

Permanent Regulation - Filing Statement

A Regulation Relating to Air Pollution Control

Legislative Review of Adopted Regulations as Required
by Administrative Procedures Act, NRS 233B.066 & 233B.0603.10(f)

State Environmental Commission (SEC) LCB File No: R038-12

Petition R038-12: This regulation amends NAC 445B.22097, "Standards of quality for ambient air," and NAC 445B.221, "Adoption by reference and applicability of certain provisions of federal law and regulations." In NAC 445B.22097, the regulation updates the national ambient air quality standards side of the air quality standards table to align it with the federal standards currently in effect. In NAC 445B.221, the regulation adopts by reference federal regulations that will allow Nevada's industry to defer the application of the federal Prevention of Significant Deterioration and Title V permitting requirements to biogenic carbon dioxide emissions from bioenergy and other biogenic stationary sources for three years. The regulation also revises methods for measuring filterable PM10 and PM2.5 and condensable particulate matter emissions from stationary sources.

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.

On April 23, 2012, staff from NDEP conducted a public workshop on LCB's Proposed Draft Regulation R038-12. The workshop was held in Carson City and video conferenced to Las Vegas. The meeting location in Carson City was the Nevada Department of Transportation, 1263 South Stewart Street (Room 301). In Las Vegas the meeting location was the Nevada Division of Environmental Protection, 2030 E. Flamingo Rd. Suite 230.

Two (2) members of the public commented on the proposed regulation at the workshop, they were:

Allen Biaggi, Nevada Mining Association
Joe Johnson, Private Citizen

Questions from the public presented at the workshop were addressed by NDEP staff; summary minutes of the workshop are posted on the SEC website at:
http://sec.nv.gov/docs/r038-12_workshop-minutes.pdf.

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Following the workshop, the SEC held a formal regulatory meeting on June 12, 2012. The meeting was held as a video conference in Carson City and Las Vegas. The meeting location in Carson City was the Bryan Building, 901 South Stewart Street (2nd floor, Tahoe Room). In Las Vegas the meeting location was the Nevada Division of Environmental Protection, 2030 E. Flamingo Rd. Suite 230.

A public notice and agenda for the regulatory meeting was posted at the meeting location, at the State Library in Carson City, and at the Offices of the Division of Environmental Protection in Carson City and Las Vegas, at the Department of Wildlife in Reno, and at the Division of Minerals in Carson City.

Copies of the agenda, the public notice, and the proposed permanent regulation R038-12 were also made available to all public libraries throughout the state as well as to individuals on the SEC mailing lists.

The public notice for the permanent regulation was published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the SEC regulatory meeting. Other information about this regulation was made available on the SEC website at: http://sec.nv.gov/main/hearing_0612.htm

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

- (a) Attended June 12, 2012 hearing: 20 (approx.)
- (b) Testified on this Petition at the hearing: 2
- (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 and responded to through e-mail and telephone exchanges, the public workshop, and at the June 12th Commission hearing as noted in number 1 above.

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 regulation was adopted without changes.

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

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community.

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

There will be no additional costs to the agency for enforcement of the proposed 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.

This regulation does not duplicate any other federal, state or local regulation.

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 not more stringent than any federal regulation or guidance.

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.

The regulation does not address specific fees.