

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 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 certain of the federal *New Source Performance Standards* (NSPS) and *National Emission Standards for Hazardous Air Pollutants* (NESHAP) rules that have been adopted by the US EPA and published in the Federal Register since July 2010, as well as revisions to federal test methods. In addition, this amendment will update the Agency's adoption of federal Prevention of Significant Deterioration (PSD) rules relating to fine particulate matter.

In an effort to streamline its regulations, the NDEP is also proposing to repeal two regulations: the definition of "Ringelmann Chart" and the exceptional event provisions. The term Ringelmann Chart is not used in NAC Chapter 445B, and the exceptional event provisions are duplicative of the federal regulation.

**Adopt by Reference
P2012-01**

4. NEED FOR AND PURPOSE:

The NDEP is delegated the implementation of the federal NSPS and NESHAP rules that apply in Nevada. The proposed amendments update the State's "adoption by reference" regulation so that Nevada can request delegation for the implementation of new and revised NSPS and NESHAP promulgated after the last update. This will allow the regulated industry to continue to work with the State rather than the EPA. The revisions to the PSD rules provide guidance necessary for States and sources in implementing PM_{2.5} permitting programs.

The updates to the test methods provide consistency with federal procedures. Industry-accepted specifications and test methods are needed to guide the collection, handling, and measuring of specific samples.

5. ECONOMIC EFFECTS:

(a) Regulated Business/Industry. The NSPS, NESHAP and other rules that we are proposing to adopt are federal rules, and the regulated business/industry must comply with them regardless of whether EPA or NDEP implements them. Therefore, there will be no added economic impacts on the regulated industry due to NDEP's proposed adopt-by-reference regulation update. In fact, industry prefers that NDEP implement the federal rules.

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

(c) Enforcing Agency. The agency must spend staff time reviewing new federal rules to determine whether and how they impact Nevada industry, incorporating them into facility permits, and assuring compliance. As the volume of federal rules increases and the rules become more complex, this will take increasingly more staff time. However, for the proposed regulation, the agency has determined that it will absorb these costs.

6. The proposed amendments adopt new or revised federal regulations by reference from 40 CFR Parts 52, 60 and 63.
7. The proposed amendments are no more stringent than what is established by federal law.
8. The proposed amendments do not address fees.