

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)

LCB File No. R076- 08

SEC # P2008-09

Regulation R076-08: Adopt By Reference Air Pollution / Air Quality Regulations:

This regulation updates NAC 445B.221, "Adoption by reference and applicability of certain provisions of federal law and regulations." The Division of Environmental Protection (NDEP) is proposing to adopt 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.

NDEP is delegated implementation of the federal NSPS and NESHAP rules that apply in Nevada. In this regard 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 1, 2007. This proposed regulatory amendment is necessary so that Nevada can request delegation for the implementation of new and revised federal NSPS and NESHAP rules promulgated after July 1, 2007. 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.

The Nevada Division of Environmental Protection, Bureau of Air Pollution Control, Air Quality Planning held one public workshops on the above referenced regulation at the locations noted below.

CARSON CITY

May 6, 2008 11:00 AM to 12:00 Noon
Nevada Division of Environmental Protection
Great Basin Conference Room (4th Floor South)
901 South Stewart Street

Following this workshop, the State Environmental Commission (SEC) held a public hearing to consider the regulation on June 17, 2008. The hearing was held in Las Vegas at the Las Vegas Convention and Visitors Authority. The SEC hearing agenda 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 regulation were also 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 regulation was published on Monday May 26, 2008 and on June 2nd and 9th 2008 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_061708.htm

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

- (a) Attended June 17, 2008 hearing; 30 (approx.)
- (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 with several non-substantive changes.

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

The regulation is not anticipated to have any significant economic impact on the public or Nevada businesses.

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

There will be no additional cost 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 local or federal laws and regulations.

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 address any fees.