

# Temporary Regulation - Filing Statement

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

Revised Air Pollution Control Regulations To Meet Federal Planning  
Requirements

Legislative Review Of Adopted Regulations As Required  
By Administrative Procedures Act, NRS 233B.066  
Petition 2005-02 (Temporary Regulation)  
**State Environmental Commission (SEC)**

The State Environmental Commission adopted this temporary regulation on June 10, 2005. The regulation revises several sections in the permitting provisions of NAC 445B. It adds provisions to ensure good engineering practice regarding stack height and emission limitations, it requires Prevention of Significant Deterioration review when relocating certain fossil-fueled power generating units, and it updates and clarifies environmental evaluation information requirements.

Additionally, the regulation removes the director's discretion for dealing with the handling of organic solvents and other volatile compounds, it adds a timeframe for the State's response to requests for technical advise regarding plans for construction or modification of a facility, and it increases the time allowed for the State to respond to a request from a source to determine whether an action constitutes construction or modification.

Finally, the proposed regulation modifies the requirements for a Class II application for revision of an operating permit, to include information on actual emission rates. Other adopted changes include correcting certain redundant provisions and making several clarifications, technical corrections and updates.

Overall this regulation is needed to supplement the February 2005 submittal of Nevada's Applicable State Implementation Plan (ASIP) to the Environmental Protection Agency (EPA), allowing EPA to approve the updated ASIP.

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 (NDEP), Bureaus of Air Pollution Control and Air Quality Planning held workshops on the above referenced temporary regulation at the following locations.

**Reno**

Thursday, May 12, 2005 1:00 pm - 3:00 pm South Valleys Library,  
Olympic Room 15650A Wedge Parkway Reno, Nevada

Notification of the proposed changes was sent out to all interested parties included on NDEP's mailing list. Notification was posted at the Nevada Division of Environmental Protection offices in Carson City and Las Vegas, at the State Library in Carson City, and in county or community libraries in Austin, Battle Mountain, Elko, Ely, Fallon, Fernley, Las Vegas, Lovelock, Pahrump, Reno, Wells, and Winnemucca.

2. The proposed regulation was also noticed by the State Environmental Commission (SEC) in the Las Vegas Review Journal and Reno Gazette Journal newspapers on the following dates (May 10<sup>th</sup>, 24<sup>th</sup> and June 7<sup>th</sup>). Individuals on the SEC mailing list were subsequently mailed a public notice and meeting agenda for the SEC hearing.

At the SEC hearing, there was one (1) public oral comment received by the Commission during the adoption of the referenced regulation.

3. The number persons who:

- (a) Attended June 10<sup>th</sup>, 2005 hearing: 20
- (b) Testified on this Petition at the hearing: 2 (NDEP Staff), 1 public
- (c) Submitted to the agency written comments: 0

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 on June 10<sup>th</sup> 2005 without any changes.

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

No anticipated economic effects will result from adoption of this regulation.

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

There will be no additional costs to the Nevada Division of Environmental Protection for implementing 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.

The regulation does not overlap or duplicate any regulations of other state, federal or local 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 no more stringent than what is established by federal law.

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.

This regulation does not address fees changes.