

Form #1

Petition to Adopt, Amend, or Repeal Commission Regulations

Revised: 4/22/2026



NEVADA
**STATE ENVIRONMENTAL
COMMISSION**



Instructions for Completing Form #1

Applicants must complete all sections of this petition form with accuracy and specificity. All requested information should be provided in sufficient detail to allow for a thorough review of the proposed regulatory action. This includes clear identification of the petitioner, a precise description of the regulatory changes sought, and comprehensive statements regarding the purpose, need, and anticipated economic or public impacts of the proposal.

When submitting this form, attach a separate document containing the full text of your proposed regulatory language. Include any additional supporting documents as necessary to substantiate the petition.

All submissions must fully address the estimated economic effects (both adverse and beneficial, and short- and long-term) on both the regulated businesses and the public, and any potential overlaps with existing state or federal regulations. Submissions must also provide required citations where applicable, and disclose any new or increased fees associated with the proposed regulation.

Name: Nevada Division of Environmental Protection

Address: 901 South Stewart Street, Suite 4001

E-mail address: atucker@ndep.nv.gov

Telephone number: (775) 687-9340

Date of petition: 03/20/2026

Representative capacity and signature of petitioner, authorized individual, officer or attorney:

A handwritten signature in black ink, appearing to be "AZ" followed by a horizontal line.

Nevada Division of Environmental Protection - Bureau of Air Quality Planning, Chief

1. Specific type of petitioner (individual, partnership, corporation, government agency, or other) and the exact occupation or business, including a description of the occupation or business if necessary:

The Nevada Division of Environmental Protection (NDEP) is a division of the Department of Conservation and Natural Resources of the State of Nevada. NDEP is an environmental regulatory agency.

2. Exact and specific nature of changes sought, including delineation of the regulations, statutory provisions of Commission decisions involved. May include a statement of the written term or substance of the proposed regulatory action, or a description of the subjects and issues involved:

See Attachment A.

3. A statement of the need for and purpose of the proposed regulations:

NDEP is delegated the implementation of certain federal New Source Performance Standards (NSPS) and New Environmental Source Hazardous Air Pollutant (NESHAP) rules that apply in Nevada. The proposed 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 USEPA.

4. A statement of the:

- (a) Estimated economic effect of the regulation on the business which it is to regulate:

Not applicable (see Small Business Impact Statement #2).

- (1) Both adverse and beneficial effects:

Not applicable (see Small Business Impact Statement #2).

(2) Both immediate and long-term effects:

Not applicable (see Small Business Impact Statement #2).

(b) Estimated economic effect on the public:

Not applicable (see Small Business Impact Statement #2).

(1) Both adverse and beneficial effects:

Not applicable (see Small Business Impact Statement #2).

(2) Both immediate and long-term effects:

Not applicable (see Small Business Impact Statement #2).

(c) Estimated cost by the agency for enforcement of the proposed regulation:

The proposed regulation does not impose functions on the agency that it does not already provide, therefore no additional costs beyond what the agency would normal incur are expected.

5. A description of any regulations for 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:

Not applicable, the proposed amendments adopt federal regulations from 40 CFR Parts 51, 52, 60 and 63 in order to allow NDEP to implement them in Nevada.

6. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions. The statement must include the specific citation of the federal statute or regulation requiring such adoption:

Not applicable, the proposed amendments are no more stringent than federal requirements.

7. 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:

Not applicable, the proposed regulatory action does not provide for any new fees or increase to existing fees.

Attachment A for R058-26

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- 2. Exact and specific nature of changes sought, including delineation of the regulations, statutory provisions of Commission decisions involved. May include a statement of the written term or substance of the proposed regulatory action, or a description of the subjects and issues involved:**

The NDEP is proposing to amend NAC 445B.221, to adopt applicable federal rules promulgated since the State regulation was last updated as of April 2024. This is a routine activity. The update includes rulemaking under 40 Code of Federal Regulations (CFR) Parts 51, 52, 60 and 63. After stakeholder engagement in two previous workshops, NDEP has greenlined portions of the regulation to address recent portions of the regulations that the U.S. Environmental Protection Agency (**USEPA**) will not be able to delegate authority due actions that rescinded certain subparts relating to the 2024 Carbon Pollution Standards for greenhouse gas emissions.