

Permanent Regulation - Filing Statement

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

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

State Environmental Commission (SEC) LCB File No. R040-10

P2010-02

R040-10: Repeal of Nevada Clean Air Mercury Rule Program (CAMR): The Nevada Division of Environmental Protection (NDEP) is proposing to repeal the Nevada Clean Air Mercury Rule Program by removing NAC 445B.3711 to 445B.3791, inclusive, and all references to the program throughout Chapter 445B of the Nevada Administrative Code (NAC). This program was established in 2006 in response to a federal requirement for states to control mercury emissions from coal-fired electric generating units at power plants. In February 2008, the US Court of Appeals for the District of Columbia struck down the federal Clean Air Mercury Rule (CAMR) in "State of New Jersey, et al v USEPA, et al". Thus, the federal requirement for the Nevada CAMR program no longer exists.

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 NDEP held public workshops on the above referenced regulation on Thursday, May 13, 2010. A workshop was held at NDEP in Carson City with a video-conference to NDEP's Las Vegas office. At these meetings, the NDEP solicited comment on the proposed repeal of regulation.

Following the workshop, the SEC held a regulatory hearing on June 17, 2010 in Reno at the Nevada Department of Wildlife. A public notice and agenda for the SEC hearing 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. Copies of the agenda, the public notice, and the proposed permanent regulation were also made available at all public libraries throughout the state as well as to individuals on the SEC electronic and ground-based mailing lists.

The public notice was published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the above referenced SEC regulatory hearing. Other information about the proposed repeal of regulation was also made available on the SEC website at:

http://www.sec.nv.gov/main/hearing_0610.htm

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

- (a) Approximately 20
- (b) Testified on the regulations: 1 (1 NDEP Staff)
- (c) Submitted written comments: (none)

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 through e-mail and telephone exchanges, and public workshops indicated 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 State Environmental Commission repealed the Nevada Clean Air Mercury Rule program without any changes.

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

Repeal of the regulation will have no economic impact.

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

There will be no additional cost to the NDEP from the repeal of 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.

N/A

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

N/A

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.

N/A