

Permanent Regulation - Filing Statement

Nevada Division of Environmental Protection
Bureaus of Air Quality Planning

Adoption By Reference of Federal New Source Performance Standards (NSPS), and National Emission Standards for Hazardous Air Pollutants (NESHAPs)

Legislative Review of Adopted Regulations as Required
By Administrative Procedures Act, NRS 233B.066

State Environmental Commission (SEC) Petition 2006-08 – LCB File R206-05

This regulation adopts into the Nevada Administrative Code federal New Source Performance Standards (NSPS), and National Emission Standards for Hazardous Air Pollutants (NESHAPs) that have been promulgated by the U.S. EPA since July 1, 2004. The Nevada Division of Environmental Protection is delegated the implementation of the federal NSPS and NESHAPs programs relevant in Nevada. Accordingly, it is necessary to keep the State's "adoption by reference" regulation (NAC 445B.221) up to date so that the United States Environmental Protection Agency (U.S. EPA) can continue to delegate the implementation of new rules to the State.

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.

NDEP's Bureau of Air Quality Planning (BAQP) held two workshops on the above referenced regulation at the following location.

Elko Nevada Tuesday, December 13, 2005 Great Basin College 1500 College Parkway Elko, Nevada 10:30 AM to 12:30 PM	Carson City, Nevada Thursday, December 15, 2005 Room 2144 Legislative Counsel Bureau 401 South Carson Street Carson City, Nevada 10:00 AM to 12:00 Noon
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The State Environmental Commission (SEC) held a public hearing to consider this regulation on March 8th, 2006 at the Washoe County Commission Chambers in Reno, Nevada.

2. The number persons who attended the SEC Regulatory Hearing:

- (a) Attended March 08, 2006 hearing; 70
- (b) Testified on this Petition at the hearing: (1 NDEP Staff)

(c) Submitted to the agency written comments:

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 as indicated in number 1 above. Comments were also solicited by State Environmental Commission (SEC) in the SEC notice in the newspapers, by direct mail to interested persons subscribing to the SEC electronic and ground-based 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 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 workshop notice, the proposed regulation, the SEC public notice and the SEC meeting agenda were also made available on SEC Website at: <http://www.sec.nv.gov/main/hearing030806.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.

Changes were proposed to the regulation at the State Environmental Commission Hearing, by NDEP staff. The changes were minor and non-substantive and were communicated to Legislative Counsel Bureau staff in the cover letter accompanying this filing statement.

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.

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.