

## **Permanent Regulation - Filing Statement**

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

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

### **State Environmental Commission (SEC) Petition 2007- 02 – LCB File No. R057-07**

**Regulation R057-07: Adopt by Reference:** This regulation updates NAC 445B.221, adoption by reference and applicability of certain provisions of federal law and regulations. The regulation adopts into State regulation sections of the federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) rules that have been adopted by the U.S. Environmental Protection Agency (EPA) and published in the Federal Register since July 6, 2006.

The Nevada Division of Environmental Protection is delegated the implementation of the federal NSPS and NESHAP rules that apply in Nevada. Because of this delegation, it is necessary to keep the State's "adoption by reference" regulation up to date so that EPA can continue to delegate the implementation of new rules and revisions to existing rules to the State.

NAC 445B.221 currently adopts the applicable NSPS and NESHAP rules, as they existed on July 6, 2006. This regulation is necessary so that Nevada can request delegation for the implementation of new and revised federal NSPS and NESHAP rules promulgated after July 6, 2006. This will allow the regulated industry to continue to work with the State as opposed to the EPA.

**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 Bureau of Air Pollution Control / Air Quality Planning held two public workshops on the above referenced regulation at the following locations.

#### **ELKO**

July 10, 2007 1:00 PM to 2:00 PM  
Berg Hall Conference Room  
Great Basin College  
1500 College Parkway

#### **CARSON CITY**

July 17, 2007 10:00 AM to 11:00 AM  
Nevada Division of Environmental  
Protection  
4th Floor South Conference Room  
901 South Carson Street

The State Environmental Commission (SEC) held a public hearing to consider this regulation on September 07, 2007. The hearing was held in Carson City and Las Vegas through a videoconference. The meeting location in Carson City was at the Legislative Counsel Bureau Chambers in the State Legislative Building (Room 2135), 401 South Carson Street. The meeting location in Las Vegas was at the Legislative Counsel Bureau in the Grant Sawyer Building (Room 4412), 555 E. Washington Street.

The hearing agenda was posted at the following locations: the Legislative Building in Carson City, 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 was published on August 14, 2007, August 21, 2007 and August 28, 2007 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://www.sec.nv.gov/main/hearing\\_0907.htm](http://www.sec.nv.gov/main/hearing_0907.htm)

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

- (a) Attended September 7, 2007 hearing: 40
- (b) Testified on this Petition at the hearing: 1 (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.

**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 7, 2006. Consensus on the proposed changes was obtained prior to the Hearing, during the drafting and public workshop process.

**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 effect on business or the public

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

There will be no additional costs associated with enforcement 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.**

The proposed regulation does overlap or duplicate any regulations of other state or government 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 not more stringent than any federal regulations adopted by US EPA.

**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 proposed regulation does not alter existing fees for permitting and monitoring activities conducted by the Nevada Division of Environmental Protection.