

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. The adoption of the federal PM2.5 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 national ambient air quality standards (NAAQS) for certain pollutants, called criteria pollutants, which the states are then 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.

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. The proposed regulatory amendments are no more stringent than the federal regulation, which provides a level playing field nationally. 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.

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.)*

A public workshop to solicit comment on the proposed regulatory changes will be held in Summer 2026 in Carson City and video conferenced to Las Vegas. Notice of the workshop and an invitation for comments will be distributed to all county public libraries, and will be posted the 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 also be emailed to an extensive distribution list maintained by the NDEP Bureau of Air Quality Planning. During the workshop, NDEP will solicit input from potentially impacted small businesses.

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

The proposed regulatory amendment is not expected to have a small business impact. However, if the proposed regulatory amendment is potentially determined to have an economic impact on small businesses, the Division will conduct an analysis by reviewing comments submitted, evaluating information provided during the public workshop, and assessing the nature and extent of any economic or operational concerns. The Division will also consider the number and type of small businesses affected and the specific regulatory provisions identified as creating an impact.

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

The economic effect of this regulation can only be determined on a case-by-case basis for each affected businesses; however, the provisions are already in effect at the federal level so the impacts would occur even without state adoption of the standards.

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 primary NAAQS are established to protect against adverse effects of polluted air on human health. Primary standards provide public health protection, including protection of "sensitive" populations such as asthmatics, children, and the elderly.

b. Both direct and indirect effects:

The cost, if any, to small businesses will be the direct cost for implementing control measures for PM2.5. However, businesses are 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.

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.)*

This change does not allow for different requirements across affected businesses, but existing regulatory provisions and the Small Business Assistance Program reduces the burden on small business.

A. Simplification of the proposed regulation:

The regulation is simple and concise.

B. Establishment of different standards of compliance for a small business:

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

C. Modification of fees or fines so that a small business is authorized to pay a lower fee or fine:

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

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 regulation does not impose functions on the agency that it does not already provide, so no additional costs beyond what the agency would normally incur are 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 regulation does 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 overlap with any other State regulations. They adopt a federal regulation into State regulation as required by the federal Clean Air Act.

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

The Division does not anticipate an impact of the proposed regulatory amendment on small businesses. See Page 1, Section 1, and Pages 2 and 3, Section's 2, 3 and 4 of this form.

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.


Jennifer Carr (Jun 18, 2026 18:21:13 PDT)

Administrator, NDEP

Jun 18, 2026

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>