

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

**T036-09
May 7, 2009**

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

NOTE: GREEN = Amendments adopted and effective after the last codification of Chapter 445B (i.e., LCB File Nos. R076-08 and R190-08).

AUTHORITY: §1, NRS 445B.210.

A REGULATION relating to the State Environmental Commission; revising the provisions governing the adoption by reference of certain federal regulations by the State Environmental Commission; and providing other matters properly relating thereto.

Sec. 1. NAC 445B.221 is hereby amended to read as follows:

1. Title 40 C.F.R. §§ 51.100(s), ~~and~~ 51.100(nn) , and 51.301 and Appendix S of 40 C.F.R. Part 51 are hereby adopted by reference as they existed on July 1, ~~2007~~ 2008.

2. The amendments to Appendix S of Title 40 C.F.R. Part 51 as set forth in volume 73 of the Federal Register at pages 28321 et seq., May 16, 2008, are hereby adopted by reference.

3. *The amendments to Title 40 C.F.R. § 51.100(s) as set forth in Volume 74 of the Federal Register at pages 3437 et seq., January 21, 2009, are hereby adopted by reference.*

4. Title 40 C.F.R. § 51.165 is hereby adopted by reference as it existed on July 1, 2002.

~~4~~ 5. ~~Appendix~~ *Appendices M and W* of 40 C.F.R. Part 51 ~~is~~ *are* hereby adopted by reference as ~~it~~ *they* existed on July 1, ~~2007~~ 2008.

~~5~~ 6. Title 40 C.F.R. § 52.21 is hereby adopted by reference as it existed on July 1, ~~2007~~ 2008.

~~6~~ 7. The amendments to Title 40 C.F.R. § 52.21 as set forth in Volume 73 of the Federal Register at pages 28321 et seq., May 16, 2008, are hereby adopted by reference.

~~6~~ 8. ~~The~~ Except as otherwise provided in subsections ~~6~~ ~~8~~ *9 and 10*, the following subparts of 40 C.F.R. Part 60 are hereby adopted by reference:

(a) Subpart A, except §§ 60.4, 60.8(b)(2), 60.8(b)(3) and 60.11(e), as it existed on July 1, ~~2007~~ 2008;

(b) Section 60.21 of Subpart B, as it existed on July 1, 2006;

(c) Subparts C, Cb, Cc, Cd, Ce, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, H, I, J, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AAa, BB, CC, DD, EE, GG, HH, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV, *VVa*, WW, XX, BBB, DDD, FFF, GGG, *GGGa*, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV, WWW, AAAA, CCCC, DDDD, EEEE, FFFF, IIII, *JJJJ* and KKKK as they existed on July 1, ~~2007~~ 2008; ~~and and~~

(d) Subpart HHHH, except §§ 60.4105(b)(2), 60.4106, 60.4120 to 60.4142, inclusive, 60.4153(a) and (b) and 60.4176, as set forth in Volume 70 of the Federal Register at pages 28606 et seq., May 18, 2005, and the amendments to Subpart HHHH as set forth in Volume 71 of the Federal Register at pages 33388 et seq., June 9, 2006 ~~and~~ ~~and~~

~~(e) Subpart JJJJ as set forth in Volume 73 of the Federal Register at pages 3568 et seq., January 18, 2008.~~

~~6. The amendments to subpart A of 40 C.F.R. Part 60 as set forth in Volume 73 of the Federal Register at pages 3568 et seq., January 18, 2008, are hereby adopted by reference].~~

9. The amendments to Subparts A, D, Da, Db, and Dc of Title 40 C.F.R. Part 60 as forth in Volume 74 of the Federal Register at pages 5072 et seq., January 28, 2009, are hereby adopted by reference.

~~[7] [6.] [8.]~~ **10.** Appendices **A, B and F** of 40 C.F.R. Part 60 are hereby adopted by reference as they existed on July 1, ~~[2007] 2008~~.

~~[8] [7.] [9.]~~ **11.** Subparts **A, C, D, E, F, H, I, J, K, L, N, O, P, Q, R, T, V, W, Y, BB and FF** of 40 C.F.R. Part 61 are hereby adopted by reference as they existed on July 1, ~~[2007] 2008~~.

12. Appendix B of 40 C.F.R. Part 61 is hereby adopted by reference as it existed on July 1, 2008.

~~[9] [8.] [10.]~~ **13.** Except as otherwise provided in subsection ~~[10.]~~ **14**, the following subparts of 40 C.F.R. Part 63 are hereby adopted by reference:

(a) Subparts **A, B, C, F, G, H, I, J, L, M, N, O, Q, R, S, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, LL, MM, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYYY, ZZZZ, AAAAA, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, JJJJJ, WWWW, YYYYY, ZZZZ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, SSSSS, DDDDD, EEEEE, FFFFF [and], GGGGG, LLLLL, MMMMM, NNNNN, OOOOO, PPPPP, QQQQQ, RRRRR, SSSSS and TTTTT** ~~[of 40 C.F.R. Part 63 are hereby adopted by reference]~~ as they existed on July 1, ~~[2007] 2008~~.

~~[-9.;~~

~~(b) Subpart WWWW as set forth in Volume 72 of the Federal Register at pages 73611 et seq., December 28, 2007;~~

~~—(c) Subpart YYYYY as set forth in Volume 72 of the Federal Register at pages 74088 et seq., December 28, 2007;~~

~~—(d) Subpart ZZZZ as set forth in Volume 73 of the Federal Register at pages 226 et seq., January 2, 2008;~~

~~—(e) Subparts LLLLL, MMMMM, NNNNN, OOOOO, PPPPP and QQQQQ as set forth in Volume 72 of the Federal Register at pages 38864 et seq., July 16, 2007; and~~

~~—(f) Subparts RRRRR, SSSSS and TTTTT as set forth in Volume 72 of the Federal Register at pages 73180 et seq., December 26, 2007.~~

~~—10. The amendments to the following subparts of 40 C.F.R. Part 63 are hereby adopted by reference:~~

~~—(a) Subparts A and ZZZZ as set forth in Volume 73 of the Federal Register at pages 3568 et seq., January 18, 2008;~~

~~—(b) Subpart DDDD as set forth in Volume 72 of the Federal Register at pages 61060 et seq., October 29, 2007;~~

~~—(c) Subpart EEEEE as set forth in Volume 73 of the Federal Register at pages 7210 et seq., February 7, 2008;~~

~~—(d) Subparts EEEEE and FFFFF as set forth in Volume 72 of the Federal Register at pages 36363 et seq., July 3, 2007; and~~

~~—(e) Subparts LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP and QQQQQQ as set forth in Volume 73 of the Federal Register at pages 15923 et seq., March 26, 2008.]~~

14. The amendment to Subpart EEE of Title 40 C.F.R. Part 63 as set forth in Volume 73 of the Federal Register at pages 64068 et seq., October 28, 2008.

~~[11.] [12.]~~ **15.** Title 40 C.F.R. Part 72 is hereby adopted by reference as it existed on July 1, ~~[2007.]~~ **2008.** If the provisions of 40 C.F.R. Part 72 conflict with or are not included in [NAC 445B.001](#) to [445B.3791](#), inclusive, ~~[and sections 2, 3 and 4 of this regulation,]~~ the provisions of 40 C.F.R. Part 72 apply.

~~[10.] [12] [13.]~~ **16.** Title 40 C.F.R. Part 76 is hereby adopted by reference as it existed on July 1, ~~[2007.]~~ **2008.** If the provisions of 40 C.F.R. Part 76 conflict with or are not included in [NAC 445B.001](#) to [445B.3791](#), inclusive, ~~[and sections 2, 3 and 4 of this regulation,]~~ the provisions of 40 C.F.R. Part 76 apply.

~~[11.] [13.] [14.]~~ **17.** Title 42 of the United States Code, section 7412(b), List of Hazardous Air Pollutants, is hereby adopted by reference as it existed on October 1, 1993.

~~[12.] [14.] [15.]~~ **18.** The *Standard Industrial Classification Manual*, 1987 edition, published by the United States Office of Management and Budget, is hereby adopted by reference. A copy of the manual may be obtained, free of charge, from the United States Department of Labor at the Internet address <http://www.dol.gov>.

~~[13.] [15.] [16.]~~ **19.** A copy of the publications which contain the provisions adopted by reference in subsections 1 to ~~[11] [13.] [15]~~ **17**, inclusive, may be obtained from the:

(a) Division of State Library and Archives of the Department of Cultural Affairs for 10 cents per page.

(b) Government Printing Office, free of charge, at the Internet address <http://www.gpoaccess.gov/nara/index.html>.

~~[14.] [16.] [18.]~~ **20.** For the purposes of the provisions of 40 C.F.R. Parts 60, 61 and 63, adopted by reference pursuant to this section, the Director may not approve alternate or equivalent test methods or alternative standards or work practices.

~~[15.] [17.] [19.]~~ **21.** Except as otherwise provided in subsections ~~[9] [11] [13]~~ **17** and ~~[10] [12.] [14]~~ **18**, the provisions adopted by reference in this section supersede the requirements of [NAC 445B.001](#) to [445B.3791](#), inclusive, ~~[and sections 2, 3 and 4 of this regulation]~~ for all stationary sources subject to the provisions adopted by reference only if those requirements adopted by reference are more stringent.

~~[16.] [18.] [20.]~~ **22.** For the purposes of this section, “administrator” as used in the provisions of 40 C.F.R. Parts 60, except Subpart B § 60.21 and Subpart HHHH §§ 60.4101 to 60.4105, inclusive, 60.4107 to 60.4114, inclusive, 60.4151 to 60.4173, inclusive, and 60.4175, and Parts 61 and 63, adopted by reference pursuant to this section, means the Director.