

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 proposed regulatory amendments are not expected to impose a direct or significant economic burden on a small business. The proposed regulatory amendments delete obsolete provisions of the Nevada Mercury Control Program, clarify regulatory requirements, and provide additional permitting tools that address common changes made by the regulated industry.

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 proposed regulatory amendments are not expected to restrict the formation, operation, or expansion of a small business. The proposed regulatory amendments delete obsolete provisions of the Nevada Mercury Control Program, clarify regulatory requirements, and provide additional permitting tools that address common changes made by the regulated industry.

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. The public workshop will be available to attend by telephone and online via 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 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.

See Attachment B.

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 uses 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 Workshop Agenda and Notice will also be posted on the NDEP website, the Legislative Council Bureau's and the official State of Nevada websites.

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

NDEP completed a cost comparison analysis that compared the existing fee structure to the proposed fee structure for the FY2025 Annual Maintenance Fees. Under the proposed regulatory amendments it is proposed to include all permitted thermal units instead of the billable thermal units. This results in the lowering of the cost of each thermal unit for the purposes of Annual Maintenance Fee. See #11 on Attachment B for further information.

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

See Attachment B.

- a. Both adverse and beneficial effects:

No adverse effects are expected. Beneficial effects include providing additional clarity to the regulatory industry by updating language and deleting obsolete provisions, and providing additional simplified permitting tools.

- b. Both direct and indirect effects:

Direct effects may include providing additional clarity to the regulated industry and updating outdated language. Indirect effects may include lower compliance costs for the regulated industry.

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 now allow for different requirements across regulated businesses. 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:

The distribution of annual maintenance fees is fair and equitable for regulated businesses. NDEP's analysis showed that smaller businesses have smaller operations and less thermal units, resulting in lower annual maintenance 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. Therefore, no additional costs beyond the agency's existing enforcement costs will occur.

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 change in permitting action fees for regulated business vary on a case-by-case basis. The funds reviewed in annual maintenances fees is not changing. NDEP does not anticipate an increase in annual funds collected.

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 regulatory amendments do not overlap or duplicate the regulations of any state or local government agency. The Nevada Mercury Control Program predates the federal mercury program, implemented by EPA; however, NDEP strives to harmonize requirements when practicable.

11. The reasons for the conclusions regarding the impact of a regulation on 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 (Oct 12, 2026 17:06:45 PDT)

10/12/2026

Administrator, NDEP

Date

Attachment B for R147-26

Form #4: Small Business Impact Disclosure and Statement

2. Total number of small businesses affected.

NDEP completed a cost comparison analysis for FY2025 Annual Maintenance Fees under the existing fee structure and the proposed Annual Maintenance Fee structure for small businesses within the Nevada Mercury Control Program. Out of the nine regulated small businesses that were identified, two currently have not paid annual maintenance fees due to ambiguity in the regulations under Nevada Administrative Code (NAC) 445B.3689. The proposed regulation would require all regulated businesses to pay annual maintenance fees under their permitted thermal unit count, regardless of operating status. This subjects those two regulated small businesses to pay annual maintenance fees. Additionally, the analysis showed that all small businesses that currently pay annual maintenance fees will not experience a fee increase under the proposed regulation.

3. Notification to chambers and trade associations.

The Public Workshop Notice and Agenda will be 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).

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

NDEP completed a cost comparison analysis for FY2025 Annual Maintenance Fees under the existing fee structure and the proposed Annual Maintenance Fee structure for small businesses within the Nevada Mercury Control Program. Out of the nine regulated small businesses that were identified, two currently have not paid annual maintenance fees due to ambiguity in the regulations under Nevada Administrative Code (NAC) 445B.3689. The proposed regulation would require all regulated businesses to pay annual maintenance fees under their permitted thermal unit count, regardless of operating status. This subjects those two regulated small businesses to pay annual maintenance fees. Additionally, the analysis showed that all small businesses that currently pay annual maintenance fees will not experience a fee increase under the proposed regulation.

The proposed regulatory changes establish minor revisions and notification of authorized change, proposed at \$2,500 and \$1,000, respectively. These two new options provide

economic relief to regulated small businesses, as the current permit revision fee is set at \$5,000.

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

Nevada Revised Statute (NRS) defines a small business as “a business conducted for profit which employs fewer than 150 full-time or part-time employees” (NRS 233B.0382). Employment numbers for this analysis were confirmed using the State of Nevada Division of Industrial Relations Directory of Mine Operations Directory, the Nevada Department of Employment, Training & Rehabilitation’s Nevada Work Force reports, and direct outreach to facilities. As of February 2026, 32 facilities are subject to the regulations of the Nevada Mercury Control Program and have a Mercury Operating Permit to Construct through the Bureau of Air Pollution Control. Of those 32 facilities, 13 are classified as small businesses, with 4 of the 13 small businesses classified as de minimis only facilities. This results in nine regulated small businesses being required to pay annual maintenance fees. NDEP is soliciting comments on the proposed regulation, and the two facilities affected by this proposed regulation have the option to cancel their mercury operating permit to construct if the small business is not ready to construct the affected facility.

The proposed regulatory amendment is meant to be more equitably distribute annual maintenance fees and will align the proposed fees in NAC445B.3689 with NAC445B.327, as Class I and II facilities are billed for their annual maintenance fees after a permit has been issued, regardless of whether the source is constructed or operating.

The proposed regulation includes an amendment to the calculation of annual fees within the Nevada Mercury Control Program. This includes using the thermal unit count on the permit, regardless of how many thermal units may be under that specific Thermal Unit Designation. The proposed regulation will not impact the total dollar amount NDEP brings in from Nevada Mercury Control Program annual maintenance fees, as the impact is on the total number of thermal units used in the fee calculations, resulting in a lower cost per thermal unit. Lastly, NDEP also compared potential increases for large-sized businesses to those increases that will be incurred by small businesses. NDEP found that larger businesses could be most impacted by these changes, as those facilities have higher numbers of emission units. While larger businesses could see an increase in annual maintenance fees, there will be cost savings when submitting permit revisions under the proposed addition of a minor revision and notification of authorized change.

Total Number of Actual Thermal Units for Annual Maintenance Fees

The analysis showed that all small, regulated businesses that currently pay annual maintenance fees under NAC 445B.3689 will not experience a fee increase under the proposed regulation. This demonstrates that there is minimal impact on small businesses that

currently pay annual maintenance fees. NDEP does acknowledge that there will be changes to the regulated industry with no previous thermal unit count while having permitted thermal units, with two facilities that are not required to pay annual maintenance fees under the current fee structure. The new fee for those two facilities is estimated to be \$12,000 and \$16,000, respectively. Seven small businesses would experience a fee decrease, ranging from approximately \$2,700 to \$9,600.

Table 1 displays the nine small businesses that currently have a Mercury Operating Permit to Construct and are not de minimis only facilities. Columns two and three show the current billable thermal units and their respective annual maintenance fee. Columns four and five show the thermal units and annual maintenance fee for the respective facility's permitted thermal unit count. Facilities 8 and 9, shown in darker shaded blue, do not have any billable thermal units under the current NAC, which exempts them from paying annual maintenance fees due to not being constructed or operated for the Fiscal Year used in this evaluation. As previously stated, their annual maintenance fee would increase to include their permitted thermal unit count.

Table 1, Small Business Impact – Annual Fee Comparison for Small Regulated Businesses

Facility	Billable Thermal Units Under Current NAC	Current Fee Schedule FY2025	Proposed Thermal Unit by Permitted Thermal Unit Count	Proposed Fee Schedule FY2025
1	4	\$ 18,753.76	4	\$ 9,131.04
2	4	\$ 18,753.76	6	\$ 13,696.57
3	4	\$ 18,753.76	5	\$ 11,413.81
4	5	\$ 23,442.20	7	\$ 15,979.33
5	4	\$ 18,753.76	6	\$ 13,696.57
6	4	\$ 18,753.76	7	\$ 15,979.33
7	2	\$ 9,376.88	2	\$ 4,565.52
8	0*	\$ 0	5	\$ 11,413.81
9	0*	\$ 0	7	\$ 15,979.33

*These two small businesses have been permitted but are not yet constructed

Annual Fee Comparison for Medium and Large-Sized Regulated Businesses

Table 2 displays the fifteen medium and large-sized regulated businesses that currently have a Mercury Operating Permit to Construct. Columns two and three show the current billable thermal units and their respective annual maintenance fee. Columns four and five show the thermal units and annual maintenance fee for the respective facilities permitted thermal unit count. Facilities 22, 23 and 24, shown in darker shaded blue, do not have any billable thermal units under the current NAC, which exempts them from paying annual maintenance fees due

to not being constructed or operated for the Fiscal Year used in this evaluation. As previously stated, their annual maintenance fee would increase to include their permitted thermal unit count.

Table 2, Annual Fee Comparison for Medium and Large-Sized Regulated Businesses

Facility	Billable Thermal Units Under Current NAC	Current Fee Schedule FY2025	Proposed Thermal Unit by Permitted Thermal Unit Count	Proposed Fee Schedule FY2025
10	8	\$ 37,507.52	16	\$ 36,524.18
11	14	\$ 65,638.16	41	\$ 93,593.20
12	10	\$ 56,261.28	18	\$ 41,089.70
13	6	\$ 28,130.64	11	\$ 25,110.37
14	30	\$ 140,653.20	55	\$ 125,551.86
15	6	\$ 28,130.64	8	\$ 18,262.09
16	5	\$ 23,442.20	7	\$ 15,979.33
17	3	\$ 14,065.32	8	\$ 18,262.09
18	8	\$ 32,819.08	14	\$ 31,958.65
19	5	\$ 23,442.20	5	\$ 11,413.81
20	3	\$ 14,065.32	7	\$ 15,979.33
21	4	\$ 18,753.76	7	\$ 15,979.33
22	0*	\$ 0	7	\$ 15,979.33
23	0*	\$ 0	3	\$ 13,696.57
24	0*	\$ 0	8	\$ 18,262.09

*These three businesses have been permitted but are not yet constructed