

FORM # 1

FORM FOR PETITIONING THE STATE ENVIRONMENTAL COMMISSION FOR  
ADOPTION, FILING AMENDMENTS OR REPEAL OF COMMISSION REGULATIONS

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 11/3/17

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2. The Nevada Division of Environmental Protection (NDEP) is a division of the Nevada Department of Conservation and Natural Resources of the State of Nevada. The NDEP is an environmental regulatory agency.
3. Nevada Revised Statutes (NRS) 445B.210 establishes the authority of the State Environmental Commission (SEC) to adopt regulations to prevent, abate and control air pollution. NRS 445B.300 establishes specific authority of the SEC regarding operating permit requirements for sources of air contaminants.

SPECIFIC CHANGES:

The NDEP is proposing to amend NAC 445B.22097, "*Standards of quality for ambient air.*" We are proposing to revise the Nevada ambient air quality standards table in NAC 445B.22097 to align it with the national ambient air quality standards (NAAQS) currently in effect. The proposed regulation revises the 8-hour ozone standard in the Nevada standards table from 0.075 to 0.070 parts per million (ppm). The NDEP further proposes to simplify the table by deleting the "National Standards" and "Method" columns; both columns are included only for reference and are often out-of-date with respect to the referenced federal regulations.

4. NEED FOR AND PURPOSE:

These amendments are in response to a federal requirement. When the U.S. Environmental Protection Agency (USEPA) promulgates a new or revised NAAQS, states must submit a plan which provides for implementation, maintenance and enforcement of such standard (Clean Air Act § 110(a)(1)). The proposed amendments address the implementation of the USEPA's October 26, 2015 ozone NAAQS revision, simplify the table that lists the ambient air quality standards enforced by NDEP, and provide flexibility in implementing NDEP's ambient air monitoring program.

5. ECONOMIC EFFECTS:

- (a) Regulated Business/Industry. The economic effect of this regulation can only be determined on a case-by-case basis for each affected business. If the environmental evaluation shows that the emissions from a business are expected to exceed the air quality standards, the business must revise its operating procedures or install controls to reduce emissions. The cost will range from no cost to the cost of installing emission controls appropriate to the individual situation.

It is important to note that the proposed ozone standard is already a federal standard with which industry must comply regardless of whether the USEPA or the NDEP implements it. If USEPA must implement the standard, 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 the regulated industry and is well positioned to develop Nevada-specific implementation strategies with industry that are effective and as unobtrusive as possible.

The deletion of "Federal Standards" and "Methods" columns is not expected to have any economic effect on regulated business or industry.

- (b) Public. The proposed adoption 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, including protection of "sensitive" populations such as asthmatics, children, and the elderly. The cleaner the emissions are the less health effects will be experienced by those persons downwind of the facility. In addition, the emissions reductions will also benefit public welfare. Public welfare protection includes protection against decreased visibility and damage to animals, crops, vegetation, and buildings.

The proposed simplification of the table is not expected to have any economic effect on the public.

- (c) Enforcing Agency. There may be an incremental cost to the agency of implementing the required federal regulation, but such cost is built in to the current fee structure of the Bureau of Air Pollution Control.

6. The proposed amendments do not overlap any other State regulations. They adopt a federal regulation into State regulation.
7. The proposed amendments are no more stringent than what is established by federal law.
8. The proposed amendments do not address fees.