

**FORM # 1**

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

1. September 28, 2009

By: Nevada Division of Environmental Protection  
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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.

The proposed amendments revise the Class I operating permit to construct (OPTC) sections of Nevada Administrative Code (NAC) Chapter 445B. The changes establish requirements and timelines for permits issued pursuant to a case-by-case determination for maximum achievable control technologies (MACT) under the federal National Emissions Standards for Hazardous Air Pollutants rules.

**SPECIFIC CHANGES**

The proposed amendments:

- (1) Require the Director to determine completeness of an application submitted for a case-by-case MACT determination for a Class I OPTC or for the revision of an OPTC within 30 days after the date of receipt.
- (2) Require that once a case-by-case MACT determination application is deemed complete, the Director shall make a preliminary determination to issue or deny

the Class I OPTC or the revision of a Class I OPTC within 180 days.

- (3) Specify that the Director shall, within one year after the official date of submittal of an application for an OPTC or for the revision of an OPTC with a case-by-case MACT determination, issue or deny the operating permit or revision.

4. NEED FOR AND PURPOSE:

These amendments establish the requirements for the case-by-case MACT determination process in the Class I OPTC program. The current Class I OPTC regulations do not allow sufficient time to process a case-by-case MACT application and are inconsistent with the federal regulations found in Subpart B of 40 CFR Part 63, *Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j)*.

5. ECONOMIC EFFECTS:

(a) Regulated Business/Industry. As stated above, these amendments establish the timelines for the case-by-case MACT permit process and align the NAC with the CFR. Sources subject to Subpart B of 40 CFR Part 63 are already required to submit a case-by-case MACT application; therefore, there will be no added economic impacts on the regulated industry from the amendments.

(b) Public. The proposed regulation will have no economic effect on the public.

(c) Enforcing Agency. There will be no additional costs to the Division for enforcement of the amendment.

6. There are no other Nevada state regulations or federal regulations that the amendments overlap or duplicate.
7. The amendments are not more stringent than any federal regulation or guidance on the same activity.
8. The proposed amendments do not address fees.