

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: R076-24P

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

1. Need for Regulation

R076-24 proposes to revise NAC 445B to reduce confusion between state and federal requirements, streamline regulatory processes, and repeal regulations that no longer serve a purpose for achieving the intents and purposes of NRS 445B.110 to 445B 640, inclusive. It is necessary to amend and repeal these regulations to improve efficiency in administering Nevada's Air Program and minimize the resources needed to understand the regulatory requirements that may affect businesses and the public.

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 Division held one hybrid (in-person and virtual) public workshop for R076-24P on May 23, 2024. The public was invited to participate in person in the Bryan Building at 901 South Stewart Street in Carson City, Nevada. The workshop was held to present the substance of, and receive public comment on, the proposed regulation. Thirty-two members of the public and regulated industry attended the workshop either in-person or virtually.

The Legislative Counsel Bureau published its draft, R076-24P, in the Nevada Register on May 16, 2024. The Division accepted written comments on R076-24I and R076-24P for 30 days beginning on May 17, 2024. The Division received one verbal question concerning R076-24I and/or R076-24P during the public workshop. The question was addressed by bureau staff. A summary of the workshop, including public comment and bureau response, is included on the NDEP website as well as the SEC website.

The SEC held a hybrid regulatory hearing on June 18, 2024, to consider possible action on R075-24P. The SEC posted its public notice, which included a link¹ and instructions

¹ <https://sec.nv.gov/meetings/sec-regulatory-meeting-june-18-2024>

to access R076-24P 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 SEC also published the public notice 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 June 18, 2024, hearing: 36 (approximately)

(b) Testified on this Petition at the hearing: 1

1. Andrew Tucker, 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 at the June 18, 2024, 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 Commissioners unanimously adopted R076-24P without change because the public and the SEC were satisfied with 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: The proposed amendments do not impose any regulatory requirements on businesses that the businesses are not already subject to under federal regulations. The proposed amendments are not expected to have any adverse impacts

on businesses, but they will make it easier for certain types of changes to be made to existing permits.

Public: The proposed amendments will have no economic impact on the public.

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

Enforcing Agency. The proposed amendments will have no economic impact on 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 proposed amendment to NAC 445B.288(2)(h) in R076-24P overlaps with a federal requirement. This amendment will reduce confusion when determining compliance with all regulatory requirements by improving consistency with federal regulations. Inclusion of certain federal regulations in the NACs, such as the one being amended in this proposal, is necessary to allow for NDEP to be the agency that enforces the requirements instead of the U.S. Environmental Protection Agency (EPA). In general, the sources regulated by NDEP prefer NDEP to be the enforcing agency instead of the U.S. EPA. The remaining regulations are only to repeal and amend existing regulations to remove unnecessary requirements.

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 regulatory amendments in R076-24P do not include requirements that are more stringent than federal regulations.

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 proposed amendments in R076-24P do not provide for any new fees or increases to existing fees.