

**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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Carson City, NV 89701  
(775) 687-4670  
June 29, 2010

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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 four sections in the permitting provisions of NAC 445B. 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 align state regulations with the federal Clean Air Act and U.S. EPA rule requirements.

4. **NEED FOR AND PURPOSE:**

The *Nevada Applicable State Implementation Plan Proposed Update* was formally submitted to EPA on February 16, 2005 with minor amendments submitted on January 12, 2006. These submittals are intended to replace the outdated existing ASIP originally submitted to the U.S. EPA in January 1972. These amendments are necessary to clarify and update NAC Chapter 445B and allow EPA to approve the ASIP update.

5. ECONOMIC EFFECTS:

(a) Regulated Business/Industry. These amendments are not expected to have direct economic impacts, either immediate or long term, on any regulated industry. However, the revision to NAC 445B.311 would add additional time to the permit process for a facility choosing to use the option provided in the provision, in order to conduct the required public comment.

(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.