

**ADOPTED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R051-12

Effective December 20, 2012

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; providing for the reduction of certain emissions from the power-generating units of certain generating stations; and providing other matters properly relating thereto.

Section 1. NAC 445B.22096 is hereby amended to read as follows:

445B.22096 1. The sources listed below must install, operate and maintain the following control measures which constitute BART and must not emit or cause to be emitted NO_x, SO₂, or PM₁₀ in excess of the following limits:

(a) For power-generating units numbers 1 and 2 of NV Energy’s Fort Churchill Generating Station, located in hydrographic area 108:

UNIT (Boiler)	NO _x		SO ₂		PM ₁₀	
	Emission Limit (lb/10 ⁶ Btu, 12-month rolling average)	Control Type	Emission Limit (lb/10 ⁶ Btu, 24-hr average)	Control Type	Emission Limit (lb/10 ⁶ Btu, 3-hr average)	Control Type
1	0.20	Low NO _x burners with flue gas recirculation	0.05	Pipeline natural gas and/or No. 2 fuel oil	0.03	Pipeline natural gas and/or No. 2 fuel oil
2	0.16		0.05		0.03	

(b) For power-generating units numbers 1, 2 and 3 of NV Energy’s Tracy Generating Station, located in hydrographic area 83:

UNIT (Boiler)	NO _x		SO ₂		PM ₁₀	
	Emission Limit (lb/10 ⁶ Btu, 12-month rolling average)	Control Type	Emission Limit (lb/10 ⁶ Btu, 24-hr average)	Control Type	Emission Limit (lb/10 ⁶ Btu, 3-hr average)	Control Type
1	0.15	Low NO _x burners with flue gas recirculation	0.05	Pipeline natural gas and/or No. 2 fuel oil	0.03	Pipeline natural gas and/or No. 2 fuel oil
2	0.12		0.05		0.03	
3	0.19	Low NO _x burners with selective noncatalytic reduction	0.05		0.03	

(c) For power-generating units numbers 1, 2 and 3 of NV Energy's Reid Gardner Generating Station, located in hydrographic area 218:

UNIT (Boiler)	NO _x		SO ₂		PM ₁₀	
	Emission Limit (lb/10 ⁶ Btu, 12-month 30-day rolling average)	Control Type	Emission Limit (lb/10 ⁶ Btu, 24-hr average)	Control Type	Emission Limit (lb/10 ⁶ Btu, 3-hr average)	Control Type
1	0.20 0.20 0.28, averaged across all 3 units	Rotating Opposed-Fire Air with Rotamix(1) Low NO _x burners with over-fire air and selective noncatalytic reduction	0.15	Wet soda ash flue gas desulphurization	0.015	Fabric filter
2			0.15		0.015	
3			0.15		0.015	

~~Footnote:~~

~~(1) Rotamix is a technology for adding selective noncatalytic reduction using ammonia or urea based reagent.~~

(d) For power-generating units numbers 1 and 2 of Southern California Edison's Mohave Generating Station, located in hydrographic area 213:

UNIT (Boiler)	NO _x			SO ₂		PM ₁₀	
	Emission Limit (lb/10 ⁶ Btu, 12-month rolling average)	Mass Emission Rate (lb/hr, 1-hr average)	Control Type	Emission Limit (lb/10 ⁶ Btu, 30-day rolling average)	Control Type	Emission Limit (lb/10 ⁶ Btu, 3-hr average)	Control Type

1	0.15	788	Low NO _x burners with over-fire air and conversion to pipeline natural gas only	0.0019	Conversion to pipeline natural gas only	0.0077	Conversion to pipeline natural gas only
2	0.15	788		0.0019		0.0077	

2. The control measures established in subsection 1 may be replaced or supplemented with alternative technologies approved in advance by the Director, provided that the emission limits in subsection 1 are met. The established or approved control measures must be installed and operating:

(a) For NV Energy’s Fort Churchill, Tracy and Reid Gardner generating stations:

(1) On or before ~~January 1, 2015;~~ *June 30, 2016*; or

(2) Not later than 5 years after approval of Nevada’s state implementation plan for

regional haze by the United States Environmental Protection Agency Region 9,

↪ whichever occurs first.

(b) For Southern California Edison’s Mohave Generating Station, at the time that each unit resumes operation.

3. If the ownership of any BART regulated emission unit changes, the new owner must comply with the requirements set forth in subsection 2.

4. For purposes of this section, emissions of PM₁₀ include the components of PM_{2.5} as a subset.

Permanent Regulation - Filing Statement
LCB File No: R051-12

A Regulation Relating to Air Pollution Control

Legislative Review of Adopted Regulations as Required
by Administrative Procedures Act, NRS 233B.066 & 233B.0603.10(f)

State Environmental Commission (SEC)

Regulation R051-12: This regulation revises the best available retrofit technology (BART) requirements for nitrogen dioxide (NO₂) for units 1, 2 and 3 at NV Energy's Reid Gardner Generating Station in Southern Nevada. The federal Regional Haze Rule requires states to establish emission reduction strategies for improving visibility in 156 mandatory Class I national parks and wilderness areas across the United States. One of the strategies required is the application of BART to certain existing sources, including electrical generating units 1, 2 and 3 at Reid Gardner. This regulation will be sent to the U.S. Environmental Protection Agency for approval into the Nevada State Implementation Plan.

The proposed regulation lowers the NO₂ emission limit for unit 3 from 0.28 pounds per million Btu on a 12-month rolling average to 0.20 pounds per million Btu on a 30-day rolling average. The averaging time for units 1 and 2 are also changed to a 30-day rolling average, and for determining compliance, emissions are averaged across all three units.

Additionally, the proposed regulation revises the control technology for all three units to low NO_x burners with overfire air and selective non-catalytic reduction. The regulation requires that BART control measures for all NV Energy facilities must be installed and operating on or before June 30, 2016.

1. A description of how public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary.

On April 23, 2012, staff from NDEP conducted a public workshop on LCB's Proposed Draft Regulation R051-12. The workshop was held in Carson City and video conferenced to Las Vegas. The meeting location in Carson City was the Nevada Department of Transportation, 1263 South Stewart Street (Room 301). In Las Vegas the meeting location was the Nevada Division of Environmental Protection, 2030 E. Flamingo Rd. Suite 230.

Ten (10) members of the public commented on the proposed regulation at the workshop, they were:

Mr. Lee, representing the Moapa Band of Paiutes
Mr. Galpern, representing the Moapa tribe and the Sierra Club
Ms. Davis, speaking for the National Parks Conservation Association
Mr. O'Neill, retired public servant.
Mr. Joe Johnson, Private Citizen

Ms. Goya, speaking as a concerned citizen
Ms. Feldman, speaking for the Sierra Club
Ms. Cordua, Private Citizen
Mr. Spotleson, Private Citizen
Ms. Hess, Washoe Tribe

Questions from the public presented at the workshop were addressed by NDEP staff; summary minutes of the workshop are posted on the SEC website at: http://sec.nv.gov/docs/r038-12_workshop-minutes.pdf.

Following the workshop, the SEC held a formal regulatory hearing on October 11, 2012 at the Reno Office of the Nevada Department of Wildlife on Valley Rd. in Reno, Nevada. A public notice and agenda for the regulatory meeting was posted at the meeting location, at the State Library in Carson City, and at the Offices of the Division of Environmental Protection in Carson City and Las Vegas, at the Department of Wildlife in Reno, and at the Division of Minerals in Carson City.

Copies of the agenda, the public notice, and the proposed permanent regulation R051-12 were also made available at all public libraries throughout the state as well as to individuals on the SEC mailing list.

The public notice for the proposed regulation was published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the SEC regulatory meeting. Other information about this regulation was made available on the SEC website at: http://www.sec.nv.gov/main/hearing_1012.htm

2. The number of persons who attended the SEC Regulatory Hearing:

- (a) Attended October 11, 2012 hearing: 20 (approx.)
- (b) Testified on this Petition at the hearing: 2
- (c) Submitted to the agency written comments: 0

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses and responded to through e-mail and telephone exchanges, the public workshop, and at the October 11th Commission hearing as noted in number 1 above.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

The regulation was adopted without changes.

5. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. Of note, NV Energy places the costs of environmental compliance into the company's rate base. The proposed regulation was developed using cost effective technology choices aimed at achieving optimized environmental benefit. Therefore, the impact on the public is expected to be minimal.

6. The estimated cost to the agency for enforcement of the adopted regulation.

There will be no additional costs to the agency for enforcement of the proposed regulation.

7. A description of any regulations of 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.

This regulation does not duplicate any other federal, state or local regulation.

8. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.

The regulation is not more stringent than any federal regulation or guidance; it addresses requirements of the federal Regional Haze Rule.

9. 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 regulation does not address specific fees.