

Temporary Regulation - Filing Statement

Nevada Division of Environmental Protection
Bureau of Air Pollution Control / Air Quality Planning

Legislative Review of Adopted Regulations as Required
By Administrative Procedures Act, NRS 233B.066

State Environmental Commission (SEC)
LCB File No. T008-08
SEC # P2008-20

Regulation T008-08: Nevada's Electrical Generation Unit Greenhouse Gas Emissions Mandatory Reporting Requirements (Temporary Regulation). This temporary regulation amends NAC 445B.001 to 445B.3497 of the State "Air Pollution" regulations, by adding a regulation which mandates the reporting of greenhouse gases (GHG) emitted by certain generators of electricity; the information will be included in a registry of GHG emissions. The GHG reporting regulation is a requirement of Senate Bill 422, which was passed by the 2007 Legislature.

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. Prior to holding workshops, the Nevada Division of Environmental Protection, Bureau of Air Quality Planning (NDEP-BAQP) met three times each in Reno/Carson City and Las Vegas with representatives from all affected facilities in the electric power generating industry and all other interested parties to solicit comment on draft regulations and discuss the costs of program implementation. The NDEP-BAQP then held two public workshops on the above referenced regulation at the locations noted below.

CARSON CITY, NV	LAS VEGAS, NV
November 4, 2008 1:30 PM to 3:30 PM Nevada Division of Environmental Protection Great Basin Conference Rm, 4th floor of the Richard Bryan Building 901 South Stewart Street	November 5, 2008 10:30 AM to 12:30 PM Grant Sawyer Office Building Conference Room #4412 555 East Washington Avenue

Following these workshops, the State Environmental Commission (SEC) held a public hearing to consider the regulation on November 12, 2008. The hearing was held at the Nevada Department of Wildlife's Conference Room A, 1100 Valley Road, Reno, Nevada. The SEC hearing agenda 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. Copies of the agenda, the public notice, and the

proposed regulation were also made available to all public libraries throughout the state as well as to individuals on the SEC electronic and ground-based mailing lists.

The public notice for the regulation was published on Monday October 13 and 27, 2008, and on November 3rd 2008 in the Las Vegas Review Journal and Reno Gazette Journal newspapers. Information about the regulation was also made available on the SEC website at: http://www.sec.nv.gov/main/hearing_111208.htm

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

- (a) Attended November 12, 2008 hearing; 30 (approx.)
- (b) Testified on this Petition at the hearing: 1 (1 NDEP Staff)
- (c) Submitted to the agency written comments: 1 (support comments from NVEnergy)

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, and the working meetings and public workshops indicated 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 SEC adopted the regulation that was presented at the meeting with one change proposed by NDEP-BAQP; the provision dealing with how to fund agency costs of administering the program was removed pending further evaluation.

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

Adoption of the regulation will impose an added cost to the electric power generating companies that operate electric generating units that emit GHGs, which have maximum design output capacities of 5 megawatts or more.

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

There will be an additional cost to the agency for enforcement of the proposed regulation. Enforcement of the regulation will consume the time and effort of one full time equivalent employee.

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.

The regulation does not overlap or duplicate any regulations of other state or government agencies.

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

There are no greenhouse gas reporting requirements in current federal regulations.

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 provision in the proposed regulation that addressed fees was removed at the SEC Hearing, pending further evaluation.