

P2010-11, Minor source public notice

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 the Class II permitting provisions in NAC 445B.3457 which deal with the Director's action on applications and public notice requirements. The revisions require that:

- The Director act on all applications within 60 days after the official date of submittal, including applications that require public. This revision results in a streamlining of the public notice timeline for minor sources.
- All new (i.e., not having previously held a Class I or Class II permit) Class II applications be made available for public notice.
- All applications for a modification (to an existing Class II source) that exceeds a certain threshold be made available for public notice.

These changes respond to U.S. EPA comments on the approvability of the agency's public notice provisions into the applicable State Implementation Plan (ASIP).

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 These submittals are intended to replace the outdated existing ASIP originally submitted to the U.S. EPA in January 1972. The proposed amendments are necessary to align state regulations with the federal Clean Air Act and U.S. EPA rule requirements and increase the approvability of 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.

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

(c) Enforcing Agency. There will be additional costs to the NDEP; additional staff time will be required to administer the new public notice provisions. This will include the required public notice process for all new permit applications and for all modifications that exceed specified thresholds. The agency will bear these costs, at this time; no new fees are being proposed.

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.