

FORM FOR PETITIONING THE STATE ENVIRONMENTAL COMMISSION FOR ADOPTION, FILING AMENDMENTS OR REPEAL OF COMMISSION REGULATIONS

1. Nevada Division of Environmental Protection
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2. The Nevada Division of Environmental Protection (NDEP) is a division of the Nevada Department of Conservation and Natural Resources of the State of Nevada. The NDEP is an environmental regulatory agency.
3. 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.310 establishes specific authority of the SEC regarding operating permit requirements for sources of air contaminants.

SPECIFIC CHANGES:

The NDEP is proposing to amend NAC 445B.001-.3497 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). 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.

Specifically, the agency is proposing to 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.
4. **NEED FOR AND PURPOSE:** These amendments are necessary pursuant to decisions made by the U.S. Court of Appeals in June and December of 2005. Federal rules that NDEP had integrated into State regulation were vacated by the Court and appeals were denied, making it necessary for NDEP in turn to remove

those provisions from its regulations.

5. ECONOMIC EFFECTS:

(a) Regulated Business/Industry. There will be no adverse economic effects of these amendments on the regulated industry.

(b) Public. These proposed amendments will have no economic effect on the public.

(c) Enforcing Agency. There will be no additional costs to the agency.

6. The proposed regulations do not overlap or duplicate any regulations of other state or government agencies.

7. The proposed regulations are no more stringent than what is established by federal law.

8. The proposed amendments do not address fees.