

Permanent Regulation - Informational Statement

A Permanent Regulation Relating to Air Quality

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

State Environmental Commission (SEC) Permanent No: R015-17

Temporary Regulation R015-17:

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 revised the public notice rule provisions for the air quality program by removing the mandatory requirement to provide public notice of a draft air permit, as well as certain other program actions, through publication in a newspaper. Instead, NDEP will provide electric noticing (e-notice) and website access (e-access) of those actions.

The amendments are:

- Remove the requirement to provide public notice of a draft permit and other actions through publication in a newspaper and replace them with a requirement for e-notice.
- Require draft permits to be posted on a website (e-access).
- Remove the requirement to provide notice of the Director's proposed action and a copy of the draft Class II operating permit to a public library in the area in which the proposed new Class II source or the proposed modification to the existing Class II source is located for posting.

1. Need for Regulation:

The amendments will improve communication with the public on permit and other actions by allowing for information to be made available for an extended time period on a dedicated website as opposed to a one-day newspaper notice. This will result in broader and better informed public participation. Public access will be improved by making actions immediately available through convenient and reliable electronic media outlets. E-notice will also provide flexibility for the NDEP by avoiding time

delays associated with newspaper publication and allowing for faster correction of errors and rescheduling of events. Additionally, resources currently being spent by the NDEP will be more efficiently used by removing the public notice newspaper requirements and by removing the requirement to provide notice of the Director's proposed action and a copy of the Class II operating permit to a public library.

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.

On July 25, 2017 NDEP conducted a public workshop on regulation R015-17. The workshop was held in Carson City and video-conferenced in Las Vegas. The meeting location in Carson City was at the Bryan Building located at 901 S. Stewart Street (Great Basin Conference Room) and video-conferenced to the NDEP office, located at 2030 East Flamingo Road, Suite 230.

One (9) members of the public attended the workshop.

Questions from the public presented at the workshop were addressed by NDEP staff; summary minutes of the workshop are posted on the SEC website at: http://sec.nv.gov/main/hearing_0917.htm.

Following the workshop, the SEC held a formal regulatory hearing on September 13, 2017 at the Legislative Building, Room 4100, located at 401 South Carson Street and video-conferenced in Las Vegas at the Grant Sawyer Building, Room 4412E, located at 555 East Washington Ave. A public notice for the regulatory meeting was posted at the meeting location, at the State Library in Carson City, at NDEP in Las Vegas, 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.

Copies of the agenda, the public notice, and the proposed temporary regulation R015-17 were also made available at all public libraries throughout the state as well as to individuals on the SEC mailing list and the Bureau of Air Quality Planning electronic mailing list.

The public notice for the proposed temporary regulation was published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the SEC regulatory meeting. Other information about this regulation was made available on the SEC website at: http://sec.nv.gov/main/hearing_0917.htm.

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

- (a) Attended May 3, 2017 hearing: 33 (approximately)
(b) Testified on this Petition at the hearing: 3

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- (c) Submitted to the agency written comments: 2

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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 e-mail, a public workshop and at the September 13, 2017 SEC hearing as noted in number 2 above.

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 regulation was adopted without change because the public and the SEC were satisfied with the amendments.

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

Regulated Business/Industry. The regulation removes the requirement to publish public notices in newspapers for permitting actions. The newspaper industry will no longer be receiving publication funds from the NDEP. The regulation will have no economic impact on any regulated businesses.

Public. The regulation will have no economic impact on the public.

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

Enforcing Agency. The regulation will have no economic impact on NDEP.

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 amendments do not overlap any other State or federal regulations.

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

The regulation is no more stringent than what is established by federal law.

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.

The regulation does not address new fees.