

Permanent Regulation - Filing Statement

Nevada Division of Environmental Protection
Bureaus of Air Quality Planning and Air Pollution Control

Air Quality Reforms – New Source Review

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

State Environmental Commission (SEC) Petition 2006-09 – LCB File R139-06

This permanent regulation revises NAC 445B.001-.3497 to conform with decisions by the U.S. Court of Appeals for the District of Columbia Circuit (the Court) to vacate certain revisions made to the federal New Source Review and Prevention of Significant Deterioration rule in 2002 (NSR Reforms). NDEP integrated those federal revisions into State regulation in 2004. In 2005, the Court ruled that EPA had misinterpreted the Clean Air Act in promulgating the “Clean Unit” (CU) and “Pollution Control Project” (PCP) provisions of the 2002 NSR Reforms. Thus, the regulation removes CU and PCP provisions from the air pollution control permitting program.

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.

NDEP’s Bureaus of Air Quality Planning and Air Pollution Control held a public workshop on the above referenced regulation at the following location.

Carson City Workshop

August 1, 2006
Legislative Counsel Bureau
401 South Carson Street
10:00 AM to 12:00 PM

The workshop notice was sent by direct mail to every permitted facility in Nevada – over 600 – and to all interested persons on the Air Quality ground-based and electronic mailing lists. The workshop was attended by 1 individual; no adverse comments were received.

The State Environmental Commission (SEC) held a public hearing to consider this regulation on September 6, 2006 at the Nevada Division of Wildlife in Reno, Nevada. The hearing agenda was posted at the following locations: the Nevada Department of Wildlife building in Reno, the Grant Sawyer Office Building in Las Vegas, the Nevada State Library in Carson City and at the Offices of the Division of Environmental

Protection in Carson City and Las Vegas. Copies of the agenda, the public notice, and the proposed regulation noted above were made available to all public libraries throughout the state as well as to individuals on the SEC electronic and ground-based mailing lists.

The public notice for the hearing was published on August 15, 2006, August 22, 2006 and August 29, 2006 in the Las Vegas Review Journal and Reno Gazette Journal newspapers. Information about the regulation was also made available on the SEC website at http://sec.nv.gov/main/hearing_0906.htm.

There were no public comments received by the Commission during the adoption of the referenced regulation.

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

- (a) Attended September 6, 2006 hearing; 70
- (b) Testified on this Petition at the hearing: 1 (NDEP Staff)
- (c) Submitted to the agency written comments: -0-

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

Comments were solicited from affected businesses as indicated in number 1 above. No comments were received.

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 without change on September 6, 2006. These amendments were necessary pursuant to decisions made by the U.S. Court of Appeals in June and December of 2005.

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 agency for implementing or enforcing 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 fee changes.