

## **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. R143- 07**

SEC # P2007-07

**Regulation R137-07: Nevada Clean Air Mercury Rule Program:** This regulation amends NAC 445B.3711 to 445B.3791 of the State "Air Pollution" regulations. The regulation addresses certain technical changes to the regulations governing Nevada's Clean Air Mercury Rule Program (CAMR) including public participation requirements defined in Assembly Bill 67; AB 67 was enacted by the 2007 session of the Nevada Legislature. Among other requirements, AB 67 calls for the adoption of regulations to address public participation in the determination of the amount of mercury allowances [air emissions] available for sale or auction by the Department, i.e., the Nevada Division of Environmental Protection. Hence, this regulation complies with AB 67.

This regulation also responds to US EPA's review of Nevada's CAMR State Plan, which was submitted to EPA on November 15, 2006 in accordance with the Federal Clean Air Mercury Rule. The regulation clarifies Nevada's Plan, align it more closely with the Federal CAMR and, thereby, make Nevada's Plan more approvable by 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 Quality Planning held one public meeting and one public workshop on the above referenced regulation at the following location. A total of 15 people participated in the workshop process.

**CARSON CITY**  
November 8, 2007 2:00 to 4:00 PM  
Nevada Division of Environmental Protection  
PEBP Multi-Purpose Room, Floor 1  
901 South Stewart Street

The State Environmental Commission (SEC) held a public hearing to consider this regulation on December 04, 2007. The hearing was held in Reno at the Nevada Department of Wildlife (1100 Valley Road).

The hearing agenda was posted at the following locations: the Nevada Dept. of Wildlife in Reno, 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 for the regulations was published on November 12, 19, and 26, 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://sec.nv.gov/main/hearing\\_120407.htm](http://sec.nv.gov/main/hearing_120407.htm)

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

- (a) Attended December 04, 2007 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 without change on December 04, 2007. 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.**

None

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

None

**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 not 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 address fees.