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 Environment Protection

Address: 901 S. Stewart Street, Suite 4001

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

Telephone Number: 775-687-9340

Date of Petition: June 9, 2026

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

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), within the Department of Conservation and Natural Resopurces, is a state government environmental regulatory agency responsible for protecting Nevada's air, land, and water resources. NDEP administers and implements federal and State environmental laws, issues permits, conducts compliance oversight, and manages programs related to pollution control, waste management, remediation, and natural resource protection.

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 proposed amendments to NAC 445B delete obsolete provisions of the Nevada Mercury Control Program, introduce two new paths (minor revision and notification of authorized change) with associated fees to simplify permitting when changes occur in the regulated industry, updates definitions, puts into regulations a determination of de minimis mercury emissions as required by previous regulatory language, limits the number of extensions that a facility can apply for when construction is delayed, and clarifies fee language and adds a fee to process de minimis applications.

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

The proposed regulatory amendment is needed to delete obsolete provisions of the Nevada Mercury Control Program, clarify regulatory requirements, and provide additional permitting tools to address common changes by the regulated industry.

5. A statement of the:

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

The proposed regulatory amendment is expected to have a minimal economic effect on the regulation of a business.

(1) Both adverse and beneficial effects:

No adverse effects are expected. Beneficial effects may include providing additional certainty to the regulated industry by updating language and deleting obsolete provisions, and providing additional simplified permitting tools.

(2) Both immediate and long-term effects:

Immediate and long-term effects may include providing additional certainty to the regulated industry by updating language and deleting obsolete provisions, and providing additional simplified permitting tools.

(b) Estimated economic effect on the public:

The proposed regulatory amendment is not expected to have an economic effect on the public.

(1) Both adverse and beneficial effects:

No adverse effects are expected. Beneficial effects should include improved implementation of the Nevada Mercury Control Program.

(2) Both immediate and long-term effects:

Immediate and long-term effects should include improved implementation of the Mercury Control Program.

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

The proposed regulatory amendment is not expected to create any additional enforcement costs for 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:

The proposed regulatory amendment does not overlap or duplicate the regulations of any other state or local government agency. Nevada's Mercury Control Program predates the federal EPA mercury program; however the Division strives to harmonize requirements where possible.

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:

Nevada's Mercury Control Program is a State regulatory program.

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:

The proposed regulatory amendment establishes new fees for minor revision ($2,500) and notification of authorized change ($1,000). The current regulation only allows for a revision ($5,000) for all types of changes. So, the proposed regulatory amendment provides simplified permitting and a lesser fee for those type of changes that meet the requirements potentially providing less cost to the regulated industry. And, it is anticipated the small decrease in permitting fees can be absorbed by the Division.

Supporting Documents



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