

Permanent Regulation - Informational Statement

A Permanent Regulation Related to Environmental Programs

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

State Environmental Commission Permanent No: R138-24P

The Nevada State Environmental Commission (SEC) offers the following informational statement in compliance with Nevada Revised Statute (NRS) 233B.066.

1. Need for Regulation

On March 1, 2024, the Public Utility Commission of Nevada approved NV Energy's 5th amendment to its 2021 Integrated Resource Plan. This amendment removed the planned closure of NV Energy's Valmy Generating Station Units 1 and 2 and Tracy Generating Station Unit 4 Piñon Pine. The Closure of these units was incorporated into Nevada's Regional Haze State Implementation Plan 2022 Revision. This regulation will establish the emission limits and control measures required at the Valmy Units and Tracy Unit 4 Piñon Pine to meet Regional Haze reasonable progress requirements instead of closure.

2. 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.

The Division held a hybrid (in-person and virtual) public workshop for R138-24P on October 15, 2024. The public was invited to participate in person in the Bryan Building at 901 South Stewart Street in Carson City, Nevada, as well as at the NDEP offices at 375 East Warm Springs Road in Las Vegas, Nevada. The workshop was held to present the substance of, and receive public comment on, the proposed regulation. Twelve members of the public and regulated industry attended the workshop either in person or virtually. The proposed regulations were also distributed to the Bureau of Air Quality Planning's email distribution list.

The Legislative Counsel Bureau published its draft, R138-24P, in the Nevada Register on September 17, 2024. The Division accepted written comments on R138-24I and R138-24P for 30 days ending on October 11, 2024. The Division did not receive any verbal questions concerning R138-24I and/or R138-24P during the public workshop. A summary of the workshop, including any public comment and bureau response, is included on the NDEP website as well as the SEC website.

The SEC held a hybrid regulatory hearing on November 19, 2024, to consider possible action on R138-24P. The SEC posted its public notice, which included a link¹ and instructions to access R138-24P and pertinent documents and information supporting the regulation, for the regulatory meeting at the State Library in Carson City, at Division offices located in both Carson City and Las Vegas, at all county libraries throughout the state, and to the SEC email distribution list. The SEC also posted the public notice at the Division of Minerals in Carson City, at the Department of Agriculture, on the LCB website, on the Division of Administration website, and on the SEC website.

The SEC also published the public notice in the Las Vegas Review Journal and Reno Gazette Journal newspapers once per week for three consecutive weeks prior to the SEC regulatory meeting.

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

- (a) Attended November 19, 2024, hearing: 37 (approximately)
- (b) Testified on this Petition at the hearing: 2

- 1. Andrew Tucker, on behalf of the Nevada Division of Environmental Protection
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Carson City, Nevada 89701
(775) 687-9340
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- 2. Ken McIntyre, on behalf of the Nevada Division of Environmental Protection
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- (c) Submitted to the agency written comments: one

- 1. Mathew Johns, Vice President, Environmental Services and Land Management, NV Energy

4. 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 through one public workshop and at the November 19, 2024, SEC hearing as noted in number 2 above.

¹ <https://sec.nv.gov/meetings/sec-meeting-november-19-2024>

5. 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 Commissioners unanimously adopted R138-24P without change because the public and the SEC were satisfied with the proposed regulation.

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

Regulated Business/Industry: There are no economic impacts to businesses associated with this action in the short- or long-term.

Public: There are no adverse or economic impacts on the public associated with this action in the short- or long-term.

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

Enforcing Agency. The regulation does not impose functions on the agency that is not already required by the Clean Air Act (CAA), so no additional costs beyond what the agency would normally incur are expected.

8. 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 is required for NDEP's compliance with the federal Regional Haze Rule and the CAA. The stringency of the requirements is consistent with the requirements of federal regulations and the CAA as well as being consistent with comparable regulations at the local level.

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

The proposed amendments in R138-24P do not include requirements that are more stringent than federal regulations.

10. 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.

R138-24P does not provide for any new fees or increases to existing fees.