

LCB File No. R037-05

PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

(This proposed regulation was previously adopted as T004-05)

Petition 2004-29

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

AUTHORITY: NRS 445B.210 and 445B.300.

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

NAC 445B.221 Adoption by reference of provisions of federal law and regulations.

1. Title 40 C.F.R. §§ 51.100(s), 51.100(hh) to 51.100(kk), inclusive, 51.100(nn) and 51.165, and Appendix S and Appendix W of Title 40 C.F.R. Part 51 are hereby adopted by reference as they existed on July 1, 2002.

2. Title 40 C.F.R. Part 52.21 is hereby adopted by reference as it existed on July 1, 2003.

3. The following subparts of Title 40 C.F.R. Part 60 are hereby adopted by reference ~~as they existed on July 1, 2003~~:

(a) Subpart A, except §§ 60.4, 60.8(b)(3) and 60.11(e), *as it existed on July 1, 2004*.

(b) 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, WW, XX, AAA, BBB, DDD, FFF, GGG, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV, WWW and AAAA, *as they existed on July 1, 2004*.

(c) *Amendments to Subpart GG published in the Federal Register on July 8, 2004, page 41346.*

4. Subparts A, B, C, D, E, F, H, I, J, K, L, M, N, O, P, Q, R, T, V, W, Y, BB and FF of Title 40 C.F.R. Part 61 are hereby adopted by reference as they existed on July 1, 2003.

5. *The following subparts of Title 40 C.F.R. Part 63 are hereby adopted by reference:*

(a) Subparts A, B, 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, *EEEE*, GGGG, HHHH, JJJJ, *KKKK*, *MMMM*, NNNN, OOOO, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, *YYYY*, *ZZZZ*, *AAAAA*, BBBB, CCCCC, FFFFF, JJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ and SSSSS, ~~of Title 40 C.F.R. Part 63 are hereby adopted by reference~~ as they existed on July 1, 2004 ~~[2003]~~.

(b) *Amendments to Subpart YYYY published in the Federal Register on August 18, 2004, page 10512.*

(c) *Subpart DDDDD, as it existed in the Federal Register on September 13, 2004, page 55218.*

6. Title 40 C.F.R. Part 72 is hereby adopted by reference as it existed on July 1, 2003. If the provisions of 40 C.F.R. Part 72 conflict with or are not included in NAC 445B.001 to 445B.3497, inclusive, the provisions of 40 C.F.R. Part 72 apply.

7. Title 40 C.F.R. Part 76 is hereby adopted by reference as it existed on July 1, 2003. If the provisions of 40 C.F.R. Part 76 conflict with or are not included in NAC 445B.001 to 445B.3497, inclusive, the provisions of 40 C.F.R. Part 76 apply.

8. Title 42 of the United States Code, section 7412(b), List of Hazardous Air Pollutants, and the amendments to section 7412 contained in 40 C.F.R. Part 63, Subpart C, are hereby adopted by reference as they existed on July 1, 2003.

9. 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 from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, for the price of \$40.

10. A copy of the publications which contain these provisions may be obtained from the:

(a) Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954.

The price is:

(1) For the volume containing §§ 51.100(s), 51.100(hh) to 51.100(kk), inclusive, 51.100(nn) and 51.165 and Appendices S and W of Part 51.....	\$40
(2) For § 52.21.....	55
(3) For Part 60 (Sections 60.1 to end).....	58
(4) For Part 60 (Appendices).....	54 57
(5) For Parts 61 - 62.....	43
(6) For Part 63 (Sections 63.1 to 63.599).....	58
(7) For Part 63 (Sections 63.600 to 63.1199).....	50
(8) For Part 63 (Sections 63.1200 to 63.1439).....	50
(9) For Part 63 (Sections 63.1440 to end 63.8830).....	64
(10) For Part 63 (Sections 63.8980 to end)	35
(11) For the volume containing Parts 72 and 76	59

(b) Division of State Library and Archives of the Department of Cultural Affairs for 15 cents per page.

(c) Internet at the following website: <<http://www.gpoaccess.gov/nara/index.html>>

11. For the purposes of the provisions of Parts 60, 61 and 63, Chapter I, Title 40, Code of Federal Regulations adopted pursuant to this section, the director may not approve alternate or equivalent test methods or alternative standards or work practices.

12. Except as otherwise provided in subsections 6 and 7, the provisions adopted by reference in this section supersede the requirements of NAC 445B.001 to 445B.3497, inclusive, for all stationary sources subject to the provisions adopted by reference only if those requirements adopted by reference are more stringent.

13. For the purposes of this section, “administrator” as used in the provisions of Parts 60, 61 and 63, Chapter I, Title 40, Code of Federal Regulations adopted pursuant to this section means the director.