

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R138-24

September 17, 2024

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

AUTHORITY: §§ 1 and 2, NRS 445B.210.

A REGULATION relating to air pollution; requiring the State Environmental Commission to take certain federal requirements into consideration in establishing emission limits, schedules of compliance and other measures for certain sources in this State that emit or may emit air contaminants; establishing the emission limits, schedules of compliance and continuous monitoring, recordkeeping and reporting requirements for certain sources in this State; setting a deadline for the conversion of certain power-generating units from coal to the permanent use of only pipeline quality natural gas as fuel; adopting by reference certain provisions of federal law relating to continuous emission monitoring; 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. (NRS 445B.210) The United States Environmental Protection Agency (EPA) has adopted federal regulations requiring each state that is a source of emissions which are reasonably attributable to the impairment of visibility, in the form of regional haze, to adopt a state implementation plan which establishes goals that provide for reasonable progress towards achieving natural visibility conditions. (40 C.F.R. §§ 51.300 et seq.) In establishing a reasonable progress goal, existing federal regulations require a State to consider: (1) the costs of compliance; (2) the time necessary for compliance; (3) the energy and non-air quality environmental impacts of compliance; and (4) the remaining useful life of any potentially affected sources of air contaminants. (40 C.F.R. § 51.308)

Section 1 of this regulation requires the Commission to take those federal requirements for establishing reasonable progress goals into consideration in establishing emission limits, schedules of compliance and other measures for certain sources in this State that emit or may emit air contaminants. **Section 1** also establishes such emission limits, schedules of compliance and continuous monitoring, recordkeeping and reporting requirements for: (1) power-generating unit number 4 Piñon Pine of NV Energy’s Tracy Generating Station; and (2) power-generating unit numbers 1 and 2 of NV Energy’s North Valmy Generating Station. **Section 1** requires the power-generating unit numbers 1 and 2 of NV Energy’s North Valmy Generating Station to be converted from coal to the permanent use of only pipeline quality natural gas as fuel by not later than June 1, 2027.

For power-generating unit number 4 Piñon Pine of NV Energy's Tracy Generating Station and power-generating unit numbers 1 and 2 of NV Energy's North Valmy Generating Station, **section 1** requires the control measures established by **section 1** to be installed and operating and the emissions limit established by **section 1** to be met by each facility not later than 36 months after approval by the EPA of this State's determination of reasonable progress, in accordance with the requirements of federal regulations, for each facility.

Section 2 of this regulation adopts by reference certain provisions of federal law relating to continuous emission monitoring.

Section 1. Chapter 445B of NAC is hereby amended by adding thereto a new section to read as follows:

1. In establishing the emission limits, schedules of compliance and other measures set forth in this section to make reasonable progress towards achieving natural visibility conditions the Commission will, in accordance with the requirements of 40 C.F.R. § 51.308, take into consideration:

- (a) The costs of compliance;*
- (b) The time necessary for compliance;*
- (c) The energy and non-air quality environmental impacts of compliance; and*
- (d) The remaining useful life of the source.*

2. The sources listed in this subsection must install, operate and maintain the following control measures which are necessary to make reasonable progress towards achieving natural visibility conditions, in accordance with the requirements of 40 C.F.R. § 51.308, and must not emit or cause to be emitted NO_x in excess of the following limits:

(a) For power-generating unit number 4 Piñon Pine of NV Energy's Tracy Generating Station located in hydrographic area 83:

<i>UNIT</i> <i>(CT + Duct Burner)</i>	<i>NO_x</i>	
	<i>Emission Limit</i> <i>(lb/10⁶ Btu, 30-day rolling average)</i>	<i>Control Type</i>
<i>4 Piñon Pine</i>	<i>0.0151</i>	<i>Permanent use of only pipeline quality natural gas as fuel, steam injection and selective catalytic reduction</i>

(b) For power-generating unit numbers 1 and 2 of NV Energy's North Valmy Generating Station located in hydrographic area 64:

<i>UNIT</i> <i>(Boiler)</i>	<i>NO_x</i>	
	<i>Emission Limit</i> <i>(lb/10⁶ Btu, 30-day rolling average)</i>	<i>Control Type</i>
<i>1</i>	<i>0.1029</i>	<i>Permanent use of only pipeline quality natural gas as fuel, Low NO_x burners,</i>

<i>UNIT (Boiler)</i>	<i>NO_x</i>	
	<i>Emission Limit (lb/10⁶ Btu, 30-day rolling average)</i>	<i>Control Type</i>
<i>2</i>	<i>0.1029</i>	<i>and one of the following: selective noncatalytic reduction, flue gas recirculation or selective catalytic reduction</i>

3. Each source subject to subsection 2 shall:

(a) Install, calibrate, maintain and operate a continuous monitoring system and record the output of the system for NO_x emissions in compliance with the requirements of this chapter.

(b) Maintain a contemporaneous log of monitoring and recordkeeping in accordance with the monitoring and recordkeeping requirements of this chapter and 40 C.F.R. Part 75, as adopted by reference in NAC 445B.221. Each record in the log must be:

(1) Entered into the log at the end of the shift, end of the day of operation or end of the final day of operation for the month, as appropriate; and

(2) Identified with the calendar date on which the record was entered.

(c) Annually submit a report, in accordance with the reporting requirements of this chapter and 40 C.F.R. Part 75, as adopted by reference in NAC 445B.221, which must include, without limitation, throughput, productions, fuel consumption, hours of operation and emissions.

(d) Record the occurrence and duration of any:

(1) Start-up, shutdown or malfunction in the operation of the source;

(2) Malfunction of the air pollution control equipment of the source; and

(3) Period during which a continuous monitoring system or monitoring device is inoperative at the source.

4. For each source subject to subsection 2, the established control measures must be installed and operating and the emission limits established for each source must be met by that source not later than 36 months after approval by the United States Environmental Protection Agency Region 9 of Nevada's determination of reasonable progress towards achieving natural visibility conditions, in accordance with the requirements of 40 C.F.R. § 51.308, for that source.

5. Power-generating unit numbers 1 and 2 of NV Energy's North Valmy Generating Station must be converted from coal to the permanent use of only pipeline quality natural gas as fuel. The conversion must be completed by not later than June 1, 2027. An initial performance test and performance evaluation that meets the requirements of this chapter must be conducted for PM₁₀ emissions not later than 180 days after the date on which the conversion is completed.

6. If the ownership of any emission unit regulated under this section changes, the new owner must comply with the requirements set forth in this section.

Sec. 2. 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, 2021.

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

3. Appendices M and W of 40 C.F.R. Part 51 are hereby adopted by reference as they existed on July 1, 2021.
4. Title 40 C.F.R. § 52.21 is hereby adopted by reference as it existed on July 1, 2021.
5. Appendix E of 40 C.F.R. Part 52 is hereby adopted by reference as it existed on July 1, 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, 2021.
 - (b) Section 60.21 of Subpart B, as it existed on July 1, 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, AAAA, CCCC, DDDD, EEEE, FFFF, IIII, JJJJ, KKKK and QQQQ as they existed on July 1, 2021;
 - (d) Subpart XXX as it existed on 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, 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, 2021.
9. Appendix B of 40 C.F.R. Part 61 is hereby adopted by reference as it existed on July 1, 2021.
10. The following subparts of 40 C.F.R. Part 63 are hereby adopted by reference:

(a) Subparts 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, CCC, EEE, GGG, HHH, III, JJJ, LLL, MMM, OOO, PPP, QQQ, TTT, UUU, VVV, DDDD, EEEE, FFFF, GGGG, HHHH, JJJJ, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, WWWW, XXXX, ZZZZ, AAAAA, BBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, JJJJ, LLLLL, NNNNN, PPPPP, QQQQQ, RRRRR, UUUUU, WWWW, ZZZZ, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, JJJJ, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS, TTTTT, VVVVV, WWWW, XXXXX, ZZZZZ, AAAAAA, BBBBBB, CCCCCC, EEEEEEE and HHHHHH as they existed on July 1, 2021;

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

(c) Subparts A, YY, IIII, KKKK, VVVV, KKKKK and SSSSS 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, 2021.

12. Title 40 C.F.R. Part 72 is hereby adopted by reference as it existed on July 1, 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 75 is hereby adopted by reference as it existed on June 1, 2024.***

~~14.~~ **14.** Title 40 C.F.R. Part 76 is hereby adopted by reference as it existed on July 1, 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, *and section 1 of this regulation*, the provisions of 40 C.F.R. Part 76 apply.

~~14.1~~ **15.** 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.

~~15.1~~ **16.** 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>.

~~16.1~~ **17.** A copy of the publications which contain the provisions adopted by reference in subsections 1 to ~~14.1~~ **15**, 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/>.

~~17.1~~ **18.** 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 \$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 \$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 \$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 \$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 \$74.

(f) ASTM D5865, “Standard Test Method for Gross Calorific Value of Coal and Coke,” dated 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 \$83.

~~18.~~ **19.** 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.~~ **20.** Except as otherwise provided in subsections 12 and ~~13.~~ **14**, the provisions adopted by reference in this section supersede the requirements of NAC 445B.001 to 445B.390, inclusive, *and section 1 of this regulation*, for all stationary sources subject to the provisions adopted by reference only if those requirements adopted by reference are more stringent.

~~20.~~ **21.** 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.