

## **Permanent Regulation - Filing Statement**

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

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

### **State Environmental Commission (SEC) LCB File No. R126-10 SEC # P2010-06**

**R126-10: Air Pollution Control Permitting Provisions Applicable to State Implementation Plan (ASIP):** The Nevada Division of Environmental Protection has amended four sections in the permitting provisions of NAC 445B. The amendments are in response to U.S. EPA comments on the approvability of the agency's air pollution control permitting provisions into the applicable State Implementation Plan. The amendments align state regulations with the federal Clean Air Act and U.S. EPA rule requirements.

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.

This draft regulation is the result of many meetings and conversations with stakeholders prior to the public workshop. The NDEP held a public workshop on the above referenced regulation on Wednesday, September 15, 2010 at the Bryan Building in Carson City. Minutes are available on the SEC web site at [http://www.sec.nv.gov/main/hearing\\_1010.htm](http://www.sec.nv.gov/main/hearing_1010.htm) agenda item #4. At this meeting, the NDEP solicited comment on the proposed regulation.

Following the workshop, the SEC held a regulatory hearing on October 5<sup>th</sup> 2010. The hearing was held as a video conference in Carson City and Las Vegas. The hearing location in Carson City was the Bryan Building, 901 South Stewart Street (2nd floor, Tahoe Room). In Las Vegas the hearing was held at the Nevada Division of Environmental Protection, 2030 E. Flamingo Rd. Suite 230.

A public notice and agenda for the SEC regulatory 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 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 also 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 regulation was also made available on the SEC website at: [http://www.sec.nv.gov/main/hearing\\_1010.htm](http://www.sec.nv.gov/main/hearing_1010.htm)

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

- (a) Attended October 5, 2010 hearing; 20 (approx.)
- (b) Testified on this Petition at the hearing: 1 (1 NDEP)
- (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, and the working meetings 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.**

One substantive change to the proposed regulation was requested at the Hearing by the Nevada Division of Environmental Protection in response to stakeholder comments prior to the Hearing; the SEC adopted the regulation with the proposed change. The revised regulation is being submitted to the Legislative Counsel Bureau with this information statement.

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

There is no significant economic impact from the amendments on the regulated industry or on the public.

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

There will be no additional cost to the Division of Environmental Protection for enforcement of the amendment.

**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.**

No fees are generated by this regulation.