

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.221, *Adoption by reference and applicability of certain provisions of federal law and regulations*, to adopt applicable federal rules promulgated since the State regulation was last updated as of January 1, 2012. The update includes rulemakings under 40 CFR Part 52.21, "Prevention of significant deterioration of air quality" (PSD), related to the regulation of greenhouse gases, Part 60, "Standards of performance for new stationary sources" (NSPS), and Part 63, "National emission standards for hazardous air pollutants for source categories" (NESHAP).

4. **NEED FOR AND PURPOSE:**

The NDEP is delegated implementation of the federal PSD program in Nevada. We must adopt amendments to the federal program into State regulation in order to retain full delegation of the program. The amendments to Part 52.21 relate to the federal program to regulate emissions of greenhouse gases (GHG) from major sources under the PSD and Title V permitting programs. The update will adopt the U.S. Environmental Protection Agency's determination not to lower the current PSD and Title V applicability thresholds for GHG-emitting sources.

**Adopt-by-reference
P2013-01**

The NDEP is also 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 since the last update. This will allow the regulated industry to continue to work with the State rather than the EPA.

5. **ECONOMIC EFFECTS:**

(a) Regulated Business/Industry. The PSD, NSPS and NESHAP 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 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 52, 60 and 63 in order to allow the NDEP 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.