3, 2026. The documents will also be available on the Nevada State Environmental Commission's website. See Attachment B for additional materials.

2. **Total number of small businesses affected.** Provide the estimated number of small businesses likely to be affected by the proposed regulation.

The agency determined that small businesses would not be impacted (see Small Business Impact Disclosure I and II).

3. **Notification to chambers and trade associations.** List all chambers of commerce and trade associations that were notified regarding the proposed regulation.

See Attachment B.

4. **Description of notification methods.** Describe how each organization was notified (email, direct outreach, public posting, formal distribution list, etc.).

NDEP will use formal distribution lists (e.g. List-Serves), including county public libraries, to distribute the Public Workshop Notice and Agenda. Physical copies of the Notice and Agenda will be posted in the NDEP buildings in Carson City and Las Vegas. The Agenda and Notice will also be posted on the NDEP website, the Legislative Council Bureau's website and the official State of Nevada Website.

5. Describe the method used to conduct the analysis, if an impact on small businesses was identified.

NDEP determined that small businesses would not be impacted (see Small Business Impact Disclosure I and II).

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

Not applicable (see Small Business Impact Statement #2).

   a. Both adverse and beneficial effects:

Not applicable (see Small Business Impact Statement #2).

   b. Both direct and indirect effects:

Not applicable (see Small Business Impact Statement #2).

7. Provide a description of the methods the agency considered to reduce the impact of the proposed regulation on small businesses, and state whether any of those methods were actually implemented. Include a discussion of each method listed below, as applicable.

Not applicable (see Small Business Impact Statement #2).

   a. Simplification of the proposed regulation:

The regulation is simple and concise.

   b. Establishment of alternative or reduced compliance standards for small businesses:

Not applicable, all affected businesses are subject to the same requirements.

c. Modification of fees or fines to allow small businesses to pay a reduced amount:

The proposed regulatory amendment does not address fees.

8. Provide the estimated cost to the agency for enforcing the proposed regulation, including an explanation of the methods used to develop that estimate.

The proposed regulation does not impose functions on the agency that it does not already provide, so no additional costs beyond what the agency would normal incur are expected.

9. If the proposed regulation establishes a new fee or increases an existing one, provide the total annual amount the agency expects to collect and explain how the funds will be used.

The proposed regulatory amendment does not address fees.

10. If the proposed regulation includes provisions that 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.

Not applicable, the proposed amendments do not include requirements that are more stringent than federal regulations.

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

The regulation does not impose any requirements, burdens, or fees on any businesses.

Certification Statement

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 small businesses; that all required information has been accurately and properly included in this Small Business Impact Statement; and that the information contained herein is complete and accurate.

Jennifer Carr (Oct 12, 2026 16:49:38 PDT)
Administrator, NDEP

Oct 12, 2026
Date

Attachment B for R058-26

Nevada State Environmental Commission – Form #4: Small Business Impact Disclosure and Statement

1. **Describe how comments were solicited from affected small businesses, summarize the responses received, and explain how other interested persons may obtain a copy of the summary. Attach all comments received and any workshop attendance sheets, clearly noting which attendees were identified as small businesses.**

   Below are the Workshop Minutes and attendance sheets.

3. **Notification to changes and trade associations.**

   The Public Workshop Notice and Agenda was sent to the following Chambers of Commerce; Battle Mountain Chamber of Commerce, Beatty Chamber of Commerce, Carson City Chamber of Commerce, Carson Valley Chamber of Commerce, Dayton Chamber of Commerce, Elko Chamber of Commerce, Fallon Chamber of Commerce, Fernley Chamber of Commerce, Goldfield Chamber of Commerce, Humboldt County Chamber of Commerce, Mineral County Chamber of Commerce, Pahrump Chamber of Commerce, Pioche Chamber of Commerce, White Pine Chamber of Commerce, Yerington Chamber of Commerce. The Notice and Agenda will also be sent to the Nevada Mining Association (NvMA).

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

Workshop to Solicit Comments on Proposed Amendments to NAC 445B: Air Controls

October 28, 2026
9:00 AM

Bonnie B. Bryan Boardroom
1st Floor
901 South Stewart Street
Carson City, NV 89701

Warm Springs Conference
Room Suite 200
375 East Warm Springs Road
Las Vegas, NV 89119

The workshop was also held virtually and was publicly accessible by video conference and phone

MEETING NOTES

ATTENDEES:

Workshop Chair:

Ken McIntyre, Supervisor, BAQP

NDEP Staff:

Jeff Kinder, Deputy Administrator
Jennifer Schumacher, Chief, BAPC
Patricia Bobo, Environmental Scientist, BAQP
Katherine Hansen, Environmental Scientist, BAQP
Nicholas Schlafer, Staff Engineer, BAQP

Public[1]:

Carson City:

Kyle Davis, Nevada Mining Association

Las Vegas:

No Attendees

Virtual[2]:

Andrew Tucker
Alex Thatcher
David Dragon
Elizabeth Huelson
Haley Brown
Joel Dunkin
Savannah Dalley
Will Alder
Courtenay Collins
Denise Hazelman
Gina Hawkins
Jacob Morford
Kay Olson
Theodore Donahue

[1] None of the attendees identified themselves as being affiliated with a small business.
[2] Attendees are listed using their online registration. Last name and/or affiliation may not have been provided.

CALL TO ORDER

Mr. McIntyre called the meeting to order at 9:04 AM, explained the purpose of the Public Workshop, and introduced the staff present. Mr. McIntyre explained that the names of attendees would be collected for the record and that the meeting was being recorded. Mr. McIntyre reviewed the workshop agenda. There were no questions or changes to the agenda. Ms. Bobo explained that virtual attendees would be muted by the moderator and how they could signal to the moderator that they had a question or comment so they could be unmuted. Ms. Bobo explained that a copy of the proposed regulations, and State Environmental Commission Forms 1 and 4, could be found on NDEP's website.

Mr. McIntyre explained how the regulation adoption process works. The regulation adoption timeline was explained, specifying that there would be a 30-day public comment period prior to the State Environmental Commission (SEC) hearing for each set of proposed amendments. Mr. McIntyre stated that unless there are substantive changes based on feedback from this workshop, NDEP will submit proposed regulations R058-26 and R147-26 to the SEC to be heard on December 16, 2026. If the regulations are adopted by the SEC, they are submitted to the Legislative Commission. If the Legislative Commission approves the regulations, they are filed with the Secretary of State and become effective. Mr. McIntyre paused and asked if there were any questions about the regulation adoption process.

Mr. McIntyre moved on to present the regulatory petitions.

R058-26 SUMMARY

Mr. McIntyre presented R058-26, the proposal to amend NAC 445B.221 to adopt applicable federal rules promulgated since the State regulation was last updated as of April 2024. This is a routine activity commonly referred to as "adopt by reference". The proposed amendments and the adoption by reference of the federal regulations will allow NDEP to request delegated authority for the compliance and enforcement of air regulations from USEPA. NDEP will implement the federal regulations once the authority has been delegated. The proposed regulation is to adopt new and amended subparts under the Code of Federal Regulations (CFR) Parts 51, 52, 60, and 63. The proposed regulation includes adoptions relating to National Emissions Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS). Mr. McIntyre explained that USEPA had taken action on 40 CFR Part 60 Subparts TTTT, TTTTa and UUUUb, and that NDEP is submitting a green-lined version to the SEC that reflects USEPAs rulemaking.

Mr. McIntyre paused and asked if there were any questions. There were none.

R147-26 SUMMARY

Mr. McIntyre then presented R147-26, the proposal to amend and repeal portions of the Nevada Mercury Control Program within NAC 445B. The proposed regulations include notice of authorized change, the addition of minor modifications, enshrining the 5.0 pounds per year cap on de minimis emissions, and changes to billable thermal units for annual maintenance fees. Mr.

McIntyre explained these in detail, with the inclusion of the permitting actions associated fee. Mr. McIntyre stated that the reasons for the proposed regulation are to delete obsolete provisions, clarify regulatory requirements, and provide additional permitting tools to address common changes made by the regulated industry. Mr. McIntyre further explained that the regulation would impact two small businesses by them needing to pay annual maintenance fees but explained that they are able to cancel their Mercury Operating Permit to Construct by the end of the fiscal billing cycle. Seven small businesses would experience fiscal relief.

Mr. McIntyre paused and asked for comments or questions.

Comments

Kyle Davis: I am here to provide comments on behalf of the Nevada Mining Association. The Nevada Mining Association appreciates the work that the division has done on this issue and appreciates the willingness to accept our feedback and work with us, as well as working through the regulations and getting the language in a good place that we think is workable for our members. We are still reviewing the final language that we're looking at today. I think largely this is in a good spot, and we may have a question or two in terms of implementation. In general, we appreciate the work that has been done by the Division in putting this regulation together and we'll be there at the State Environmental Commission to provide the same comments.

Ken McIntyre: Thank you.

ADJOURMENT

Ken McIntyre: If there are no further questions or comments this meeting is adjourned at 9:23 AM. Thank you everyone for your time and participation in this public workshop. We'll see you next time.

SIGN-IN SHEET
Amendments to NAC 445B
Workshop
Carson City, 9:00 am
October 28, 2026

PRINT NAME	AFFILIATION/ADDRESS	PHONE &/OR E-MAIL	SMALL BUSINESS (Y/N) (≤150 full or part-time employees)
Kyle Davis	NV Mining Assn	775-338-6732 kyle@pinyonpublicaffairs.com	