

Permanent Regulation - Informational Statement

A Permanent Regulation Related to Air

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

State Environmental Commission (SEC) Permanent No: R145-17

Permanent Regulation R145-17:

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 amended NAC 445B.22097, “*Standards of quality for ambient air.*” The Nevada ambient air quality standards table in NAC 445B.22097 was amended to align with the national ambient air quality standards (NAAQS) currently in effect. The regulation revises the 8-hour ozone standard in the Nevada standards table from 0.075 to 0.070 parts per million (ppm). The NDEP also simplified the table by deleting the “National Standards” and “Method” columns; both columns are included only for reference and are often out-of-date with respect to the referenced federal regulations.

1. Need for Regulation:

These amendments are in response to a federal requirement. When the U.S. Environmental Protection Agency (USEPA) promulgates a new or revised NAAQS, states must submit a plan which provides for implementation, maintenance and enforcement of such standard (Clean Air Act § 110(a)(1)). The amendments address the implementation of the USEPA’s October 26, 2015 ozone NAAQS revision, simplify the table that lists the ambient air quality standards enforced by NDEP, and provide flexibility in implementing NDEP’s ambient air monitoring program.

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 December 6, 2017 NDEP conducted a public workshop on regulation R145-17. 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.

Six (6) 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_0218.htm.

Following the workshop, the SEC held a formal regulatory hearing on February 21, 2018 at the Legislative Building, Room 2134, located at 401 South Carson Street and video-conferenced in Las Vegas at the Grant Sawyer Building, Room 4406, 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 permanent regulation R145-17 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 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_0218.htm .

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

- (a) Attended February 21, 2018 hearing: 8 (approximately)
- (b) Testified on this Petition at the hearing: 1

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- (c) Submitted to the agency written comments: 0

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 February 21, 2018 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.

(a) Regulated Business/Industry. The economic effect of this regulation can only be determined on a case-by-case basis for each affected business. If the environmental evaluation shows that the emissions from a business are expected to exceed the air quality standards, the 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.

It is important to note that the proposed ozone standard is already a federal standard with which industry must comply regardless of whether the USEPA or the NDEP implements it. If USEPA must implement the standard, it will do so remotely, in a unilateral manner, with little experience of Nevada's industry and without the NDEP's commitment to support economic development. In contrast, the NDEP has active working relationships with the regulated industry and is well positioned to develop Nevada-specific implementation strategies with industry that are effective and as unobtrusive as possible.

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. There may be an incremental cost to the agency for implementing the required federal regulation, but any cost is built in to the current fee structure of the Bureau of Air Pollution Control.

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 any other State regulations. They adopt a federal regulation into State regulation.

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 fees.