

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.308, "*Prerequisites and conditions for issuance of certain operating permits; compliance with applicable state implementation plan.*" We are proposing to revise the Nevada side of the ambient air quality standards table in NAC 445B.22097 to further align it with the federal standards currently in effect. The proposed regulation revises the 2008 lead and ozone standards in the Nevada side of the ambient air quality standards table. Additionally, it adds an explanatory note regarding implementation of the federal fine particles standard in Nevada.

The proposed regulation removes an obsolete subsection from NAC 445B.308. Subsection 5 of NAC 445B.308 contains requirements for obtaining an operating permit in a basic ozone nonattainment area for the 1997 ozone national ambient air quality standards (NAAQS). The U.S. Environmental Protection Agency (USEPA) has withdrawn the "basic" category of ozone nonattainment area classifications; thus, subsection 5 of NAC 445B.308 is unnecessary.

4. **NEED FOR AND PURPOSE:**

**Standards table
P2013-02**

The NDEP is amending the ambient air quality standards table in response to a rulemaking by the USEPA. On September 27, 2012, USEPA identified deficiencies in Nevada's state implementation plan (SIP) with respect to Nevada's minor sources permitting program. USEPA determined that Nevada's permitting regulations did not adequately address the 2006 fine particulate or the 2008 lead NAAQS. The NDEP identified a similar deficiency with respect to the 2008 ozone NAAQS.

USEPA's rulemaking triggered an obligation on them "to promulgate a Federal Implementation Plan unless the State of Nevada corrects the deficiencies, and EPA approves the related plan revisions within two years" of the rulemaking. 77 FR 59321. Thus, these amendments are necessary in order to avoid a federal plan being imposed on the State.

The proposed deletion of outdated material from NAC 445B.308 is in accordance with the President's and Governor Sandoval's directives to agencies to streamline regulations, use clear and concise language, and remove unnecessary requirements.

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 do not overlap or duplicate any other State or federal regulations.

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

8. The proposed amendments do not address fees.