

Nevada Division of Environmental Protection
Bureau of Air Quality Planning

Adoption By Reference of Federal Regulations
Temporary Regulation - Filing Statement

Legislative Review Of Adopted Regulations As Required
By Administrative Procedures Act, NRS 233B.066

Petition 2004-29 (Temporary Regulation)
State Environmental Commission (SEC)

This temporary regulation updates Nevada Administrative Code (NAC) 445B.221. The regulation adopts sections of the federal *New Source Performance Standards* (NSPS, 40 CFR Part 60) and *National Emission Standards for Hazardous Air Pollutants* (NESHAPs, 40 CFR Part 63) rules that have been adopted by the U.S. Environmental Protection Agency (EPA) and published in the Federal Register since July 1, 2003. Adoption of these regulations into the NAC is necessary so that Nevada (i.e. the Division of Environmental Protection) can request delegation for the implementation these rules. This will allow the regulated industry to continue to work with the State as opposed to the EPA.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

The Nevada Division of Environmental Protection (NDEP), Bureau of Air Quality Planning (BAQP) held a workshop on the above referenced temporary regulation at the following location. Workshop announcements were mailed to all air quality permit holders in Nevada.

Carson City

Wednesday, November 3, 2004
9:30 am - 11:00 am
Western Nevada Community College
Room 103, Reynolds Building
2201 West College Parkway
Carson City NV

The proposed regulation was also noticed by the State Environmental Commission (SEC) in the Las Vegas Review Journal (LVRJ) and Reno Gazette Journal (RGJ) newspapers on the following dates – November 8, 15, and 22, 2004. The public was subsequently mailed a public notice and meeting agenda for the SEC hearing; the SEC mailing list was used for both mailings.

At the SEC hearing, there was one public oral comments received by the Commission during the adoption of the referenced regulation. The Nevada Mining Association supported this petition at the hearing.

2. The number persons who:

- (a) **Attended August 19, 2004 hearing;** 30
- (b) **Testified on this Petition at the hearing:** 2
- (c) **Submitted to the agency written comments:** None

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notice in the newspapers, as outlined in #1 above and by direct mail to interested persons subscribing to the SEC electronic mailing list. The public notice for the referenced SEC meeting was also sent to county libraries throughout the state and the proposed regulation was made available for public inspection in libraries in Clark and Washoe Counties, at the State Library in Carson City, and at the offices of the Nevada Division of Environmental Protection in Carson City and Las Vegas. The regulation, public notice and meeting agenda were also made available on SEC Website at: <http://www.sec.nv.gov/main/hearing113004.htm>

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The State Environmental Commission adopted the regulation on November 30, 2004 without any changes.

5. The estimated economic effect of the adopted regulation on the business, which it is to regulate, and on the public.

No anticipated economic effects will result from adoption of this regulation.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There will be no additional costs to the Nevada Division of Environmental Protection for implementing this regulation.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the

regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

The regulation does not overlap or duplicate any regulations of other state, federal or local agencies. The proposed amendments adopt by reference federal regulations from 40 CFR Parts 60 and 63.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

The regulation is no more stringent than what is established by federal law.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

This regulation does not address fees changes.

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