

FORM # 1

**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.
4. **SPECIFIC CHANGES AND PURPOSE OF PROPOSED REGULATIONS**

The NDEP is proposing to amend NAC 445B.3611 to 445B.3689, which is the Nevada Air Emissions Mercury Control Program (NMCP). The NMCP is a permitting program that regulates air emissions of mercury from the precious metals mining industry by requiring the installation and operation of mercury emissions controls on thermal units which emit mercury. A key component of the NMCP is the analysis and selection of the Maximum Achievable Control Technology or "NvMACT" for each thermal unit that emits mercury.

The proposed amendments will establish a NvMACT-by-rule (MBR) permitting process that will supplement the existing NMCP. MBR will streamline the NvMACT permitting process for applicable mercury retorts, melting furnaces, pregnant solution tanks, barren solution tanks and electrowinning circuits by having a pre-determined NvMACT established in regulation. MBR will result in expedited installation and implementation of air emission controls for the reduction of mercury to the atmosphere.

The proposed amendments contain specific permit requirements that include, but are not limited to: mercury emissions control technologies which are NvMACT for applicable thermal units, mercury emission limitations, work practice standards, maintenance, monitoring requirements, record keeping and reporting requirements, all of which are required to be contained in a mercury operating permit to construct.

5. ECONOMIC EFFECTS:

(a) Regulated Business/Industry. The proposed regulations do not establish a new fee, but rather establish a less expensive, alternative fee. The proposed regulations will not have an immediate or long-term adverse economic impact on the regulated industry.

The proposed MBR will simply provide for an optional permitting process. Currently, the cost for a "Phase-2" application that requires a case-by-case NvMACT determination has an associated fee of \$5,000. The proposed alternative MBR application filing fee is \$2,000. Again, this is not an additional fee, rather an alternative to the current regulatory requirements.

(b) Public. The proposed amendments will not have an immediate or long-term adverse economic impact on the public.

(c) Enforcing Agency. There will be no additional costs to the agency for processing the proposed MBR applications, nor will there be any additional costs for the enforcement of the proposed regulations.

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

7. The proposed amendments are not more stringent than what is established by federal law, as federal law has not established an emissions control technology-based program for the reduction of mercury to the atmosphere.

8. The proposed amendments provide for an optional application filing fee. The total annual fee that might be collected pursuant to these amendments will be determined by the number of MBR applications filed with the NDEP in a given year. All fees collected shall be used to support the program.