

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 March 2020. This is a routine activity. The update includes rulemakings under 40 CFR 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 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. ECONOMIC EFFECTS:

(a) Regulated Business/Industry. The federal rules adopted by reference in NAC 445B.221 are federal requirements that the regulated business/industry must comply with regardless of whether the U.S. Environmental Protection Agency (USEPA) or the NDEP implements them. Industry prefers that NDEP implement the federal rules; the NDEP has an active working relationship with industry and will implement the federal regulations in as effective and efficient manner as possible.

(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 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.