

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R038-22

April 22, 2022

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

AUTHORITY: § 1, NRS 445B.210.

A REGULATION relating to air pollution; revising certain provisions of federal law and certain standards for testing air quality that are adopted by reference; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the State Environmental Commission to adopt regulations to prevent, abate and control air pollution and to establish standards for air quality. (NRS 445B.210) Under existing regulations, the Commission has adopted by reference certain provisions of federal law and certain standards for testing air quality. (NAC 445B.221) This regulation revises certain provisions and certain standards for testing air quality which the Commission has adopted by reference.

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

445B.221 1. Title 40 C.F.R. §§ 51.100(s), 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, ~~2019.~~ **2021.**

2. Title 40 C.F.R. § 51.165 is hereby adopted by reference as it existed on July 1, ~~2019.~~ **2021.**

3. Appendices M and W of 40 C.F.R. Part 51 are hereby adopted by reference as they existed on July 1, ~~2019.~~ **2021.**

4. Title 40 C.F.R. § 52.21 is hereby adopted by reference as it existed on July 1, ~~2019.~~ **2021.**

5. Appendix E of 40 C.F.R. Part 52 is hereby adopted by reference as it existed on July 1, ~~2019.~~ **2021.**

6. 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), 60.8(g) and 60.11(e), as it existed on July 1, ~~2019.~~ **2021;**

(b) Section 60.21 of Subpart B, as it existed on July 1, ~~2019.~~ **2021;**

(c) Subparts C, Cb, Cc, Cd, Ce, **Cf**, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, Ga, H, I, J, Ja, K, Ka, Kb, L, M, N, Na, O, P, Q, R, S, Y, Z, AA, AAa, CC, EE, GG, HH, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, **AAA**, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV, WWW, ~~XXX.~~ AAAA, CCCC, DDDD, EEEE, FFFF, IIII, JJJJ, KKKK ~~TTTT~~ and ~~TTTTa~~ **QQQQ** as they existed on July 1, ~~2019.~~ **and 2021;**

(d) Subpart ~~Cf~~ **XXX** as it existed on ~~September 6, 2019.~~ **February 14, 2022; and**

(e) Subparts OOOO and OOOOa as they existed on July 1, 2019.

7. Appendices A, B and F of 40 C.F.R. Part 60 are hereby adopted by reference as they existed on July 1, ~~2019.~~ **2021.**

8. Subparts A, C, D, E, F, H, I, J, K, L, N, O, P, Q, R, T, V, Y, BB and FF of 40 C.F.R. Part 61 are hereby adopted by reference as they existed on July 1, ~~2019.~~ **2021.**

9. Appendix B of 40 C.F.R. Part 61 is hereby adopted by reference as it existed on July 1, ~~2019.~~ **2021.**

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

(a) Subparts ~~A.~~ B, C, F, G, H, I, L, M, N, O, Q, R, S, T, U, W, X, Y, **AA**, CC, EE, HH, II, JJ, KK, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, ~~YY.~~ CCC, EEE, GGG, HHH, III, JJJ,

LLL, MMM, OOO, PPP, QQQ, TTT, UUU, VVV, ~~{AAAA,}~~ DDDD, EEEE, FFFF, GGGG, HHHH, ~~{HHH,}~~ JJJ, ~~{KKKK,}~~ MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, ~~{VVVV,}~~ WWWW, XXXX, ~~{YYYY,}~~ ZZZZ, AAAAA, BBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, JJJJ, ~~{KKKKK,}~~ LLLLL, ~~{MMMMM,}~~ NNNNN, PPPPP, QQQQQ, ~~{SSSS,}~~ **RRRRR**, UUUUU, WWWW, ZZZZ, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, JJJJ, LLLLL, MMMMM, NNNNN, ~~{OOOOO,}~~ PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, VVVVV, WWWW, XXXXX, ZZZZZ, AAAAAA, BBBBBB, CCCCCC, EEEEEE and HHHHHH ~~{of 40 C.F.R. Part 63 are hereby adopted by reference}~~ as they existed on July 1, ~~{2019,}~~ **2021**;

(b) Subparts MMMM and OOOOO as they existed on November 18, 2021;

(c) Subparts A, YY, IIII, KKKK, VVVV, KKKKK and SSSS as they existed on November 19, 2021;

(d) Subpart AAAA as it existed on February 14, 2022; and

(e) Subpart YYYY as it existed on March 9, 2022.

11. Appendix A of 40 C.F.R. Part 63 is hereby adopted by reference as it existed on July 1, ~~{2019,}~~ **2021**.

12. Title 40 C.F.R. Part 72 is hereby adopted by reference as it existed on July 1, ~~{2019,}~~ **2021**. If the provisions of 40 C.F.R. Part 72 conflict with or are not included in NAC 445B.001 to 445B.390, inclusive, the provisions of 40 C.F.R. Part 72 apply.

13. Title 40 C.F.R. Part 76 is hereby adopted by reference as it existed on July 1, ~~{2019,}~~ **2021**. If the provisions of 40 C.F.R. Part 76 conflict with or are not included in NAC 445B.001 to 445B.390, inclusive, the provisions of 40 C.F.R. Part 76 apply.

14. 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.

15. 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 is available, free of charge, at the Internet address <https://www.osha.gov>.

16. A copy of the publications which contain the provisions adopted by reference in subsections 1 to 14, inclusive, may be obtained from the:

(a) Division of State Library, Archives and Public Records of the Department of Administration for 10 cents per page.

(b) Government Publishing Office, free of charge, at the Internet address <http://www.gpo.gov/fdsys/>.

17. The following standards of ASTM International are hereby adopted by reference:

(a) ASTM D5504-08, “Standard Test Method for Determination of Sulfur Compounds in Natural Gas and Gaseous Fuels by Gas Chromatography and Chemiluminescence,” set forth in Volume 05.06 of the 2008 *Annual Book of ASTM Standards*. A copy of ASTM D5504-08 is available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, by telephone at (877) 909-2786 or at the Internet address <http://www.astm.org>, for the price of ~~1\$60.1~~ **\$64**.

(b) ASTM D2234/D2234M-07, “Standard Practice for Collection of a Gross Sample of Coal,” set forth in Volume 05.06 of the 2008 *Annual Book of ASTM Standards*. A copy of ASTM D2234/D2234M-07 is available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, by telephone at (877) 909-2786 or at the Internet address <http://www.astm.org>, for the price of ~~1\$60.1~~ **\$64**.

(c) ASTM D2013-07, “Standard Practice for Preparing Coal Samples for Analysis,” set forth in Volume 05.06 of the 2008 *Annual Book of ASTM Standards*. A copy of ASTM D2013-07 is available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, by telephone at (877) 909-2786 or at the Internet address <http://www.astm.org>, for the price of ~~1\$67.1~~ \$72.

(d) ASTM D6784-02(2008), “Standard Test Method for Elemental, Oxidized, Particle-Bound and Total Mercury in Flue Gas Generated from Coal-Fired Stationary Sources (Ontario Hydro Method),” set forth in Volume 11.07 of the 2008 *Annual Book of ASTM Standards*. A copy of ASTM D6784-02(2008) is available from ASTM International, 100 Barr Harbor Drive, West Conshohocken, Pennsylvania 19428-2959, by telephone at (877) 909-2786 or at the Internet address <http://www.astm.org>, for the price of ~~1\$67.1~~ \$72.

(e) ASTM D2015, “Standard Test Method for Gross Calorific Value of Coal and Coke by the Adiabatic Bomb Calorimeter,” dated April 10, 2000. A copy of ASTM D2015 is available for purchase at the IHS Markit Standards Store, 15 Inverness Way East, Englewood, Colorado 80112, or at the Internet address <http://global.ihs.com>, for the price of ~~1\$69.1~~ \$74.

(f) ASTM D5865, “Standard Test Method for Gross Calorific Value of Coal and Coke ,” ~~by the Isooperibol Bomb Calorimeter,”~~ dated ~~1July 10, 1996.1~~ **October 1, 2013**. A copy of ASTM D5865 is available for purchase at the IHS Markit Standards Store, 15 Inverness Way East, Englewood, Colorado 80112, or at the Internet address <http://global.ihs.com>, for the price of ~~1\$69.1~~.

~~(g) ASTM D1989, “Standard Test Method for Gross Calorific Value of Coal and Coke by Microprocessor Controlled Isooperibol Calorimeters,” dated July 10, 1997. A copy of ASTM D1989 is available for purchase at the IHS Markit Standards Store, 15 Inverness Way East,~~

~~Englewood, Colorado 80112, or at the Internet address <http://global.ihs.com>, for the price of \$69.1~~ **\$83.**

18. 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.

19. Except as otherwise provided in subsections 12 and 13, the provisions adopted by reference in this section supersede the requirements of NAC 445B.001 to 445B.390, inclusive, for all stationary sources subject to the provisions adopted by reference only if those requirements adopted by reference are more stringent.

20. For the purposes of this section, “administrator” as used in the provisions of 40 C.F.R. Part 60, except Subpart B § 60.21, and Parts 61 and 63, adopted by reference pursuant to this section, means the Director.