

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 proposed regulations do not impose a direct and significant economic burden on small businesses to our knowledge. Existing regulations require a written determination from the Administrator of the Division before a facility for the recycling of hazardous waste can commence construction or operation of the facility. In December of 2024, the State Environmental Commission approved R161-24, which adopted by reference certain exclusions in federal law for hazardous secondary materials (HSM). When HSM is properly managed and legitimately recycled, HSM is exempt from the definition of solid waste, and therefore, not considered a hazardous waste. As many recyclable materials can be classified as hazardous waste or HSM, adoption of R161-24 created the possibility that a facility handling more than one type of recyclable material may be subject to two different regulatory requirements. This regulatory amendment petition seeks to establish a single regulatory regime for these types of facilities seeking to manage recyclable materials. The regulatory amendment also establishes an annual fee for the Division's oversight of these types of facilities; and adopts a portion of the Pharmaceutical Rule while making updates to certain portions of the federal requirements adopted by reference.

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 regulations do not restrict the formation, operation, or expansion of a small business. This regulatory amendment petition seeks to establish a single regulatory regime for facilities seeking to manage recyclable materials under existing federal and state requirements; and adopts a portion of the Pharmaceutical Rule while making updates to certain portions of the federal requirements adopted by reference.

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.)*

NDEP will explain the Agency assumptions related to small business impacts and solicit comment from affected business through the State's administrative rulemaking process pursuant to NRS/NAC 233B.

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

NDEP will explain the Agency assumptions related to small business impacts and solicit comment from affected business through the State's administrative rulemaking process pursuant to NRS/NAC 233B.

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

The partial adoption of the Pharmaceuticals Rule will allow small businesses to manage nicotine replacement therapies without the P075 waste code, which could lead to an economic benefit.

a. Both adverse and beneficial effects:

None.

b. Both direct and indirect effects:

None.

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.)

No Small Business Impact Statement is anticipated.

A. Simplification of the proposed regulation:

None.

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

None.

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

None.

5. The estimated cost to the agency for enforcement of the proposed regulation. (Include a discussion of the methods used to estimate those costs.)

At the current workload, NDEP can manage the facilities we are aware of. However, if the workload expands, staffing levels will need to be reevaluated.

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 proposed regulations make amendments to NAC 444.845 with the addition of Written Determination pursuant to NAC 444.84555, subject to an annual fee of \$5,000. In addition, an annual fee of \$5,000 is established for hazardous waste recyclers that are subject to 40 CFR 261.6(c)(2) and that reclaim hazardous waste in a manner that complies with the requirements set forth in 40 CFR 261.4(a)(23), (24), or (27). The fees collected pursuant to this section will be used to pay the annual fee to the Division and to partially offset the cost of inspection, financial assurance review, and other regulatory activities conducted by the Division for the facility.

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.

There are no duplicate or more stringent requirements. This regulatory amendment petition seeks to establish a single regulatory strategy for facilities seeking to manage recyclable materials under existing federal and state requirements; and adopts a portion of the Pharmaceutical Rule while making updates to certain portions of the federal requirements adopted by reference.

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

This regulatory amendment petition seeks to establish a single regulatory strategy for facilities seeking to manage recyclable materials under existing federal and state requirements; and adopts a portion of the Pharmaceutical Rule while making updates to certain portions of the federal requirements adopted by reference.

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.

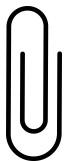
Jennifer Carr
Jennifer Carr (Feb 26, 2026 15:38:28 PST)

Administrator, NDEP

02/26/2026

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>






260210 Form 4 (002)

Final Audit Report

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