

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 NAC 445B.22097, "*Standards of quality for ambient air,*" and NAC 445B.221, "*Adoption by reference and applicability of certain provisions of federal law and regulations.*" We are proposing to update the national ambient air quality standards (NAAQS) portion of the standards table in NAC 445B.22097 to align it with the federal standards currently in effect.

In NAC 445B.221, the NDEP is proposing to adopt recently promulgated federal rules that:

- Provide a deferral for carbon dioxide emissions from bioenergy and other biogenic sources under the Prevention of Significant Deterioration (PSD) and Title V permitting programs; and
- Revise methods for measuring filterable PM₁₀ and PM_{2.5} and condensable particulate matter emissions from stationary sources.

4. **NEED FOR AND PURPOSE:**

The NDEP is amending the ambient air quality standards table in response to U.S. EPA comments on the approvability of the agency's air pollution control permitting

**Standards table; adopt-by-reference
P2012-03**

provisions into the applicable State Implementation Plan (ASIP). NAC 445B.22097 lists the minimum state and federal standards of quality for ambient air. The federal side of the table was last revised in early 2004; since then U.S.EPA has revised several of the federal standards. It is necessary to update the table to provide the NDEP with the authority to develop air emission control programs to assure attainment and maintenance of the NAAQS in Nevada and to allow U.S. EPA to approve the NDEP's proposed update to the permitting provisions in the Nevada ASIP.

The proposed update to the federal rules adopted by reference in NAC 445B.221 will allow Nevada's industry to defer the application of the PSD and Title V permitting requirements to biogenic carbon dioxide emissions from bioenergy and other biogenic stationary sources for three years. Adoption of the federal amendments to the test methods for particulate matter will provide consistency with federal procedures.

5. **ECONOMIC EFFECTS:**

(a) Regulated Business/Industry. There will be no added economic impacts on the regulated industry due to the proposed amendments.

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

(c) Enforcing Agency. The proposed amendments will have no economic effect on the agency.

6. The proposed amendments adopt federal regulations from 40 CFR Parts 50, 51 and 52 in order to implement them in Nevada.

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

8. The proposed amendments do not address fees.