

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 repeal Nevada Administrative Code (NAC) 445B.038, 445B.0385, 445B.22057, 445B.2206, 445B.260, 445B.314 and 445B.3526, and is proposing amendments to NAC 445B.22096, NAC 445B.258, NAC 445B.259, NAC 445B.263, NAC 445B.267, NAC 445B.287, NAC 445B.288, NAC 445B.308, NAC 445B.311, NAC 445B.327, and NAC 445B.3457.

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 purpose of the proposed amendments is to revise regulations to reduce confusion between state and federal requirements, streamline regulatory processes and repeal regulations that no longer serve a purpose for achieving the intents and purposes of NRS 445B.110 to NRS 445B.640, inclusive. It is necessary to amend and repeal these regulations to improve efficiency in administering Nevada's Air Program and minimize the resources needed to understand the regulatory requirements that may affect businesses and the public.

5. A statement of the:

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

The proposed amendments do not impose any regulatory requirements on business that the businesses are not already subject to under federal regulations. The proposed amendments are not expected to have any adverse impacts on businesses, but they will make it easier for certain types of changes to be made to existing permits.

(1) Both adverse and beneficial effects:

Not applicable.

(2) Both immediate and long-term effects:

Not applicable.

(b) Estimated economic effect on the public:

The proposed amendments will have no economic effect on the public.

(1) Both adverse and beneficial effects:

Not applicable.

(2) Both immediate and long-term effects:

Not applicable.

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

The proposed amendments will have no economic effect on the agency.

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:

Only one of the proposed amendments overlaps with a federal requirement and that is for the amendment of NAC 445B.288(2)(h). This amendment will reduce confusion when determining compliance with all regulatory requirements by improving consistency with federal regulations. Inclusion of certain federal regulations in the NAC's, such as the one being amended in this proposal, is necessary to allow for NDEP to be the agency that enforces the requirements instead of the U.S. Environmental Protection Agency. In general, the sources regulated by NDEP prefer NDEP be the enforcing agency instead of the U.S. EPA. The remaining regulations are only to repeal and amend existing regulations to remove unnecessary requirements.

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 amendments do 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.