

P2006-16, ASIP; adopt by reference; technical corrections

FORM # 1

**FORM FOR PETITIONING THE STATE ENVIRONMENTAL COMMISSION FOR
ADOPTION, FILING AMENDMENTS OR REPEAL OF COMMISSION REGULATIONS**

1. Nevada Division of Environmental Protection
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2. The Nevada Division of Environmental Protection (NDEP) is a division of the Nevada Department of Conservation and Natural Resources of the State of Nevada. The NDEP is an environmental regulatory agency.
3. Nevada Revised Statutes (NRS) 445B.210 establishes the authority of the State Environmental Commission (SEC) to adopt regulations to prevent, abate and control air pollution. NRS 445B.300 establishes specific authority of the SEC regarding operating permit requirements for sources of air contaminants.

SPECIFIC CHANGES:

The NDEP is proposing to amend several sections in the permitting provisions of NAC 445B. Most of 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 (ASIP). The amendments clarify and streamline the permitting regulations; add expiration dates for Class II and Class III construction permits; and make several technical corrections. They also update NAC 445B.221, which adopts federal rules by reference.

4. **NEED FOR AND PURPOSE:**

The Nevada Applicable State Implementation Plan Proposed Update was formally submitted to EPA on February 16, 2005 and an amended version was submitted on January 12, 2006. These submittals are intended to replace the outdated existing ASIP originally submitted to EPA in January 1972. These amendments are

necessary to clarify and update NAC Chapter 445B and allow EPA to approve the ASIP update. The amendments to NAC 445B.221 are 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 to the State.

5. ECONOMIC EFFECTS:

(a) Regulated Business/Industry. These amendments will have no economic impacts, either immediate or long term, on any regulated industry.

(b) Public. These proposed amendments will have no economic effects on the public.

(c) Enforcing Agency. There will be no additional costs to the agency for enforcement of these amendments.

6. The amended regulations do not overlap or duplicate any regulations of other state or government agencies.

7. The amended regulations are no more stringent than what is established by federal law.

8. The proposed amendments do not address fees.