

FORM # 1

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

1. Nevada Division of Environmental Protection
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 3/3/17

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 3/2/17

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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 revise the public notice rule provisions for the air quality program by removing the mandatory requirement to provide public notice of a draft air permit, as well as certain other program actions, through publication in a newspaper and instead provide for electric noticing (e-notice) and website access (e-access) of these actions.

The amendments propose to:

- Remove the requirement to provide public notice of a draft permit and other actions through publication in a newspaper and replace them with a requirement for e-notice.
- Require draft permits to be posted on a website (e-access).
- Remove the requirement to provide notice of the Director's proposed action and a copy of the draft Class II operating permit to a public library in the area in which the proposed new Class II source or the proposed modification to the existing Class II source is located for posting.

4. **NEED FOR AND PURPOSE:**

These amendments will significantly improve communication with the public on permit and other actions by allowing for information to be made available for an extended time period on a dedicated website in comparison to a one-day newspaper notice, which will result in

broader and better informed public participation. Public access will be improved by making actions immediately available through convenient and reliable electronic media outlets. E-notice will also provide flexibility for the NDEP by avoiding time delays associated with newspaper publication and allowing for faster correction of errors and rescheduling of events. Additionally, resources currently being spent by the NDEP will be more efficiently used by removing the public notice newspaper requirements and by removing the requirement to provide notice of the Director's proposed action and a copy of the Class II operating permit to a public library.

5. ECONOMIC EFFECTS:

- (a) Regulated Business/Industry. The NDEP spent an average of \$6,600 annually between 2013 and 2015 on publication of public notices in newspapers. Since the proposed regulations remove the requirements for publishing public notices in newspapers for permitting actions, the newspaper industry will no longer be receiving those funds from the NDEP. The proposed amendments will have no economic impact on regulated businesses.
- (b) Public. The proposed regulation will have no economic impact on the public.
- (c) Enforcing Agency. The NDEP spent an average of \$6,600 annually between 2013 and 2015 on publication of public notices in newspapers. Since the proposed regulations remove the requirements for publishing public notices in newspapers for various actions, the NDEP will no longer incur those expenses.

- 6. The proposed amendments do not overlap any other State or federal regulations.
- 7. The proposed amendments are no more stringent than what is established by federal law.
- 8. The proposed amendments do not address fees.