

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

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Date of petition: 06/22/2026

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

Jennifer Schumacher

Nevada Division of Environmental Protection - Bureau of Air Pollution Control, 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. The 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:

The NDEP is proposing to amend NAC 445B.22097, "State standards of quality for ambient air" to further align it with the National Ambient Air Quality Standards (NAAQS), currently in effect. The proposed regulation revises the annual fine particulate matter (PM_{2.5}) standard on the Nevada standards table from 12.0 to 9.0 micrograms per cubic meter.

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

See attachment A

4. A statement of the:

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

See attachment A

- (1) Both adverse and beneficial effects:

See attachment A

(2) Both immediate and long-term effects:

As the federal primary standard is health-based, the proposed strengthened state standard will help protect human health, avoid lost workdays and increase workforce productivity.

(b) Estimated economic effect on the public:

See attachment A

(1) Both adverse and beneficial effects:

See attachment A

(2) Both immediate and long-term effects:

See attachment A

(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:

The proposed amendments do not overlap with any other State regulations. They adopt a federal regulation into State regulation as required by Title 42 U.S.C § 110(a)(1) of the Clean Air Act.

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. They adopt a federal regulation into State regulation as required by Title 42 U.S.C § 110(a)(1) of the Clean Air Act.

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 R142-26

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

The proposed amendments address the implementation of the USEPA's February 7, 2025, PM_{2.5} NAAQS revision. When the USEPA promulgates a new or revised NAAQS, states must submit a plan which provides for implementation, maintenance and enforcement of such standard, as stated in Clean Air Act 42 U.S.C § 110(a)(1). The proposed PM_{2.5} standard is already a federal standard applicable nationwide. Adoption at the state level and incorporation into the Nevada State Implementation Plan allows NDEP to implement it. If USEPA must implement the standard, it will do so without the specific knowledge of Nevada, its geography, the regulated community, their needs and challenges, and without direct NDEP's feedback. In contrast, NDEP has a multi-decadal active working relationships with the regulated industry and stakeholders and is will positioned to implement the new standard in a more efficient way.

4. A statement of the:

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

NDEP prepared a preliminary analysis which showed that approximately 21% of regulated businesses exceed the new annual PM_{2.5} standard of 9.0 ug/m³. NDEP will coordinate with the affected regulated businesses to address the new annual PM_{2.5} standard at their next permit renewal. USEPA states *"if new modeling does show that the new emissions would cause or contribute to a violation of the revised standard, the owner has options for how they modify their planned project and what types of emission controls they install. A more detailed modeling assessment must show either no violation or the impacts fall below levels considered significant."*¹ NDEP will continue to provide modeling for regulated businesses.

4. A statement of the:

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

(1) Both adverse and beneficial effects:

If an environmental evaluation shows that the emissions from a regulated business are expected to exceed the air quality standards, the regulated business must revise its

¹ Environmental Protection Agency. 2024. "Implementing the Final Rule to Strengthen the National Air Quality Health Standard for Particulate Matter – Fact Sheet." *Final Reconsideration of the National Ambient Air Quality Standards for Particulate Matter (PM)*. <https://www.epa.gov/system/files/documents/2024-02/pm-naaqs-implementation-fact-sheet.pdf>. 4.

operating procedures or install controls to reduce emissions. The cost will range from no cost to the cost of installing emission controls appropriate to the individual situation.

4. A statement of the:

(b) Estimated economic effect on the public:

USEPA published a Regulatory Impact Analysis (RIA) for the 2024 PM_{2.5} NAAQS. This document provides information, analyses, and studies relating to why USEPA chose to lower the standard to 9.0mg/m³. The RIA included an analysis that showed that the economic value of avoided PM_{2.5} related morbidities and premature deaths is approximately \$46 billion in 2032.² Additionally, the proposed regulation would align the state standard with the federal standard, is expected to result in public health benefit, and avoided health related costs.

4. A statement of the:

(b) Estimated economic effect on the public:

(1) Both adverse and beneficial effects:

The proposed regulation will have beneficial effects in terms of improved health and welfare. In accordance with the Clean Air Act, the primary NAAQS are established to protect against adverse effects of polluted air on human health. The emissions reductions will also benefit public welfare.

4. A statement of the:

(b) Estimated economic effect on the public:

(2) Both immediate and long-term effects:

The proposed regulation will align with the federal standard. USEPA's RIA states that the exposure to PM_{2.5} can harm people's health, leading to heart attacks, asthma attacks, and premature death. The RIA's analysis showed that the expected health benefits will include up to 4,500 avoided premature deaths, 800,000 avoided cases of asthma symptoms, and 290,000 avoided lost workdays.³

² U.S. Environmental Protection Agency. 2024. "Final Regulatory Impact Analysis for the Reconsideration of the National Ambient Air Quality Standards for Particulate Matter." *Final Reconsideration of the National Ambient Air Quality Standards for Particulate Matter (PM)*. https://www.epa.gov/system/files/documents/2024-02/naaqs_pm_reconsideration_ria_final.pdf. 26.

³ U.S. Environmental Protection Agency. 2024. "Final Regulatory Impact Analysis for the Reconsideration of the National Ambient Air Quality Standards for Particulate Matter." *Final Reconsideration of the National Ambient Air Quality Standards for Particulate Matter (PM)*. https://www.epa.gov/system/files/documents/2024-02/naaqs_pm_reconsideration_ria_final.pdf. 304, 305.