Permanent Regulation – Informational Statement

A Permanent Regulation Related to Environmental Programs

Legislative Review of Adopted Permanent Regulations as Required
by Administrative Procedures Act, NRS 233B.066

State Environmental Commission
Permanent No: R142-26P

The Nevada State Environmental Commission (SEC) offers the following informational statement in compliance with Nevada Revised Statute (NRS) 233B.066.

1. Need for Regulation

The proposed amendments address the implementation of the U. S. Environmental Protection Agency's (EPA) February 7, 2025, particulate matter with diameter less than 2.5 micrometers (PM2.5) National Ambient Air Quality Standards (NAAQS) revision. When the EPA promulgates a new or revised NAAQS, states must submit a plan which provides for implementation, maintenance, and enforcement of such standard, as stated in the Clean Air Act 42 U.S.C § 110(a)(1). The proposed $PM_{2.5}$ standard is already a federal standard applicable nationwide. Adoption at the state level and incorporation into the Nevada State Implementation Plan allows the Nevada Division of Environmental Protection (NDEP) to implement it. If EPA must implement the standard, it will do so without the specific knowledge of Nevada, its geography, the regulated community, their needs and challenges, and without direct NDEP's feedback. In contrast, NDEP has a multi-decadal active working relationship with the regulated industry and stakeholders and is positioned to implement the new standard more efficiently.

2. A description of how public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary.

The Legislative Counsel Bureau published its draft, R142-26P, in the Nevada Register on August 20, 2026.

The NDEP held one public workshop for R142-26P on August 11, 2026. The public was invited to participate in person in the Bryan Building at 901 South Stewart Street in Carson City, Nevada, as well as at the NDEP offices at 375 East Warm Springs Road in Las Vegas, Nevada. The workshop was held to present the substance of, and receive public comment on, the proposed regulation. Eleven members of the public and regulated industry attended the workshop either in person or virtually. During and after the public workshop, the Division did not received any verbal comments or questions.

A summary of the workshop is included on the NDEP website as well as the SEC website.

The proposed regulations were also distributed to the Bureau of Air Quality Planning listserv. The Division accepted written comments on R142-26P for 30 days ending on September 11, 2026.

The SEC held a hybrid regulatory hearing on September 16, 2026, to consider possible action on R142-26P. The SEC posted its public notice, which included a link[1] and instructions to access R142-26P and pertinent documents and information supporting the regulation, for the regulatory meeting at the State Library in Carson City, at Division offices located in both Carson City and Las Vegas, at all county libraries throughout the state, and to the SEC email distribution list. The SEC also posted the public notice at the Division of Minerals in Carson City, at the Department of Agriculture, on the LCB website, on the Division of Administration website, and on the SEC website.

The public notice was also published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once per week for three consecutive weeks prior to the SEC regulatory meeting.

3. The number of persons who attended the SEC Regulatory Hearing:

(a) Attended September 16, 2026, hearing: 73 (approximately)
(b) Testified on this petition at the hearing: 2

1. Andrew Tucker, on behalf of the Nevada Division of Environmental Protection
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2. Ken NcIntyre, on behalf of the Nevada Division of Environmental Protection
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(c) Submitted to the agency written comments: None

4. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses through one public workshop and during the September 16, 2026, SEC hearing as noted in number 2 above. There was one verbal comment received regarding the regulatory amendments during the September 16, 2026, SEC meeting: Ms. Madison Cyr asked whether there would be any exceptions for industry or facilities outside of urban or populated areas. Mr. Tucker responded that there would not.

[1] https://sec.nv.gov/meetings/sec-meeting-september-16-2026

5. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The Commissioners unanimously adopted R142-26P without changes because the SEC was satisfied with the LCB draft of the proposed regulation.

6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

Regulated Business/Industry:

NDEP prepared a preliminary analysis which showed that approximately 21% of regulated businesses exceed the new annual $PM_{2.5}$ standard of 9.0 µg/m^3. NDEP will coordinate with the affected regulated businesses to address the new annual $PM_{2.5}$ standard at their next permit renewal. EPA states "*If new modeling does show that the new emissions would cause or contribute to a violation of the revised standard, the owner has options for how they modify their planned project and what types of emission controls they install. A more detailed modeling assessment must show either no violation or the impacts fall below levels considered significant.*"[2] NDEP will continue to provide modeling for regulated businesses.

If an environmental evaluation shows that the emissions from a regulated business are expected to exceed the air quality standards, the regulated business must revise its operating procedures or install controls to reduce emissions. The cost will range from no cost to the cost of installing emission controls appropriate to the individual situation.

Public:

The EPA published a Regulatory Impact Analysis (RIA) for the 2024 $PM_{2.5}$ NAAQS. This document provides information, analyses, and studies relating to why USEPA chose to lower the standard to 9.0mg/m3. The RIA included an analysis that showed that the economic value of avoided PM2.5 related morbidities and premature deaths is approximately $46 billion in 2032.[3] Additionally, the proposed regulation would align the state standard with the federal standard, is expected to result in public health benefit, and avoided health related costs. The proposed regulation will have beneficial effects in terms of improved health and welfare. In accordance with the Clean Air Act, the primary NAAQS are established to protect against adverse effects of polluted air on human health. The emissions reductions will also benefit public welfare.

[2] Environmental Protection Agency. 2024. "Implementing the Final Rule to Strengthen the National Air Quality Health Standard for Particulate Matter – Fact Sheet." Final Reconsideration of the National Ambient Air Quality Standards for Particulate Matter (PM). https://www.epa.gov/system/files/documents/2024-02/pm-naaqs-implementation-fact-sheet.pdf.

[3] U.S. Environmental Protection Agency. 2024. "Final Regulatory Impact Analysis for the Reconsideration of the National Ambient Air Quality Standards for Particulate Matter." Final Reconsideration of the National Ambient Air Quality Standards for Particulate Matter (PM). https://www.epa.gov/system/files/documents/2024-02/naaqs_pm_reconsideration_ria_final.pdf. 26.

The proposed regulation will align with the federal standard. EPA's RIA which states that exposure to $PM_{2.5}$ can harm people's health, and lead to heart attacks, asthma attacks, and premature death. The RIA's analysis showed that the expected health benefits will include up to 4,500 avoided premature deaths, 800,000 avoided cases of asthma symptoms, and 290,000 avoided lost workdays.[4] This will result in a beneficial economic impact on the public in the long term.

7. The estimated cost to the agency for enforcement of the adopted regulation.

Enforcing Agency.

The proposed 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.

8. A description of any regulations of 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.

The proposed amendments do not overlap with any other State regulations. They adopt a federal regulation into State regulation as required by Title 42 U.S.C § 11 0(a)(1) of the Clean Air Act.

9. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

Not applicable, the proposed amendments are no more stringent than federal requirements. They adopt a federal regulation into State regulation as required by Title 42 U.S.C § 110(a)(1) of the Clean Air Act.

10. 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.

[4] U.S. Environmental Protection Agency. 2024. "Final Regulatory Impact Analysis for the Reconsideration of the National Ambient Air Quality Standards for Particulate Matter." Final Reconsideration of the National Ambient Air Quality Standards for Particulate Matter (PM). https://www.epa.gov/system/files/documents/2024-02/naaqs_pm_reconsideration_ria_final.pdf. 304, 305.