

**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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Carson City, NV 89706-0851
(775) 687-4670
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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) 459.3816 establishes the authority of the State Environmental Commission (SEC) to designate a list of highly hazardous substances; designate a threshold quantity which requires regulation of each substance; and add a substance to or delete a substance from the list. In addition SB 118, passed by the 207 Nevada Legislature amended NRS 459.3831 requiring regulation of mercury pursuant to CAPP standards in quantities of 100 tons or more.

SPECIFIC CHANGES:

The NDEP is proposing to amend the list of highly hazardous substances found in the Chemical Accident Prevention Program (CAPP) regulations (NAC 459.952-95528). Specifically, NDEP is adding elemental mercury to the list with a threshold quantity of 100 tons (200,000 pounds).

4. **NEED FOR AND PURPOSE:** These amendments are necessary as part of the NDEP's overall effort to control potential mercury emissions throughout Nevada. Recently, several major efforts have been undertaken to establish air pollution control requirements for emissions of mercury. Regulations were adopted in March 2006 to require mercury air emission controls at precious metal mining facilities through a new mercury permitting program. Provisions to regulate emissions of mercury from coal-fired power plants are currently being developed. Consistent with these ongoing developments, the Bureau of Air Pollution Control is proposing these amendments to the Chemical Accident Prevention Program (CAPP) regulations. The proposed amendments are intended to establish measures for the prevention of

an accidental release to the environment from the handling and storage of mercury at mercury storage facilities.

5. ECONOMIC EFFECTS:

(a) Regulated Business/Industry. The new regulation will have an economic impact on facilities that handle or store 100 tons or more of elemental mercury. NAC 459.95334 requires that facilities which handle or store a highly hazardous substance will pay an annual fee consisting of a base fee of \$5,600 plus a per unit fee of \$39. The unit size for mercury is 100 tons. Thus, a minimum annual fee of \$5,639 will be charges to qualifying facilities.

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

(c) Enforcing Agency. Additional costs to the agency will be minimal. There will be some costs associated with enforcement, including a nominal increase in inspection time and possibly some extra in-state travel.

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

7. There are no federal programs that regulate the handling and storage of mercury.

8. The proposed amendments do address fees; see number 5(a) above. Any fees collected will be used to support the CAPP program.