



CHAIRMAN:
Melvin D. Close
Las Vegas, NV

June 7, 2006

VICE CHAIRMAN:
Alan Coyner
Administrator
Division of Minerals
Commission on Mineral
Resources

Ms. Brenda Erdoes, Legislative Counsel
C/o Debra Corp
Legislative Counsel Bureau (LCB), Legal Division
401 South Carson Street
Carson City, Nevada 89701-4747

MEMBERS

Pete Anderson
State Forester
Division of Forestry

Terry Crawforth
Director Department of
Wildlife

Lew Dodgion
Carson City, NV

Don Henderson
Director Department of
Agriculture

Ira Rackley
Las Vegas, NV

Hugh Ricci
State Engineer
Division of Water Resources

Harry Shull
Las Vegas, NV

Frances Sponer
State Board of Health
Las Vegas, Nevada

Stephanne Zimmerman
Las Vegas, NV

COUNSEL
David Newton

STAFF

John B. Walker
Executive Secretary

**Re: State Environmental Commission -- Petition #2006-09
Air Quality Reforms - New Source Review**

Dear Ms. Corp:

Enclosed for "drafting" by the LCB Legal Division is a proposed permanent regulation that amends NAC 445B.001-.3497. This regulation is needed to comply with decisions by the U.S. Court of Appeals for the District of Columbia Circuit (the Court) to vacate certain revisions made to the federal New Source Review and Prevention of Significant Deterioration rule in 2002 (NSR Reforms).

The Nevada Division of Environmental Protection (NDEP) integrated those federal revisions into State regulation in 2004. In 2005, the Court ruled that EPA had misinterpreted the Clean Air Act in promulgating the "Clean Unit" (CU) and "Pollution Control Project" (PCP) provisions of the 2002 NSR Reforms. Accordingly, this proposed regulation would remove:

- 1) Application requirements for CUs and PCPs;
- 2) Application processing timelines for CUs and PCPs;
- 3) Permit content requirements for CUs and PCPs; and
- 4) The fee structure that covered the administrative costs for CUs and PCPs.

Special Note: The most recent LCB codification of NAC 445B (02-2006) does not include amendments adopted by the State Environmental Commission on October 4, 2005 and March 8, 2006. These earlier amendments are effective and are integrated into the text of the attached proposed regulation.

Additional supporting information for this proposed regulation is available on the SEC website at the following address:

http://www.sec.nv.gov/main/hearing_0906.htm

The point of contact at NDEP for this amended regulation is Ms. Adele Malone, Bureau of Air Quality Planning (687-9356).

Sincerely,

John B Walker

John B. Walker
Executive Secretary

JBW/jbw
Enclosure

ec: David Newton, Deputy Attorney General
Leo Drozdoff, P.E. – NDEP Administrator
Colleen Cripps, NDEP Deputy Admin
Mike Elges, NDEP – BAPC
Jennifer Carr, NDEP – BAQP
Adele Malone, NDEP – BAQP