

Adopt by Reference

FORM # 1

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

1. Nevada Division of Environmental Protection
333 W. Nye Lane, Capitol Complex
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June 27, 2007

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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 update NAC 445B.221, "Adoption by reference and applicability of certain provisions of federal law and regulations." We are proposing to adopt into State regulation sections of the federal *New Source Performance Standards* (NSPS) and *National Emission Standards for Hazardous Air Pollutants* (NESHAP) rules that have been adopted by the U.S. Environmental Protection Agency (EPA) and published in the Federal Register since July 6, 2006.

4. **NEED FOR AND PURPOSE:**

The NDEP is delegated the implementation of the federal NSPS and NESHAP rules that apply in Nevada. However, it is 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 and revisions to existing rules to the State. NAC 445B.221 currently adopts the applicable NSPS and NESHAP rules, as they existed on July 6, 2006. These proposed amendments are necessary so that Nevada can request delegation for the implementation of new and revised federal NSPS and NESHAP rules promulgated after July 6, 2006. This will allow the regulated industry to continue to work with the State as opposed to the EPA.

5. ECONOMIC EFFECTS:

(a) Regulated Business/Industry. There will be no economic effects of these amendments on the regulated industry.

(a) Public. These proposed amendments would have no economic effect on the public.

(c) Enforcing Agency. There will be economic effects on NDEP.

6. The proposed amendments adopt by reference federal regulations from 40 CFR Parts 60, 61 and 63 (NSPS and NESHAP).

7. The proposed amendments are no more stringent than what is established by federal law.

8. The proposed amendments do not address fees.