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### State Environmental Commission

Classification  Proposed  Adopted By Agency  Temporary  Emergency  Permanent

**Regulation R076-08: Adopt By Reference Air Pollution / Air Quality Regulations:** This regulation updates NAC 445B.221, "Adoption by reference and applicability of certain provisions of federal law and regulations." The Division of Environmental Protection (NDEP) is adopting into State regulation sections of the federal New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) rules that have been adopted by the U.S. Environmental Protection Agency (EPA) and published in the Federal Register.

NDEP is delegated implementation of the federal NSPS and NESHAP rules that apply in Nevada. In this regard it is necessary to keep the State's "adoption by reference" regulation up to date so that EPA can continue to delegate the implementation of new rules and revisions to existing rules to the State. NAC 445B.221 currently adopts the applicable NSPS and NESHAP rules, as they existed on July 1, 2007. This regulatory amendment is necessary so that Nevada can request delegation for the implementation of new and revised federal NSPS and NESHAP rules promulgated after July 1, 2007. This will allow the regulated industry to continue to work with the State as opposed to the EPA

**Authority citation other than 233B:** §§1 and 2, NRS 445B.210; §3, NRS 445B.210 and 445B.300.

**Notice date:** May 15, 2008

**Hearing date:** June 17, 2008