

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:

NDEP is proposing to amend Nevada Administrative Code (NAC) 445B by removing NAC 445B.326, which pertains to an affirmative defense for an action brought for noncompliance with a technology-based emission limitation contained in the operating permit.

Nevada Revised Statutes (NRS) 445B.210 establishes the authority of the State Environmental Commission (SEC) to adopt regulations consistent with the intent and purpose of NRS 445B.100 to NRS 445B.640, inclusive, to prevent, abate and control air pollution.

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

The U.S Environmental Protection Agency has adopted federal regulations that remove the affirmative defense provisions from the Title V program regulations because these provisions are inconsistent with the EPA's interpretation of the enforcement structure of the Clean Air Act. The regulations require that states remove affirmative defense provision from their regulations by August 21, 2024 to comply with Clean Air Act requirements.

This regulation removes the ability for facilities to use affirmative defense for an action brought for noncompliance with a technology-based emission limitation contained in the operating permit.

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 as a matter of policy, so no additional costs beyond what the agency would normally incur are expected.

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 are only to repeal existing regulations.

7. If the regulation includes provisions which are more stringent than 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 do not include requirements that are 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 increases 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.