Form #1
Petition to Adopt, Amend, or Repeal Commission Regulations
Approved 10-3-1995

NEVADA
STATE ENVIRONMENTAL COMMISSION

1. Name, address, telephone number, and signature:

Name: Nevada Division of Environmental Protection

Address: 901 South Stewart Street, Suite 4001

E-mail Address: atucker@ndep.nv.gov

Telephone Number: (775) 687-9340

Date of Petition: TBD

Representative capacity and signature of petitioner, authorized individual, officer or attorney:

Chief, Bureau of Air Quality Planning

2. Specific type of petitioner (individual, partnership, corporation, government agency, or other) and the exact occupation or business, including a description of the occupation or business if necessary:

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. Exact and specific nature of changes sought, including delineation of the regulations, statutory provisions of Commission decisions involved. May include a statement of the written term or substance of the proposed regulatory action, or a description of the subjects and issues involved:

The NDEP is proposing to amend 445B.221, to adopt applicable federal rules promulgated since the State regulation was last updated as of March 2022. This is a routine activity. The update includes rulemakings under 40 CFR Part 51, 60, 61 and 63.

4. A statement of the need for and purpose of the proposed regulations:

The NDEP is delegated the implementation of certain 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 U.S. Environmental Protection Agency.

5. A statement of the:

(a) Estimated economic effect of the regulation on the business which it is to regulate:

Not applicable (see Small Business Impact Statement #2).

(1) Both adverse and beneficial effects:

Not applicable (see Small Business Impact Statement #2).

(2) Both immediate and long-term effects:

Not applicable (see Small Business Impact Statement #2).

(b) Estimated economic effect on the public:

Not applicable (see Small Business Impact Statement #2).

(1) Both adverse and beneficial effects:

Not applicable (see Small Business Impact Statement #2).

(2) Both immediate and long-term effects:

Not applicable (see Small Business Impact Statement #2).

(c) Estimated cost by the agency for enforcement of the proposed regulation:

The regulation does not impose functions on the agency that it does not already provide, so no additional costs beyond what the agency would normally incur are expected.

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6. A description of any regulations for other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency:

Not applicable, the proposed amendments adopt federal regulations from 40 CFR Parts 51, 60, 61 and 63 in order to allow the NDEP to implement them in Nevada.

7. If the regulation includes provisions which are more stringent that a federal regulation which regulates the same activity, a summary of such provisions. The statement must include the specific citation of the federal statute or regulation requiring such adoption:

Not applicable, the proposed amendments are no more stringent than federal regulations.

8. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used:

Not applicable, the proposed regulatory action does not provide for any new fees or increase to existing fees.

Supporting Documents

When submitting this form, attach a second document to your email with your proposed regulatory language. Include other supporting documents as needed.

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