

Permanent Regulation - Filing Statement

Nevada Division of Environmental Protection Bureau of Air Quality Planning / Air Pollution Control

Revisions to Meet Federal Planning Requirements

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

State Environmental Commission (SEC) Petition 2005-02 – LCB File R096- 05

The permanent regulation is necessary to supplement the February 2005 submittal of Nevada's Applicable State Implementation Plan (ASIP) to EPA, allowing EPA to approve the updated ASIP.

The regulation revises several sections in the permitting provisions of NAC 445B. It adds provisions to ensure good engineering practice regarding stack height and emission limitations, requires "Prevention of Significant Deterioration" review when relocating certain fossil-fueled power generating units, and updates and clarifies environmental evaluation information requirements.

Additionally, the regulation removes Director's discretion for dealing with the handling of organic solvents and other volatile compounds, adds a timeframe for the State's response to requests for technical advise regarding plans for construction or modification of a facility, and increases the time allowed for the State to respond to a request from a source to determine whether an action constitutes construction or modification.

Finally, the proposed regulation modifies the requirements for a Class II application for revision of an operating permit, to include information on actual emission rates. Other changes include correcting certain redundant provisions and making several clarifications, technical corrections and updates.

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

The Nevada Division of Environmental Protection (NDEP), Bureaus of Air Pollution Control and Air Quality Planning held workshops on the above referenced regulation at the following location.

Reno

Thursday, May 12, 2005 1:00 pm - 3:00 pm South Valleys Library,
Olympic Room 15650A Wedge Parkway Reno, Nevada

Notification of the proposed changes was sent out to all interested parties included on NDEP's mailing list. Notification was posted at the Nevada Division of Environmental Protection offices in Carson City and Las Vegas, at the State Library in Carson City, and in county or community libraries in Austin, Battle Mountain, Elko, Ely, Fallon, Fernley, Las Vegas, Lovelock, Pahrump, Reno, Wells, and Winnemucca.

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 (September 05, 19, 26, 2005). The public was subsequently mailed a public notice and meeting agenda for the SEC regulatory hearing, which was held in Reno on October 04, 2005; the SEC mailing list was used for both mailings.

At the SEC hearing, there were no public comments received by the Commission during the adoption of the referenced regulation.

2. The number persons who:

- (a) Attended October 04, 2005 hearing; 18
- (b) Testified on this Petition at the hearing: 1 (NDEP Staff)
- (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 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 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 workshop notice, summary of comments received at the workshop, 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/hearing1005.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 October 4, 2005. Several changes were made to the regulation that were non-substantive and reflected only technical corrections.

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.

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.