

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. S Stewart Street, Suite 4001. Carson City, NV 89701

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

Telephone number: 775-687-9340

Date of petition: 06/24/2026

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

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

Andrew Tucker, 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), within the Department of Conservation and Natural Resources, is a state government environmental regulatory agency responsible for protecting Nevada's air, land, and water resources. NDEP administers and implements federal and State environmental laws, issues permits, conducts compliance oversight, and manages programs related to pollution control, waste management, remediation and natural resource protection.

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:

The proposed regulatory amendments are needed to improve the Nevada Mercury Control Program by removing obsolete provisions of the Program, clarifying regulatory requirements, and providing additional permitting tools to address common changes by the regulated industry.

4. A statement of the:

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

The proposed regulatory amendments are expected to have minimal economic effect on the business which it is to regulate.

- (1) Both adverse and beneficial effects:

No adverse effects are expected. Beneficial effects may include providing additional certainty to the regulated industry by updating language, deleting obsolete provisions, and providing additional simplified permitting tools.

(2) Both immediate and long-term effects:

Immediate and long-term effects includes providing additional certainty to the regulated industry by updating language, deleting obsolete provisions, and providing additional simplified permitting tools.

(b) Estimated economic effect on the public:

The proposed regulatory amendments are not expected to have an economic effect on the public.

(1) Both adverse and beneficial effects:

The proposed regulatory amendments are not expected to have adverse effects. Beneficial effects should include the improved implementation of the Nevada Mercury Control Program.

(2) Both immediate and long-term effects:

Immediate and long-term effects includes the improved implementation of the Nevada Mercury Control Program.

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

The proposed regulatory amendments are not expected to create any additional enforcement costs for the agency.

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 regulatory amendments do not overlap or duplicate the regulations of any state or local government agency. The Nevada Mercury Control Program predates the federal mercury program, implemented by EPA; however, NDEP strives to harmonize requirements when practicable.

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:

The Nevada Mercury Control Program is a State regulatory program and is no more stringent than the federal EPA mercury program.

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:

See Attachment A.

Attachment A for R147-26

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- 2. Exact and specific nature of changes sought, including delineation of the regulation, 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 proposed amendments to Nevada Administrative Code (NAC) 445B delete obsolete provisions from the Nevada Mercury Control Program, introduce two new permit revision paths (minor revision and notification of authorized change) with associated fees to simplify permitting actions when changes occur to the regulated industry, updated definitions, put into regulation a determination of de minimis mercury emissions as required by previous regulatory language, limit the number of extensions that a facility can apply for when construction is delayed, clarify fee language and add a fee to process de minimis applications. NDEP has greenlined portions of the proposed regulation after stakeholder engagement with the Nevada Mining Association to best meet the needs of the regulated industry.

- 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:**

The proposed regulatory amendments establish fees for minor revisions and notification of authorized change, which are proposed to be set at \$2,500 and \$1,000, respectively. The current adopted regulation only allows for a revision, set at \$5,000, for any changes to a permit. The proposed regulatory amendments will simplify permitting practices and will set a lesser fee for those types of changes that meet the requirements, which will provide less cost to the regulated industry. It is anticipated that the small decrease in permitting fees can be absorbed by NDEP.