

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

P2008-15

June 27, 2008; Revised 8/5/08

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

AUTHORITY: NRS 445B.210

Section 1. Chapter 445B of NAC is hereby amended by adding by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. *“Best available retrofit technology” abbreviated as “BART” means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant that is emitted by an existing stationary facility as defined in Title 40 C.F.R. § 51.301. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source or unit, the remaining useful life of the source or unit, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.*

NOTE TO LCB: This definition is from 40 CFR 51.301. We would appreciate it remaining intact, if possible.

Sec. 3. 1. *This section applies to the determination of BART for regional haze program requirements under Title 40 C.F.R. § 51.308.*

2. *The sources listed below must install, operate and maintain the following control measures which constitute BART and shall 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 Sierra Pacific Power Company’s Fort Churchill Generating Station, located in hydrographic area 108:

UNIT (Boiler)	NO _x		SO ₂		PM ₁₀	
	Emission Limit (lb/10 ⁶ Btu, 24 hr 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	0.40	Combined combustion controls	0.05	Pipeline natural gas and/or No. 2 fuel oil	0.03	Pipeline natural gas and/or No. 2 fuel oil
2	0.40		0.05		0.03	

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

UNIT (Boiler)	NO _x		SO ₂		PM ₁₀	
	Emission Limit (lb/10 ⁶ Btu, 24 hr 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	0.40	Combined combustion controls	0.05	Pipeline natural gas and/or No. 2 fuel oil	0.03	Pipeline natural gas and/or No. 2 fuel oil
2	0.40		0.05		0.03	
3	0.40		0.05		0.03	

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

UNIT (Boiler)	NO _x		SO ₂		PM ₁₀	
	Emission Limit (lb/10 ⁶ Btu, 24 hr 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	0.46	Combined combustion controls	0.40	Wet soda ash flue gas desulfuriza- tion	0.03	Fabric filter
2	0.46		0.40		0.03	
3	0.46		0.40		0.03	

(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, 30- day rolling 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	0.10	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	0.10		0.0019		0.0077	

3. The control measures identified as BART in subsection 2 must be installed and operating:

(a) For Sierra Pacific Resources' Fort Churchill and Tracy Generating Stations and Nevada Power Company's Reid Gardner Generating Station:

(1) On or before January 1, 2015, or

(2) No later than 5 years after approval by the United States Environmental Protection Agency Region IX of Nevada's regional haze state implementation plan,

↳ whichever occurs sooner.

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

(c) If the ownership of any BART regulated generating stations changes, the new owner(s) must comply with the requirements imposed in this subsection.

4. As used in this section:

(a) PM₁₀ is the indicator for particulate matter. Emissions of PM₁₀ include the components of PM_{2.5} as a subset.

(b) "Combined combustion controls" means the use of enhanced combustion techniques in conjunction with the possible installation of low NO_x burners to meet the BART emission limitations for a unit that is subject to BART.

Sec. 4. NAC 445B.001 is hereby amended to read as follows:

445B.001 As used in NAC 445B.001 to 445B.3791, inclusive, *and sections 2 and 3 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 445B.002 to 445B.211, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 5. NAC 445B.211 is hereby amended to read as follows:

445B.211 The abbreviations used in NAC 445B.001 to 445B.3791, inclusive, have the following meanings:

BACT.....	best available control technology
BART.....	Best available retrofit technology
Btu.....	British thermal unit
C.F.R.....	Code of Federal Regulations
CO ₂	carbon dioxide
°F.....	degree Fahrenheit
Hg.....	mercury
H ₂ S.....	hydrogen sulfide
lb.....	pound
NO.....	nitric oxide
NO _x	nitrogen oxides
O ₂	oxygen
ppm.....	parts per million
SO ₂	sulfur dioxide
VOC.....	volatile organic compound

Sec. 6. NAC 445B.221 is hereby amended to read as follows:

NOTE TO LCB: Matter below in green underline was adopted at 6/17/08 SEC Hearing; scheduled to be heard at 9/17/08 Legislative Commission meeting for approval.

445B.221 1. Title 40 C.F.R. §§ 51.100(s) ~~and~~, 51.100(nn), **51.301** and Appendix S of 40 C.F.R. Part 51 are hereby adopted by reference as they existed on July 1, 2007.

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

3. Appendix W of 40 C.F.R. Part 51 is hereby adopted by reference as it existed on July 1, 2007.

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

5. [The] Except as otherwise provided in subsection 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) and 60.11(e), as it existed on July 1, 2007;

(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, WW, XX, BBB, DDD, FFF, GGG, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV, WWW, AAAA, CCCC, DDDD, EEEE, FFFF, IIII and KKKK as they existed on July 1, 2007; ~~[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~~

(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 Title 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.

7. Appendices B and F of 40 C.F.R. Part 60 are hereby adopted by reference as they existed on July 1, 2007.

~~[7.]~~ 8. 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.

~~[8.]~~ 9. Except as otherwise provided in subsection 10, the following subparts of Title 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, WWW, XXXX, YYYY, ZZZZ, AAAAA, BBBB, CCCC, DDDD, EEEEE, FFFF, GGGG, HHHH, JJJJ, KKKK, LLLL, MMMM, NNNN, PPPP, QQQQ, SSSS, DDDDD, EEEEE, FFFFF and GGGGG ~~[of 40 C.F.R. Part 63 are hereby adopted by reference]~~ as they existed on July 1, 2007 ~~[-]~~

~~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 BBBB and CCCC as set forth in Volume 73 of the Federal Register at pages 1916 et seq., January 10, 2008;

(f) Subpart HHHHH as set forth in Volume 73 of the Federal Register at pages 1738 et seq., January 9, 2008;

(g) Subparts LLLLL, MMMM, NNNN, OOOO, PPPP and QQQQ as set forth in Volume 72 of the Federal Register at pages 38864 et seq., July 16, 2007; and

(h) Subparts RRRRRR, SSSSSS and TTTTTT 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 Title 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 BBBBBB and CCCCCC as set forth in Volume 73 of the Federal Register at pages 12275 et seq., March 7, 2008;~~

(e) Subparts EEEEEEE and FFFFFFF as set forth in Volume 72 of the Federal Register at pages 36363 et seq., July 3, 2007;

(f) ~~Subpart HHHHHH as set forth in Volume 73 of the Federal Register at pages 8408 et seq., February 13, 2008; and~~

(g) 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.

11. Title 40 C.F.R. Part 72 is hereby adopted by reference as it existed on July 1, 2007. If the provisions of 40 C.F.R. Part 72 conflict with or are not included in NAC 445B.001 to 445B.3791, inclusive, the provisions of 40 C.F.R. Part 72 apply.

~~[10.]~~ 12. Title 40 C.F.R. Part 76 is hereby adopted by reference as it existed on July 1, 2007. If the provisions of 40 C.F.R. Part 76 conflict with or are not included in NAC 445B.001 to 445B.3791, inclusive, the provisions of 40 C.F.R. Part 76 apply.

~~[11.]~~ 13. 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. 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. A copy of the publications which contain the provisions adopted by reference in subsections 1 to ~~[11.]~~ 13, 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. 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. Except as otherwise provided in subsections ~~[9]~~ 11 and ~~[10.]~~ 12, the provisions adopted by reference in this section supersede the requirements of NAC 445B.001 to 445B.3791, inclusive, for all stationary sources subject to the provisions adopted by reference only if those requirements adopted by reference are more stringent.

~~[16.]~~ 18. 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 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 pursuant to this section, means the Director.

Sec. 7. 1. As soon as practicable after the United States Environmental Protection Agency Region IX approves Nevada's regional haze state implementation plan, subparagraph (2) of paragraph (a) of subsection 3 of section 3 of this regulation shall be revised to replace "**5 years after approval by the United States Environmental Protection Agency Region IX of Nevada's regional haze state implementation plan**" with the actual date that is 5 years after the date of approval. **NOTE TO LCB: Can this be an administrative/technical revision made by LCB, like changing NDEP's address in regulation?**

2. The Chairman of the State Environmental Commission will publish a notice indicating that the actual date in subsection 1 has been inserted and will file a copy of the notice with the Legislative Counsel and the Secretary of State.