

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: R120-19

Permanent Regulation R120-19:

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:

NDEP amended NAC 445B.221, *Adoption by reference and applicability of certain provisions of federal law and regulations*, adopting applicable federal rules promulgated since the State regulation was last updated as of May 2018. This is a routine activity. The update includes rulemakings under 40 CFR Part 51, “Requirements for preparation, adoption, and submittal of implementation plans”, Part 60, “Standards of performance for new stationary sources” (NSPS), and Part 63, “National emission standards for hazardous air pollutants for source categories” (NESHAP).

1. Need for Regulation:

NDEP is delegated to implement certain federal NSPS and NESHAP rules that apply in Nevada. The amendments update the State’s “adoption by reference” regulation, so that Nevada can request delegation for the implementation of new and revised NSPS and NESHAP promulgated since the last update. This will allow the regulated industry to continue to work with the State rather than the U.S. Environmental Protection Agency (EPA). In addition, this amendment revises the requirements for the preparation, adoption, and submittal of implementation plans.

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 February 6, 2020 NDEP conducted a public workshop on regulation R120-19. The workshop was held in Carson City and video-conferenced to Las Vegas.

Bryan Building, 4 rd Floor Great Basin Room 901 S. Stewart Street Carson City, Nevada	NDEP Office in Las Vegas Red Rock Conference Room 2030 E. Flamingo Road, Suite 230 Las Vegas, Nevada
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A total of five (5) members of the public attended the workshops, in total.

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:

<https://sec.nv.gov/meetings/july-2020-regulatory-meeting>.

Following the workshop, the SEC held a formal regulatory hearing on July 1, 2020. Due to COVID-19 and the Governor's subsequent Emergency Directive 006, there was no physical location for the meeting and it was held virtually. A public notice for the regulatory meeting and a copy of the proposed regulation were posted at the State Library in Carson City, at NDEP offices located in both Carson City and Las Vegas, at all county libraries throughout the state, and provided to the SEC email distribution list. The public notice was also posted 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 agenda and information where supporting documents could be located were posted at NDEP offices located in both Carson City and 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, on the SEC website, and provided to the SEC email distribution 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: <https://sec.nv.gov/meetings/july-2020-regulatory-meeting>.

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

- (a) Attended July 1, 2020 hearing: 81 (approximately)
- (b) Testified on this Petition at the hearing: 0
- (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, public workshops and at the July 1, 2020 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 members were satisfied with the proposed 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 federal rules adopted by reference in NAC 445B.221 are federal requirements that the regulated business/industry must comply with regardless of whether EPA or NDEP implements them. Industry prefers that NDEP implement the federal rules; the NDEP has an active working relationship with industry and will implement the federal regulations in as effective and efficient manner 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 will be no additional costs to the agency.

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 adopted amendments do not overlap, duplicate or conflict with any regulations of other government agencies.

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.