

**FORM # 1**

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

1. Nevada Division of Environmental Protection  
901 South Stewart Street, Suite 4001  
Carson City, NV 89701-5249  
(775) 687-4670  
September 26, 2007

---

Michael Elges  
Chief, Bureau of Air Quality Planning  
(775) 687-9329

---

Greg Remer  
Chief, Bureau of Air Pollution Control  
(775) 687-9359

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.310 establishes specific authority of the SEC regarding operating permit requirements for sources of air contaminants.

**SPECIFIC CHANGES:**

The NDEP is proposing to amend the "Nevada Clean Air Mercury Rule Program," NAC 445B.3711 to 445B.3791, by:

- Clarifying when the words "Director" and "Administrator" apply in the *Nevada Clean Air Mercury Rule State Plan* (CAMR State Plan).
- Making other clarifications and technical corrections in response to the U.S. Environmental Protection Agency's (EPA) review of the *CAMR State Plan* submittal.
- Adding a provision affirming that a mercury allowance does not constitute a property right.
- Establishing requirements for public participation in the determination of the amount of mercury allowances available for sale or auction by the Department.

4. **NEED FOR AND PURPOSE:** During the 2007 session of the Nevada Legislature, Assembly Bill 67 was passed requiring the Department to adopt regulations providing for public participation in the determination of the amount of mercury allowances available for sale or auction by the Department. The public participation provisions respond to that directive.

The other amendments respond to EPA's review of Nevada's CAMR State Plan, which was submitted to EPA November 15, 2006 in compliance with the Federal Clean Air Mercury Rule. The amendments are necessary to clarify Nevada's Plan, align it more closely with the Federal CAMR and, thereby, make Nevada's Plan more approvable by EPA.

5. ECONOMIC EFFECTS:

(a) Regulated Business/Industry. The proposed regulation has no economic impact on the regulated industry.

(b) Public. The proposed regulation has no economic effect on the public.

(c) Enforcing Agency. There is no economic impact the agency from the proposed regulation.

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

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

8. The proposed regulation does not address fees.