

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

1. March 12, 2010

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.

SPECIFIC CHANGES:

The NDEP is proposing to repeal the *Nevada Clean Air Mercury Rule Program* by removing NAC 445B.3711 to 445B.3791, inclusive, and all references to the program throughout Chapter 445B of the Nevada Administrative Code.

4. NEED FOR AND PURPOSE:

This program was established in 2006 in response to a federal requirement for states to control mercury emissions from coal-fired electric generating units at power plants. In February 2008, the US Court of Appeals for the District of Columbia struck down the federal Clean Air Mercury Rule (CAMR) in "State of New Jersey, et al v USEPA, et al". Thus, the federal requirement for the Nevada CAMR program no longer exists.

5. ECONOMIC EFFECTS:

(a) Regulated Business/Industry. There is no economic impact, because the regulations were suspended in May 2008, after vacation of the federal rule. Thus these regulations were not implemented.

(b) Public. The removal of this regulation will eliminate any potential economic effect on electricity customers.

(c) Enforcing Agency. The removal of this regulation will have no economic impact on the NDEP.

6. Not applicable because we are repealing regulations.

7. Not applicable because we are repealing regulations.

8. This action removes the fee structure that was associated with the Nevada CAMR program.