

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.

No. The adoption of the federal annual PM_{2.5} standard is being proposed because the State of Nevada is required to do so by federal law. Under Clean Air Act, 42 U.S.C § 7401 et seq., the U.S Environmental Protection Agency (USEPA) establishes the National Ambient Air Quality Standards (NAAQS) for certain pollutants, called criteria pollutants, which the states are required to implement. If the State fails to timely implement the NAAQS, the USEPA may sanction the State by withholding federal highway funds and may implement the standards for the State. If the USEPA implements the NAAQS for the State, permitting decisions would be made by the USEPA rather than the State. This may result in delays for the regulated industry, since USEPA has no mandatory time frame for issuing permits.

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. The adoption of the proposed regulation will not limit regulated small businesses because the standard is already effective at the national level. The new standard will impose more restrictive requirements in terms of emissions to regulated businesses of NDEP adopting the standard or not. NDEP adopting the standard will ensure that the implementation will happen at the state level. The NDEP has experienced an increased amount of air quality operating permit activity in recent years due to new and expanded business activity. Pollution standards require consideration in a business model, but the NDEP strives to work with industry to encourage economic growth, while meeting pollution standards.

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 August 11, 2026, in Carson City and video conferenced to Las Vegas, and will also be available by telephone and via Microsoft Teams. The workshop minutes will be available on the NDEP's public website beginning August 14, 2026. The documents will also be available on the Nevada State Environmental Commission's website. See Attachment C 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 Division cannot estimate the number of small businesses likely to be affected, nor does the Division anticipate an impact of the proposed regulatory amendment, due small businesses generally having lower air emission profiles. See Attachment B, Section 11 for additional information.

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.).

The Division used 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 were posted in the NDEP buildings in Carson City and Las Vegas. The Agenda and Notice were also 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.

See Attachment B, Section 11.

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

See Attachment B.

- a. Both adverse and beneficial effects:

See Attachment B.

- b. Both direct and indirect effects:

See Attachment B.

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.

This change does not allow for different requirements across regulated businesses, but existing regulatory provisions and the Small Business Environmental Assistance Program (UNR-BEP) reduces the burden on small business.

- 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 regulated businesses are subject to the same requirements.

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

While the proposed regulatory amendment does not address fees, the NDEP has established different categories of permits, depending on the levels of annual emissions. Generally, the smaller the emissions, the lower the fee for obtaining a permit or permit renewal.

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 regulation 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.

The proposed amendments do not overlap with any other State regulations. They adopt a federal regulation into State regulation as required by Title 42 U.S.C § 110(a)(1) of the Clean Air Act.

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

The Division does not anticipate an of the proposed regulatory amendment on regulated small businesses. See attachment B.

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 (Aug 11, 2026 19:18:18 PDT)

08/11/2026

Administrator, NDEP

Date

Attachment B for R142-26

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3. Notification to changes and trade associations.

The Public Workshop Notice and Agenda was sent to the following Chamber and Commerce's; 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 was also sent to the Nevada Mining Association (NvMA).

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

NDEP prepared a preliminary analysis which showed that approximately 21% of the regulated businesses exceed the new annual PM_{2.5} standard of 9.0 ug/m³. NDEP will coordinate with the affected regulated businesses to address the new annual PM_{2.5} standard at their next permit renewal. USEPA states *"if new modeling does show that the new emissions would cause or contribute to a violation of the revised standard, the owner has options for how they modify their planned project and what types of emission controls they install. A more detailed modeling assessment must show either no violation or the impacts fall below levels considered significant."*¹ NDEP will continue to provide modeling for all regulated businesses.

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

(a) Both adverse and beneficial effects:

The cost will range from no cost to the cost of installing emission controls appropriate to the individual situation. The NAAQS will have beneficial effects in terms of improved health and welfare. The proposed regulation will have beneficial effects in terms of improved health and welfare. In accordance with the Clean Air Act, the primary NAAQS are established to protect against adverse effects of polluted air on human health. The emissions reductions will also benefit public welfare.

¹ Environmental Protection Agency. 2024. "Implementing the Final Rule to Strengthen the National Air Quality Health Standard for Particulate Matter – Fact Sheet." *Final Reconsideration of the National Ambient Air Quality Standards for Particulate Matter (PM)*. <https://www.epa.gov/system/files/documents/2024-02/pm-naaqs-implementation-fact-sheet.pdf>. 4.

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

(b) Both direct and indirect effects:

The cost to regulated small businesses will be the direct cost for implementing control measures for PM_{2.5}. Regulated small businesses are more likely to experience indirect beneficial effects in terms of cost savings due to health benefits derived from cleaner air, such as fewer sick days used by employees.

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

NDEP prepared a preliminary analysis which showed that approximately 21% of the regulated businesses exceed the new annual PM_{2.5} standard of 9.0 ug/m³. The change to the NAAQS will impact each regulated business differently. NDEP will coordinate with the affected regulated businesses to address the new annual PM_{2.5} standard at their next permit renewal.

An environmental evaluation is required for a new or modified stationary source for each pollutant standard (NAC 445B.331). Adoption of the federal standard as a Nevada ambient air quality standard would require applicants for air quality permits to incorporate the revised primary PM_{2.5} standard into the environmental evaluation and model that they are already performing for the existing PM_{2.5} standard. Currently, a facility is not required to model if it has the potential to emit less than 25 tons per year of a regulated pollutant (NAC 445B.310(1)(a)), or in the case of the NO₂ and SO₂ 1-hour standards, less than 40 tons per year (NAC 445B.311(5)). These regulatory provisions provide relief for small businesses. When industry does not model, the NDEP performs the modeling for them. Additionally, if a facility is required to model, pursuant to NAC 445B.310(2), the facility may request that the NDEP perform the modeling exercise free of charge. The NDEP has never denied a modeling request and routinely performs this service for industry.

To determine if small businesses would be impacted by adopting the federal PM_{2.5} standard as the State standard, the NDEP conducted an emission inventory analysis of the 2023 National Emissions Inventory data for all facilities that would emit greater than 25 tons per year of PM_{2.5} or greater than 40 tons per year of the PM_{2.5} precursors, SO₂ and NO_x, but would fall below the thresholds for PSD. The NDEP surveyed the facilities and companies identified in the review of the emissions data to determine which ones are small businesses. The analyses performed by the NDEP show that the vast majority of Nevada's more than one thousand regulated companies and facilities will not be impacted by the new requirement. 20 facilities under the NDEP's jurisdiction emit greater than 25 tons per year of PM_{2.5} or 40 tons per year of PM_{2.5} precursors (SO₂ and NO_x), none of which have been identified as small businesses. Notably, regardless of whether the NDEP enacts the NAAQS as part of the State ambient air quality standards, the regulated companies must abide by the federal standards.

It is important to note that the PM_{2.5} standard is a federal regulation which small business must comply regardless of whether the NDEP or USEPA implements them. If USEPA must implement the standards, it will do so remotely, in a unilateral manner, with little experience of Nevada's industry and without the NDEP's commitment to support economic development. In contrast, the NDEP has active working relationships with key industry sectors and is well positioned to develop Nevada-specific implementation strategies with industry that are effective and as unobtrusive as possible.

Attachment C for R142-26

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.

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
Workshop to Solicit Comments on Proposed Amendments to
NAC 445B: Air Controls

August 11, 2026
9:00 AM

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

Red Rock 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:

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

Public¹:

Carson City:

My-linh Nguyen, NDOT

Las Vegas:

No Attendees

Virtual²:

Alex Hinshaw
Brenden Schniedar
Brownfields Coordinator
Cassinelli Sandy
Christian Pineda-Arciniega

Denise Hazelman
Edward Macgillivray
Gina Hawkins
Haley Brown
Raymond W Parsons

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 9:00 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. Ms. Bobo asked attendees to state if they are affiliated with a small business and let attendees know that the workshop summary would be available to view on the NDEP public website by Friday August 14th.

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 R142-26 and R058-26 to the SEC to be heard on September 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.

R142-26 SUMMARY

Mr. McIntyre presented R142-26, the proposal to amend NAC 445B.22097, the Nevada ambient air quality standards which adopts the National Ambient Air Quality Standards, changing the primary annual standard for fine particulate matter, also known as PM_{2.5}, from 12.0 to 9.0 micrograms per cubic meter. Mr. McIntyre explained that the changes to NAC 445B.22097 complies with federal requirements laid out in Sections 109 and 110 of the Clean Air Act. Mr. McIntyre went over the timeline of the federal primary annual PM_{2.5} standard. Mr. McIntyre explained what PM_{2.5} is and that it contains a mixture of solid particles and liquid droplets found in the air. Direct sources of PM_{2.5} include vehicle exhaust, powerplants and construction sites, wildfire smoke, wood smoke, and trash burning. Chemical reactions that contribute to PM_{2.5} include sulfur dioxide and nitrogen oxides turning into particles. The harmful effects of particulate matter were also explained and includes premature death in people with heart or lung disease, nonfatal heart attacks, irregular heartbeat, aggravated asthma, decreased lung function, and increased respiratory symptoms. Mr. McIntyre went over the environmental effects of PM_{2.5} which include reduced visibility, also known as haze, acid rain, damage to sensitive forests and farm crops, and soil nutrient depletion.

Mr. McIntyre paused and asked if there were any questions. None were asked.

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 the U.S. EPA. 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 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 paused and asked if there were any questions.

COMMENTS AND QUESTIONS

Alex Hinshaw: Does NDEP anticipate that any of the newly adopted NSPS or NESHAP subparts will require action from existing permitted facilities, or will the impacts primarily be limited to future sources and modifications?

Ken McIntyre: Federal rules are applicable at the permit renewal or modification.

Ken McIntyre: Do we have any further questions and/or comments?

ADJOURMENT

Ken McIntyre: If there are no further questions or comments this meeting is adjourned at 9:16 AM. Thank you everyone for your time and participation in this public workshop. We'll see you next time.

[illegible]