APPENDIX A

NEVADA BART REGULATION

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A.1 REVISED NEVADA BART REGULATION

This proposed regulation revises the BART regulation adopted on February 11, 2009 (see section A.2). The revision lowers the SO_2 emission limit at NV Energy's Reid Gardner Generating Station for units 1, 2 and 3. It will be presented to the Nevada State Environmental Commission on December 9, 2009 for adoption. When it becomes effective, NDEP will submit the adopted regulation and complete evidence of public participation to the U.S. Environmental Protection Agency.

A.1.1 Proposed Regulation

PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION[1]

LCB File No. R148-09
November 3, 2009

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 quality; revising limits on the emission of sulfur dioxide from certain power-generating units of the Reid Gardner Generating Station; and providing other matters properly relating thereto.

Section 1. Section 4 of LCB File No. R190-08 is hereby amended to read as follows:

Sec. 4. 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, SO_2, or PM_{10} 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] LCB Draft of Proposed Regulation R148-09

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 non-catalytic 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 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	Rotating Opposed Fire Air with Rotamix[2]	~~[0.25]~~ ***0.15***	Wet soda ash flue gas desulfurization	0.015	Fabric filter
2	0.20		~~[0.25]~~ ***0.15***		0.015	
3	0.28		~~[0.25]~~ ***0.15***		0.015	

(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; or

[2] Rotamix is a technology for adding selective non-catalytic reduction using ammonia or urea-based reagent.

(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 PM_{10} include the components of $PM_{2.5}$ as a subset.

A.1.2 Evidence of Public Participation

A.1.2.1 Public Notice

The following public notice was distributed on November 6, 2009.

State of Nevada
Dept. of Conservation & Natural Resources
State Environmental Commission
901 South Stewart Street, Suite 4001 -- Carson City, Nevada 89701-5249

Notice of Regulatory Hearing
Adoption of Regulations and Other Matters Before the
State Environmental Commission

The State Environmental Commission (SEC) will hold a regulatory hearing on Wednesday, December 9th 2009 at 10:30 am. The hearing location is the Nevada Department of Wildlife's Conference Room A, 1100 Valley Road, Reno, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, or repeal of the following regulatory petitions and related SEC business. The following items will be discussed and acted upon but may be taken in different order to accommodate the interest and time of the persons attending.

1) Approval of minutes: 06/17/09 and 10/06/09 SEC hearings * Action Items
2) Settlement Agreements, Air Quality Violations *Action - Consent Calendar

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Air Quality Planning / Air Pollution Control * Action Item

3) Regulation R004-09: Nevada's Electrical Generation Unit Greenhouse Gas Emissions Mandatory Reporting Requirements: This regulation was adopted as a temporary regulations at the State Environmental Commission's (SEC) November 12, 2008 regulatory hearing. The Nevada Division of Environmental Protection is now proposing to convert the temporary regulation to a permanent regulation. The regulation requires companies that operate electric generating units which emit Greenhouse Gases (GHGs) and have maximum design output capacities of 5 megawatts or more, which is for sale, to report their GHG emissions. The information collected will be used to create a registry of GHG emissions. The regulation is required by Senate Bill 422, which was passed during the 2007 Legislature. The content of the permanent regulation is identical to that of the temporary regulation previously adopted.

The proposed regulation does not overlap or duplicate any regulations of other state or government agencies; to date there are no greenhouse gas reporting requirements

in existing federal regulations. This regulation does not address fees and will not have an immediate or long-term adverse economic impact on the public or the business community.

4) R130-09: Changes to Motor Vehicle Emission Program: This regulation changes certain emission inspection and maintenance requirements contained in Chapter 445B of the Nevada Administrative Code (NAC). The proposed regulation aligns the motor vehicle inspection and maintenance (I/M) program with recent changes made in statute (A.B. 414) during the 2009 Nevada Legislative session.

The regulation will expand Nevada's I/M provisions to include diesel-powered vehicles weighing up to 14,000 pounds; it will establish standards for testing emissions from reconstructed vehicles and trimobiles [e.g., three wheel motorized vehicles]; and it will exempt certain trimobiles from emissions testing. The regulation also revises the definition of heavy duty motor vehicle to conform to the statutory changes noted above.

While the regulation does not affect businesses directly, it will have an effect on certain individuals who register vehicles in Clark County or Washoe County (i.e., Las Vegas and Reno). Vehicles subject to the regulation (about 9,500 diesel-powered vehicles in the 10,000 to 14,000 pound weight-range) would require an annual emissions test performed at a nominal cost. Otherwise, the proposed regulation does not overlap or duplicate any regulations of other state or government agencies; it does not directly assess fees, and will only have a nominal economic impact on the public.

5) R147-09: Class I Air Quality Operating Permit to Construct (OPTC): This regulation establishes requirements and timelines for air quality permits involving case-by-case determinations for maximum achievable control technologies (MACT) as required under federal rules governing the National Emissions Standards for Hazardous Air Pollutants. Specifically, the proposed regulation aligns the permit application procedures for applications requiring a case-by-case MACT determination with the procedures for PSD (Prevention of Significant Deterioration) Air Quality Permit applications. The regulation is needed since the current Class I OPTC regulation does not allow sufficient time for processing case-by-case MACT applications and is inconsistent with existing federal rules.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There is no additional cost to the agency for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The regulation does not address fees.

6) R148-09: Revision to Air Emissions Limits at NV Energy's Reid-Gardner Generating Station: This regulation would revise the requirement for SO_2 emission limits at NV Energy's Reid-Gardner [electrical power] Generating Station located northeast of Las Vegas, Nevada. The regulation would lower the emission limits from 0.25 lb/10^6 Btu to 0.15 lb/10^6 Btu, 24-hour average, for units 1, 2 and 3. Both the 0.25

lb/10^6 Btu and the proposed limit would become effective on January 1, 2015 or 5 years after approval of Nevada's Regional Haze State Implementation Plan by the U.S. EPA.

As way of background, the federal Regional Haze Regulations Final Rule (RHR) (64FR35714, July 1999) requires states to establish emission reduction strategies for improving visibility in all 156 mandatory Class I national parks and wilderness areas in the United States. One of the strategies required by the RHR is the application of best available retrofit technology (BART) to certain existing sources. Electrical generating units 1, 2 and 3 at NV Energy's Reid Gardner Generating Station are subject to the BART requirement.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There is no additional cost to the agency for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The regulation does not address fees.

Other SEC Business

7) Administrator's Briefing to the Commission *Non Action Item

8) Public Comment * Non Action Items: (Public comment may be limited to ten minutes per person at the discretion of the chairperson; See AG Reference @ Pages 58 & 81) at http://ag.state.nv.us/publications/manuals/omlmanual.pdf

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Additional Information:

Persons wishing to comment on the proposed actions of the State Environmental Commission (SEC) may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to: State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. The SEC must receive written submissions at least five days before the scheduled public hearing.

If a person that may be directly affected by a proposed action does not appear and request time to make an oral presentation at the above referenced hearing, the SEC may proceed immediately to act upon any written submissions described in this notice.

Members of the public can inspect copies of the regulations to be adopted at the State Library and Archives in Carson City (100 Stewart Street), and at the offices of the Division of Environmental Protection in Carson City and Las Vegas. The Carson City office is located at 901 South Stewart Street, Suite 4001 and the Las Vegas office is located at 2030 E. Flamingo Rd. Suite 230.

In addition, copies of this public notice and the accompanying regulations have been deposited electronically at major library branches in each county in Nevada. This notice and the text of the proposed regulations are available on the State Environmental Commission's website at http://www.sec.nv.gov/index.htm All of the proposed regulations denoted in this notice, including previous drafts, are also posted on the Legislative Counsel Bureau's website at http://www.leg.state.nv.us/Register/

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of John B. Walker, Executive Secretary, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, facsimile (775) 687-5856, or by calling (775) 687-9308, no later than 5:00 p.m. on December 1st 2009.

As required by the provisions of chapters 233B and 241 of Nevada Revised Statutes, this public notice has been posted at the following locations: The Bryan Building in Carson City (901 S. Stewart Street), the State Library and Archives in Carson City (101 North Carson Street), the Nevada Department of Wildlife in Reno (1100 Valley Road) and the Offices of the Division of Environmental Protection in Carson City and Las Vegas. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if deemed necessary.

Upon adoption of any regulation, the SEC, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

A.2 NEVADA BART REGULATION

A.2.1 Adopted Regulation

ADOPTED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION[3]

LCB File No. R190-08

Effective April 23, 2009

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

AUTHORITY: §§1-7, NRS 445B.210.

A REGULATION relating to air quality; defining the term "best available retrofit technology" for certain purposes relating to regional haze; setting the standards for emission limitation for that technology for certain sources; and providing other matters properly relating thereto.

Section 1. Chapter 445B of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. ***"Best available retrofit technology" 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 40 C.F.R. § 51.301.***

Sec. 3. ***The emission limitation for BART must be established on a case-by-case basis, taking into consideration:***

1. The technology available;

2. The costs of compliance;

3. The energy and nonair quality environmental impacts of compliance;

4. Any pollution control equipment in use or in existence at the source or unit;

[3] Adopted February 11, 2009.

5. The remaining useful life of the source or unit; and

6. The degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

Sec. 4. *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, SO_2, or PM_{10} 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	0.05	Pipeline natural gas and/or No. 2	0.03	Pipeline natural gas and/or No. 2
2	0.12		0.05		0.03	

		recirculation		*fuel oil*		*fuel oil*
3	*0.19*	*Low NO_x burners with selective non-catalytic 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 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*	*Rotating opposed fire air with Rotamix*[4]	*0.25*	*Wet soda ash flue gas desulfurization*	*0.015*	*Fabric filter*
2	*0.20*		*0.25*		*0.015*	
3	*0.28*		*0.25*		*0.015*	

(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*

[4] *Rotamix is a technology for adding selective non-catalytic reduction using ammonia or urea-based reagent.*

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; 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 PM_{10} include the components of $PM_{2.5}$ as a subset.

Sec. 5. 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, 3 and 4 of this regulation,*** unless the context otherwise requires, the words and terms defined in NAC 445B.002 to 445B.211, inclusive, ***and section 2 of this regulation*** have the meanings ascribed to them in those sections.

Sec. 6. NAC 445B.211 is hereby amended to read as follows:

445B.211 The abbreviations used in NAC 445B.001 to 445B.3791, inclusive, ***and sections 2, 3 and 4 of this regulation*** 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_2S..... 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. 7. NAC 445B.221 is hereby amended to read as follows:

445B.221 1. Title 40 C.F.R. §§ 51.100(s) ***,*** **[~~and~~]** 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, 2007.

2. ***The amendments to Appendix S of Title 40 C.F.R. Part 51 as set forth in Volume 73 of the Federal Register at pages 28321 et seq., May 16, 2008, are hereby adopted by reference.***

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

[~~3~~] 4. Appendix W of 40 C.F.R. Part 51 is hereby adopted by reference as it existed on July 1, 2007.

[~~4~~] 5. Title 40 C.F.R. § 52.21 is hereby adopted by reference as it existed on July 1, 2007.

[~~5.~~] 6. The amendments to Title 40 C.F.R. § 52.21 as set forth in Volume 73 of the Federal Register at pages 28321 et seq., May 16, 2008, are hereby adopted by reference.

7. Except as otherwise provided in subsection [~~6,~~] ***8,*** 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;

(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.~~] ***8.*** 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.~~] ***9.*** Appendices B and F of 40 C.F.R. Part 60 are hereby adopted by reference as they existed on July 1, 2007.

[~~8.~~] ***10.*** 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.

[~~9.~~] ***11.*** Except as otherwise provided in subsection [~~10,~~] ***12,*** 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, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, DDDDD, EEEEE, FFFFF, GGGGG, HHHHH, JJJJJ, KKKKK, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, SSSSS, DDDDDD, EEEEEE, FFFFFF and GGGGGG as they existed on July 1, 2007;

(b) Subpart WWWWW 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 ZZZZZ as set forth in Volume 73 of the Federal Register at pages 226 et seq., January 2, 2008;

(e) Subparts LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP and QQQQQQ as set forth in Volume 72 of the Federal Register at pages 38864 et seq., July 16, 2007; and

(f) Subparts RRRRRR, SSSSSS and TTTTTT as set forth in Volume 72 of the Federal Register at pages 73180 et seq., December 26, 2007.

[~~10~~.] 12. 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 EEEEEE and FFFFFF as set forth in Volume 72 of the Federal Register at pages 36363 et seq., July 3, 2007;

(e) 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~~.] 13. 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, ***and sections 2, 3 and 4 of this regulation,*** the provisions of 40 C.F.R. Part 72 apply.

[~~12~~.] 14. 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, ***and sections 2, 3 and 4 of this regulation,*** the provisions of 40 C.F.R. Part 76 apply.

[~~13.~~] ***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.

[~~14.~~] ***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 may be obtained, free of charge, from the United States Department of Labor at the Internet address **http://www.dol.gov**.

[~~15.~~] ***17.*** A copy of the publications which contain the provisions adopted by reference in subsections 1 to [~~13,~~] ***15,*** 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**.

[~~16.~~] ***18.*** 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.

[~~17.~~] ***19.*** Except as otherwise provided in subsections [~~11~~] ***13,*** and [~~12,~~] ***14,*** the provisions adopted by reference in this section supersede the requirements of NAC 445B.001 to 445B.3791, inclusive, ***and sections 2, 3 and 4 of this regulation*** for all stationary sources subject to the provisions adopted by reference only if those requirements adopted by reference are more stringent.

[~~18.~~] ***20.*** 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 ***by reference*** pursuant to this section, means the Director.

A.2.2 Evidence of Public Participation

A.2.2.1 Public Notice

State of Nevada
Dept. of Conservation & Natural Resources
State Environmental Commission
901 South Stewart Street, Suite 4001 -- Carson City, Nevada 89701-5249

Notice of Regulatory Hearing
Adoption of Regulations and Other Matters Before the
State Environmental Commission

The State Environmental Commission (SEC) has scheduled a regulatory hearing on Wednesday, February 11, 2009 at 10 a.m. The hearing will be conducted as a video conference in Carson City and Las Vegas. The hearing location in Carson City is the Bryan Building located at 901 South Stewart Street, (2nd floor Tahoe room). In Las Vegas the hearing will be held at the Nevada Division of Environmental Protection, 2030 E. Flamingo Rd. Suite 230.

The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, or repeal of the following regulatory petitions. The following items will be discussed and acted upon but may be taken in different order to accommodate the interest and time of the persons attending.

Air Quality Planning / Air Pollution Control

(2) Regulation R190-08: [BART] Best Available Retrofit Technology & Emission Limitations for Major Electric Generating Units: This regulation was heard and approved by the State Environmental Commission at their November 12, 2008 meeting. It is being reconsidered to correct a minor error in one of the tables. This regulation would add a requirement for certain electric generating units to install best available retrofit technology and comply with emission limitations for NOx, SO2 and PM10. These requirements apply to Sierra Pacific Resources' Fort Churchill and Tracy Generating Stations in the Mason Valley and the Truckee River Basins, respectively; as well as Nevada Power Company's Reid Gardner Generating Station in the California Wash northeast of Las Vegas; and Southern California Edison's Mohave Generating Station near Laughlin. This proposed regulation is necessary to comply with the federal Regional Haze Regulations promulgated in July 1999 (64FR35714).

This regulation will have an economic impact on the regulated industry. In some cases, it requires the installation of new control technologies, an upgrade to existing controls and/or a switch to different fuel. In other cases, the requirements coincide

with what is required under existing permit conditions, and so the regulation will impose no additional cost. The proposed regulation will have no economic effect on the public, unless the industry chooses to pass the cost along to the consumer. There is no additional cost to the agency for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The regulation does not address fees.

Waste Management

3) Regulation R153-08: Adopt by Reference Changes to the Federal Hazardous Waste Regulations: This regulation would amend NAC 444. The proposed regulation would adopt by reference changes to the federal hazardous waste regulations through July 1, 2008. Proposed changes include the revision to an existing exclusion from the definition of solid waste (and thus from regulation as hazardous waste) for recycled oil bearing hazardous secondary materials and clarifications to previously approved air pollution regulations.

This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There is no additional cost to the agency for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The regulation does not address fees.

Other SEC Business

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4) Administrator's Briefing to the Commission

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5) Public Comment: Public comment may be limited to ten minutes per person at the discretion of the chairperson; See AG Reference @ Pages 58 & 81 at: http://ag.state.nv.us/publications/manuals/omlmanual.pdf

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Additional Information:
Persons wishing to comment on the proposed actions of the State Environmental Commission (SEC) may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to: State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. The SEC must receive written submissions at least five days before the scheduled public hearing.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the SEC may proceed immediately to act upon any written submissions.

Members of the public can inspect copies of the regulations to be adopted at the State Library and Archives in Carson City (100 Stewart Street), and at the offices of the Division of Environmental Protection in Carson City and Las Vegas. The Carson City office is located at 901 South Stewart Street, Suite 4001 and the Las Vegas office is located at 2030 E. Flamingo Rd. Suite 230.

This notice has been posted at the following locations: the Bryan Building (901 South Stewart Street, Carson City, Nevada); the offices of the Division of Environmental Protection in Las Vegas (2030 E. Flamingo Rd. Suite 230) and at the Nevada Department of Wildlife (1100 Valley Road, Reno, Nevada).

In addition, copies of this notice have been deposited electronically at major library branches in each county in Nevada. This notice and the text of the proposed regulations are also available on the State Environmental Commission's website at: SEC.NV.GOV. All of the proposed regulations denoted in this notice, including previous drafts, are also posted on the Legislative Counsel Bureau's website at http://www.leg.state.nv.us/Register/

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of John B. Walker, Executive Secretary, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249, facsimile (775) 687-5856, or by calling (775) 687-9308, no later than 5:00 p.m. on February 04, 2008.

Upon adoption of any regulation, the SEC, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

A.2.2.2 Newspaper Advertisements

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Publishers of
Reno Gazette-Journal
955 Kuenzli St • P.O. Box 22,000 • Reno, NV 89520 • 775.788.6200
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NV STATE ENVIROMENTAL COMMISSI
901 S STEWART ST STE 4001
CARSON CITY NV 89701-5249

Customer Acct# 313087
PO# NOTICE
Ad# 1000623268
Legal Ad Cost $641.61

STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **01/26/2009 - 02/09/2009**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

LINDA ANDERSON
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 03-5430-2 - Expires January 15, 2013

Signed: Nancy Lozaki

FEB 09 2009

Linda Anderson

Proof of Publication

Notice of Regulatory Hearing State Environmental Commission The State Environmental Commission (SEC) has scheduled a regulatory hearing onWednesday, February 11, 2009 at 10 a.m. The hearing will be conducted as a video conference in Carson City and Las Vegas. The hearing location in Carson City is the BryanBuilding located at 901 South Stewart Street, (2nd floor Tahoe room). In Las Vegas thehearing will be held at the Nevada Division of Environmental Protection, 2030 E. Flamingo Rd. Suite 230. The purpose of the hearing is to receive comments from all interested persons regardingthe adoption, amendment, or repeal of the following regulatory petitions and relatedSEC business. Regulation R190-08: [BART] Best Available Retrofit Technology & Emission Limitationsfor Major Electric Generating Units: This regulation was heard and approved by the StateEnvironmental Commission at their November 12, 2008 meeting. It is being reconsiderdto correct a minor error in one of the tables. This regulation would add a requirement for certain electric generating units to installbest available retrofit technology and comply with emission limitations for NOx, SO2and PM10. These requirements apply to Sierra Pacific Resources' Fort Churchill andTracy Generating Stations in the Mason Valley and the Truckee River Basins, respectively; as well as Nevada Power Company's Reid Gardner Generating Station in theCalifornia Wash northeast of Las Vegas; and

Ad Number: 1000623268 Page 1 of 2

Southern California Edison's MohaveGenerating Station near Laughlin. This proposed regulation is necessary to comply withthe federal Regional Haze Regulations promulgated in July 1999 (64FR35714). Thisregulation will have an economic impact on the regulated industry. In some cases, it requires the installation of new control technologies, an upgrade to existing controls and/or a switch to different fuel. In other cases, the requirements coincide with what is required under existing permit conditions, and so the regulation will impose no additionalcost. The proposed regulation will have no economic effect on the public, unless the industry chooses to pass the cost along to the consumer. There is no additional cost to theagency for enforcement of the proposed regulation and the regulation does not overlap,duplicate or conflict with any regulations of other government agencies. The regulationdoes not address fees. Regulation R153-08: Adopt by Reference Changes to the Federal Hazardous Waste Regulations: This regulation would amend NAC 444. The proposed regulation would adopt byreference changes to the federal hazardous waste regulations through July 1, 2008. Proposed changes include the revision to an existing exclusion from the definition of solidwaste (and thus from regulation as hazardous waste) for recycled oil bearing hazardoussecondary materials and clarifications to previously approved air pollution regulations.This regulation will not have an immediate or long-term adverse economic impact on thepublic or the business community. There is no additional cost to the agency for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The regulation does not addressfees. Additional Information: Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of John B. Walker, Executive Secretary, 901South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. Notification canalso be made by facsimile (775) 687-5856, or by phone (775) 687-9308, and must be received no later than 5:00 p.m. on February 4, 2009. Persons wishing to comment on theproposed actions may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written to the above mentioned addresses. The SECmust receive written submissions at least five days before the scheduled public hearing. If no person who is directly affected by the proposed action appears to request time tomake an oral presentation, the SEC may proceed immediately to act upon any writtensubmissions. Members of the public can inspect copies of the regulations to be adoptedat the State Library and Archives in Carson City (100 Stewart Street), and at the officesof the Division of Environmental Protection in Carson City and Las Vegas. The Las Vegasoffice is located at 2030 E. Flamingo Rd. Suite 230. As required by chapters 233B and 241 of Nevada Revised Statutes, this public notice hasbeen posted at the following locations: The Offices of the Division of Environmental Protection in Carson City and Las Vegas, and at the Department of Wildlife in Reno. Thepublic notice and above referenced regulations have also been deposited electronically atmajor library branches in each county in Nevada; this notice and the text of the proposed regulations are also available on the State Environmental Commission's websitenv.sec.nv.gov. Copies of the notice and proposed regulations will be mailed to members of the publicupon request. A reasonable fee may be charged for copies if deemed necessary. Upon adoption of any regulation, the SEC, if requested to do so by an interested person,either before adoption or within 30 days thereafter, will issue a concise statement of theprincipal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption. No. 623268 - Jan. 26, Feb. 2, 9, 2009

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

STACEY M. LEWIS, being 1st duly sworn, deposes and says. That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

NV ST ENVIRONM COMM 6879308NV 4902561

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 3 edition(s) of said newspaper issued from 01/26/2009 to 02/09/2009, on the following days:

01/26/2009
02/02/2009
02/09/2009

MARY A. LEE
Notary Public State of Nevada
No. 09-8741-1
My appt. exp. Nov. 13, 2012

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE
10th day of February, 2009

Mary A. Lee
Notary Public

Notice of Regulatory Hearing
State Environmental Commission

The State Environmental Commission (SEC) has scheduled a regulatory hearing on Wednesday, February 11, 2009 at 10 a.m. The hearing will be conducted as a video conference in Carson City and Las Vegas. The hearing location in Carson City is the Bryan Building located at 901 South Stewart Street, (2nd floor Tahoe room). In Las Vegas the hearing will be held at the Nevada Division of Environmental Protection, 2030 E. Flamingo Rd. Suite 230.

The purpose of the hearing is to receive comments from all interested persons regarding the adoption, amendment, or repeal of the following regulatory petitions and related SEC business.

Regulation R190-08: [BART] Best Available Retrofit Technology & Emission Limitations for Major Electric Generating Units: This regulation was heard and approved by the State Environmental Commission at their November 12, 2008 meeting. It is being reconsidered to correct a minor error in one of the tables.

This regulation would add a requirement for certain electric generating units to install best available retrofit technology and comply with emission limitations for NOx, SO2 and PM10. These requirements apply to Sierra Pacific Resources' Fort Churchill and Tracy Generating Stations in the Mason Valley and the Truckee River Basins, respectively; as well as Nevada Power Company's Reid Gardner Generating Station in the California Wash northeast of Las Vegas; and Southern California Edison's Mohave Generating Station near Laughlin. This proposed regulation is necessary to comply with the federal Regional Haze Regulations promulgated in July 1999 (64FR35714). This regulation will have an economic impact on the regulated industry. In some cases, it requires the installation of new control technologies, an upgrade to existing controls and/or a switch to different fuel. In other cases, the requirements coincide with what is required under existing permit conditions, and so the regulation will impose no additional cost. The proposed regulation will have no economic effect on the public, unless the industry chooses to pass the cost along to the consumer. There is no additional cost to the agency for enforcement of the proposed regulation and the regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The regulation does not address fees.

Regulation R153-08: Adopt by Reference Changes to the Federal Hazardous Waste Regulations: This regulation would amend NAC 444. The proposed regulation would adopt by reference changes to the federal hazardous waste regulations through July 1, 2008. Proposed changes include the revision to an existing exclusion from the definition of solid waste (and thus from regulation as hazardous waste) for recycled oil bearing hazardous secondary materials and clarifications to previously approved air pollution regulations. This regulation will not have an immediate or long-term adverse economic impact on the public or the business community. There is no additional cost to the agency for enforcement of the proposed regulation and this regulation does not overlap, duplicate or conflict with any regulations of other government agencies. The regulation does not address fees.

Additional Information: Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify, in writing, the Nevada State Environmental Commission, in care of John B. Walker, Executive Secretary, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. Notification can also be made by facsimile (775) 687-5856, or by phone (775) 687-9308, and must be received no later than 5:00 p.m. on February 4, 2009. Persons wishing to comment on the proposed actions may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written to the above mentioned addresses. The SEC must receive written submissions at least five days before the scheduled public hearing.

If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the SEC may proceed immediately to act upon any written submissions. Members of the public can inspect copies of the regulations to be adopted at the State Library and Archives in Carson City (100 Stewart Street), and at the offices of the Division of Environmental Protection in Carson City and Las Vegas. The Las Vegas office is located at 2030 E. Flamingo Rd. Suite 230.

As required by chapters 233B and 241 of Nevada Revised Statutes, this public notice has been posted at the following locations: The Offices of the Division of Environmental Protection in Carson City and Las Vegas, and at the Department of Wildlife in Reno. The public notice and above referenced regulations have also been deposited electronically at major library branches in each county in Nevada; this notice and the text of the proposed regulations are also available on the State Environmental Commission's website at sec.nv.gov.

Copies of the notice and proposed regulations will be mailed to members of the public upon request. A reasonable fee may be charged for copies if deemed necessary.

Upon adoption of any regulation, the SEC, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

PUB January 26, February 2, 9, 2009 LV Review-Journal

A.2.2.3 Filing with Secretary of State

STATE OF NEVADA

LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING

401 S. CARSON STREET

CARSON CITY, NEVADA 89701-4747

Fax No.: (775) 684-6600

LORNE J. MALKIEWICH, Director
(775) 684-6830

LEGISLATIVE COMMISSION (775) 684-6860
RANDOLPH J. TOWNSEND, Senator, Chairman
Lorne J. Malkiewich, Director, Secretary

INTERIM FINANCE COMMITTEE (775) 684-6821
BERNICE MATHEWS, Senator, Co-Chair
STEVEN HORSFORD, Speaker, Co-Chair
Gary L. Ghiggeri, Fiscal Analyst
Mark W. Stevens, Fiscal Analyst

BRENDA J. ERDOES, Legislative Counsel (775) 684-6830
PAUL C. ROBINSON, Legislative Auditor (775) 684-6815
DONALD O. WILLIAMS, Research Director (775) 684-6825

April 23, 2009

RECEIVED

APR 27 2009

NEVADA STATE
ENVIRONMENTAL COMMISSION

John Walker
State Environmental Commission
901 South Stewart Street, Suite 4001
Carson City, NV 89701-5249

Re: LCB File No. R190-08

Dear Mr. Walker:

A regulation adopted by the State Environmental Commission has been filed today with the Secretary of State pursuant to NRS 233B.067. As provided in NRS 233B.070, this regulation becomes effective upon filing, unless otherwise indicated.

Enclosed are two copies of the regulation bearing the stamp of the Secretary of State which indicates that it has been filed. One copy is for your records and the other is for delivery to the State Library and Archives Administrator pursuant to subsection 6 of NRS 233B.070.

Very truly yours,

Brenda J. Erdoes
Legislative Counsel

By Sharon A. Jones for
Charity A. Fowler
Deputy Legislative Counsel

CAF/slj

Enclosure

Secretary of State Filing Data	For Filing Administrative Regulations	For Emergency Regulations Only
2009 APR 23 A 8:48 DEAN HELLER SECRETARY OF STATE FILED CARSON CITY NEVADA		Effective Date Expiration Date Governor's Signature

State Environmental Commission

Classification [ ] Proposed [ ] Adopted By Agency [ ] Temporary [] Emergency [ ] Permanent [XX]

Regulation R190-08: [BART] Best Available Retrofit Technology & Emission Limitations for Major Electric Generating Units: This regulation would add a requirement for certain electric generating units to install best available retrofit technology and comply with emission limitations for NOx, SO2 and PM10. These requirements apply to Nevada Energy's Fort Churchill and Tracy Generating Stations in the Mason Valley and the Truckee River Basins, respectively; as well as Nevada Energy's Reid Gardner Generating Station in the California Wash northeast of Las Vegas; and Southern California Edison's Mohave Generating Station near Laughlin. This proposed regulation is necessary to comply with the federal Regional Haze Regulations promulgated in July 1999 (64FR35714). (SEC P2008-15)

Authority citation other than 233B: §§1-7, NRS 445B.210.

Notice date: January 9, 2009

Hearing date: February 11, 2009