



**DEPARTMENT OF AIR QUALITY & ENVIRONMENTAL MANAGEMENT**

500 S Grand Central Parkway 1st Fl · Box 555210 · Las Vegas, NV 89155-2510  
(702) 455-5942 · Fax (702) 383-9994

Lewis Wallenmeyer Director · Alan Pinkerton Assistant Director · Tina Gingras Assistant Director

## **FINAL ACTION REPORT PART 70 OPERATING PERMIT RENEWAL**

### **NEVADA POWER CHUCK LENZIE GENERATING STATION**

**Source: 1513**

Public Notice: Review-Journal July 5, 2009  
Public Comment: July 6, 2009 to August 4, 2009

Comments Received:  
Nevada Power Company

Public Hearing: Not held

Issuance date: October 20, 2009  
Expiration date: October 19, 2014

Copies of comments received and responses to all comments are part of this final action report. All responders shall receive an electronic copy of this report, the final Part 70 Operating Permit, and the final Technical Support Document.

### **COMMENTS RECEIVED FROM NEVADA POWER AND DAQEM RESPONSE**

DAQEM received comments from the source on July 30, 2009 and the comments are provided as Attachment 1 of this document. For the purpose of clarity, the comments and corresponding response from DAQEM are discussed in the section below:

#### **Nevada Power Comment #1:**

1. **Condition II-D-7-b:** AQR Section 25.2 does not require submittal of a detailed written report within 72 hours of the onset of the event. NVE is unfamiliar with this requirement or its source. Moreover, Condition II-C-6 requires all deviations to be reported in writing within ten (10) calendar days from discovery of the deviation. Therefore, NVE respectfully requests that Condition II-D-7-b be deleted from the permit.

#### **DAQEM Response:**

DAQEM modified the language to address the comment. The final permit conditions (Conditions II-D-8 and II-D-9 in the Part 70 permit) are provided below:

*"The Permittee shall report to the Control Officer (500 Grand Central Parkway, Box 555210, Las Vegas, NV 89155) any upset, breakdown, malfunction, emergency or deviation which cause emissions of regulated air pollutants in excess of any limits set by regulation or by this permit. The report shall be in two parts as specified below:*

- a. *within one (1) hour of the onset of the event, the report shall be communicated by phone (702) 455-5942, or by fax (702) 383-9994.*
- b. *as soon as practicable but not exceeding ten (10) calendar days from the onset of the event, the detailed written report shall be submitted. Such reports shall include the probable cause of the excess emissions, emission calculations and any corrective actions taken.”*

*“The Permittee shall report to the Control Officer deviations that do not result in excess emission, with the quarterly reports. Such reports shall include the probable cause of deviations and any corrective actions or preventative measures taken.”*

#### **Nevada Power Comment #2:**

2. **Condition II-E-4:** Condition II-E-4 requires that all requests for any alternative test methods must be submitted to EPA for approval. Pursuant to AQR 14.1 and 40 CFR 60.8(b), all requests requiring the use of alternative test methods that are not approved by EPA must be submitted to EPA for approval. However, DAQEM has the regulatory authority to approve the use of alternative test methods that are already approved by EPA but not specified in this permit. Therefore, NVE respectfully requests that Condition II-E-4 be revised as follows:

*“The ~~Permittee Administrator~~ shall ~~provide all~~ consider approving the Permittee’s requests for ~~any~~ alternative test methods ~~to EPA for approval~~ if proposed in writing in the performance test protocols. [AQR 14.1 and 40 CFR 60.8(b)]”*

#### **DAQEM Response:**

DAQEM incorporated the suggested language with slight modifications. The final permit condition (Condition II-E-4 in the Part 70 permit) is provided below:

*“The Permittee shall submit to EPA for approval any alternative test methods are not already approved by EPA.”*

#### **Nevada Power Comment #3:**

3. **Condition II-E-6:** AQR Sections 4 and 10 do not require existing sources to submit a compliance plan if a stationary source or emission unit fails to demonstrate compliance with the emissions standards or limitations. These AQR sections do not include specific reference to performance test results and preparation of compliance plans based on the results of the performance tests. Pursuant to the AQR Section 10, the existing sources are required to prepare and submit compliance schedules if the source is not in compliance with an emission limitation hereinafter adopted. Therefore, NVE respectfully requests that DAQEM revise Condition II-E-6 to be consistent with AQR Section 10.

#### **DAQEM Response:**

DAQEM agreed with Nevada Power’s observations and modified the language accordingly. The final permit condition (Condition II-D-4 in the Part 70 permit) is provided below:

*“The Permittee of any stationary source or emission unit that fails to demonstrate compliance with the emissions standards or limitations shall submit a compliance plan to the Control Officer pursuant to AQR Section 10.”*

**Nevada Power Comment #4:**

- **Table III-A-1:** As stated on Page 6 of the TSD, DAQEM agreed that the nominal load rating of each gas turbine should not include the power generated by the steam turbine, which is not an emission unit. Each combustion turbine generator (CTG) is only capable of a nominal 168 MW. The remainder of the 292 MW comes from the steam turbine generator (STG) and STG is not an emissions unit. Pursuant to AQR Section 18.2, the annual emissions unit fees, including the Megawatt Equivalent Fee, are only assessed on emission units. The duct burners indirectly contribute 50 MW of this total due to the additional heat they provide to the steam turbine generator (STG). Therefore, the correct nominal rating of each CTG (EUs:A01, A03, A05 and A07) should be 168 MW and the correct nominal rating of each duct-fired HRSG (EUs:A02, A04, A06, and A08) should be 50 MW. NVE believes that these nominal ratings translate directly to MEQ values. DAQEM revised the nominal rating in Table III-A-1 for EU:A01, A03, A05 and A07 to be 168 MW; however, the MEQ values were not revised. Therefore, NVE respectfully requests that DAQEM revise the MEQ for each CTG (EUs:A01, A03, A05 and A07) to 168 and each duct-fired HRSG (EUs:A02, A04, A06, and A08) to 50 MW.

**DAQEM Response:**

DAQEM disagreed Nevada Power's observation. According to AQR Section 18.2.11.1.1, the Megawatt Equivalent fee shall be based on a facility total megawatt output of all electrical or compressor turbines with a rating of 2.5 megawatts or larger plus all supplemental duct firing units and/or supplemental Heat Recovery Steam Generators.

**Nevada Power Comment #5:**

- **Condition III-B-1-b:** AQR Section 26 does not include any reference to Method 9 and only requires that the opacity shall not exceed an average of 20% for a period of more than 6 consecutive minutes. Likewise, no reference to Method 9 is listed in the referenced ATC condition. Therefore, NVE respectfully requests that Condition III-B-1-b be revised as follows.

*“The Permittee shall not discharge into the atmosphere, from any emission unit, any air contaminant in excess of an average of 20 percent opacity for a period of more than 6 consecutive minutes, ~~when viewed in accordance with EPA Method 9.~~ [NSR ATC Modification 6, Revision 3, Condition IV-B-1(d) (04/16/09)]”*

**DAQEM Response:**

DAQEM agreed with Nevada Power's observation and modified the language accordingly.

**Nevada Power Comment #6:**

**Condition III-B-2-a:** Condition IV-B-2(a) in the final ATC (Modification: 1, Revision: 4), issued on May 13, 2009, is the basis for Condition III-B-2-a of the proposed Part 70 permit. Pursuant to 40 CFR § 70.1(b), the Title V permits should not impose substantive new requirements. Therefore, the permit conditions in the Part 70 operating permits must be consistent with their regulatory authority or origin. Condition IV-B-2(a) in the ATC requires that the total annual startup and shutdown hours per turbine shall not exceed 876 hours annually. Moreover, the operating hours limit on startup and shutdown is not needed to demonstrate compliance with the emission limits in Table III-B-1. Hence, NVE respectfully requests that Condition III-B-2-a be revised as follows.

*“Total annual startup and shutdown hours per turbine shall not exceed 876 hours ~~per rolling 12-month period annually~~. Startup/shutdown emissions must be reported as recorded by CEMS. [NSR ATC Modification 1, Revision 4, Condition IV-B-2(a) (05/13/09)]”*

#### **DAQEM Response:**

DAQEM agreed with Nevada Power's observation and modified the language accordingly.

#### **Nevada Power Comment #7:**

**Condition III-C-5:** In order to maintain consistency with Condition III-C-5 in the final ATC/OP issued on May 13, 2009, NVE respectfully requests that DAQEM revise Condition III-C-5 as follows:

*“The Permittee shall perform at least one visual emissions check on a plant-wide level ~~for each emission unit~~ each calendar quarter.....”*

#### **DAQEM Response:**

DAQEM incorporated the suggested language with slight modifications. The final permit condition (Condition IV-C-9 in the Part 70 permit) is provided below:

*“The Permittee shall perform at least one visual emissions check each calendar quarter. The quarterly visual checks shall include the diesel-fired emergency generators and fire pump (EUs: A07, A08, A10, and 53302) while operating, not necessarily simultaneously, to demonstrate compliance with the opacity limit. If any of the diesel-fired emergency generators or fire pump does not operate during the calendar quarter, then no observation of that unit shall be required. If visible emissions are observed, then corrective actions shall be taken to minimize the emissions and the opacity of emissions shall be visually determined in accordance with 40 CFR 60 Appendix A: Reference Method 9.”*

### Nevada Power Comment #8:

3. **Condition III-D-1 and Table III-D-1:** Pursuant to Condition IV-D-2 of the final ATC/OP issued on May 13, 2009, performance testing is only required for NO<sub>x</sub>, CO, and VOC for all turbines (EUs:A01, A03, A05, and A07) and associated duct burners (EUs:A02, A04, A06, and A08); however, the proposed Title V permit requires performance testing on PM<sub>10</sub> and opacity as well. As stated above in Comment 6 above, the Title V permits should not impose substantive new requirements. Moreover, compliance with PM<sub>10</sub> emission limits can be demonstrated using fuel usage and emission factors, rather than by performance testing. Conditions III-C-2 and III-C-5 of the proposed Title V permit require Method 9 testing for opacity measurement for duct burners (EUs:A02, A04, A06, and A08) and quarterly visual emissions checks on a plant-wide level, respectively. These two conditions (III-C-2 and III-C-5) are adequate to demonstrate compliance with the 20% opacity limit in Condition III-B-1-b of the proposed Title V permit. Based on all these reasons, NVE respectfully requests that DAQEM remove the PM<sub>10</sub> and opacity testing requirements from Condition III-D-1 and Table III-D-1.

### DAQEM Response:

DAQEM agreed with Nevada Power's observation that the opacity monitoring required under 40 CFR 60.52 Da is sufficient to demonstrate compliance with the 20 percent opacity limit and therefore removed the opacity testing requirement from Condition III-D-1 and Table III-D-1 of the Part 70 permit. DAQEM also agreed with the request for removal of PM<sub>10</sub> performance testing requirements because the monitoring and record keeping conditions are sufficient for demonstrating compliance with the PM<sub>10</sub> emission limits.

### Nevada Power Comment #9:

1. **Condition III-D-2:** Condition III-D-2 requires that the performance testing shall conform to all requirements of 40 CFR 60 Subparts A, Da, GG, 40 CFR 72, and DAQEM's Guideline on Performance Testing and this ATC. NVE will perform performance testing in accordance with the applicable provisions in 40 CFR 60 Subparts A, Da, GG, 40 CFR 72, DAQEM's Guideline on Performance Testing, and the Part 70 operating permit. Therefore, NVE respectfully requests that DAQEM revise Condition III-C-5 as follows:  
*"Performance testing shall conform to all **applicable** requirements of 40 CFR 60 Subparts A, Da, GG, 40 CFR 72, DAQEM's Guideline on Performance Testing and this ~~ATC~~ Part 70 permit."*

### DAQEM Response:

DAQEM agreed with Nevada Power's observation and modified the language accordingly.

## **Nevada Power Comment #10:**

0. **Table III-F-1:** Footnote 1 to Table III-F-1 requires that all required reports must be received by DAQEM on or before the due date to demonstrate compliance with the reporting submittal requirements of the permit. This condition specifies reporting requirements that are different from the ATC (Mod 1 Rev 4) and from U.S. EPA's policy regarding reporting deadlines and submittal requirements. Several Maximum Available Control Technology (MACT) standards and NSPS specify the postmark date, as noted by the mail carrier, as an adequate measure of demonstrating compliance with the reporting deadline. If a Permittee submits a report that is postmarked on or before the due date, then the Permittee is deemed to be in compliance with the reporting requirement. This is also consistent with U.S. EPA's submittal guidelines specified in the Clean Air Act Q&A Database<sup>1</sup> and with ATC Mod 1 Rev 4 recently issued for this facility. Therefore, NVE respectfully requests the regulatory authority for the table footnote or requests DAQEM to delete this footnote.

### **DAQEM Response:**

DAQEM agreed with Nevada Power's observations, but modified the language rather than deleting it. The final permit language is provided below:

*"If the due date falls on a Saturday, Sunday or a Federal or Nevada holiday, then the submittal is due on the next regularly scheduled business day."*

## **Nevada Power Comment #11:**

1. **Condition III-F-7:** Condition III-F-7 of the proposed permit requires that the upset/breakdown or malfunction report shall include upsets that cause or require a gas combustion turbine to exit Mode 6 firing configuration. This statement is confusing and is inconsistent with Condition IV-F-8 of the ATC that defines malfunctions. Pursuant to AQR Section 25 and Condition II-D-7, NVE shall report any upset, breakdown, malfunction or emergency within the stipulated timeframes. Therefore, NVE respectfully requests that DAQEM revise Condition III-F-7 as follows, consistent with the ATC:  
*"~~Any upset/breakdown or m-Malfunctions report shall included~~, but not be limited to, upsets that cause or require a gas combustion turbine to exit Mode 6 firing configuration. The source has the burden of proof for any upset for which it claims to be a malfunction causing or requiring a gas combustion turbine to exit Mode 6 firing configuration."*

### **DAQEM Response:**

DAQEM agreed with Nevada Power's observation and modified the language accordingly.

## **Nevada Power Comment #12:**

2. **Condition IV-2:** U.S. EPA has the enforcing authority for 40 CFR Part 72 requirements and DAQEM has the enforcing authority through delegation from U.S. EPA. The citizens have the authority to participate in the Part 70 permitting and rule making process by virtue of public participation provisions in AQR Section 19.5.8 and Clean Air Act (CAA) Section 127. However, the citizens do not have the enforcing authority for the terms and conditions of the Part 70 operating permit. Therefore, NVE respectfully requests that DAQEM revise Condition IV-2 as follows:  
*“All terms and conditions of the permit are enforceable by DAQEM, and EPA ~~and citizens~~ under the Clean Air Act.”*

## **DAQEM Response:**

DAQEM agreed with Nevada Power’s observation and modified the language accordingly.

## **Nevada Power Comment #13 (a):**

- (a) Page 4: *“The CTGs convert thermal energy produced... Under these conditions each CTG/HRSG/Steam Turbine combination provides approximately 292 MW.”*

## **DAQEM Response:**

DAQEM agreed with Nevada Power’s observation and modified the language accordingly.

## **Nevada Power Comment #13 (b):**

- (b) Page 9: The size of EU:A14 is stated incorrectly as 600 kW. This was corrected to 275 hp in response to comment #6 of our 9/20/07 ATC comment letter. The proper size is stated as item #3 on page 6 of the TSD, but it is not properly stated on page 9. NVE respectfully requests that the size of EU:A14 on this page and elsewhere in TSD be corrected from 600 kW to 275 hp.

## **DAQEM Response:**

DAQEM agreed with Nevada Power’s observation and modified the language accordingly.

## **Nevada Power Comment #13 (c):**

- (c) Page 28 (Table V-B): The applicability discussion presented for 40 CFR Part 64 (Compliance Assurance Monitoring) is not valid for all emission units at the facility. Therefore, NVE respectfully requests DAQEM to revise the applicability description for 40 CFR Part 64 to be consistent with the summary of CAM applicability included on page 19. Alternately, in lieu of including a summary in the table, reference could be included in the table to the CAM applicability discussion.

**DAQEM Response:**

DAQEM agreed with Nevada Power's observation and modified the language accordingly. The final language is provided below:

*"Not Applicable – See the regulatory review for 40 CFR 64—Compliance Assurance Monitoring under Section IV-B of this document."*

**Nevada Power Comment #13 (d):**

- (d) Table C: (1) 40 CFR Subpart Da Opacity Limit: The opacity limit included in the permit is equal to the 40 CFR 60.42Da opacity standard. Therefore, NVE respectfully requests that DAQEM revise the "streamlining statement for shielding purposes" on the right side of the table accordingly. (2) 40 CFR Subpart Da NO<sub>x</sub> Emission Limit: The NO<sub>x</sub> emission limit at high load is 349 lb/hr. This was specified in the revised permit shielding table that was submitted with the draft permit comment letter dated 6/10/09. Therefore, NVE respectfully requests that DAQEM revise the NO<sub>x</sub> emission limit at high load from 467 lb/hr to 349 lb/hr.

**DAQEM Response:**

DAQEM agreed with Nevada Power's observation and modified the table accordingly.

In addition to the above changes DAQEM also made the following changes to the Title V permit:

In order to be consistent with currently issued permits, DAQEM removed the Billing Code Type and SCC Code columns from Table III-A-1 of the Part 70 permit, but retained the information in the TSD.

Based on discussion with Region IX, DAQEM removed the requirement for performance tests results to be sent to EPA. The final permit condition (Condition II-E-5 in the Part 70 permit) is provided below:

*"The Permittee shall submit a report describing the results of each performance test to the Control Officer within 60 days from the end of the performance test."*

For clarity, DAQEM grouped the list of recordkeeping requirements by emission unit type and separated the ones that are required to be reported quarterly from those that are only required to be maintained onsite. The final permit conditions (Conditions III-E-1 and III-E-2 in the Part 70 permit) are provided below:

1. *"The Permittee shall record the following:*
  - Turbine/Duct Burner Units (EUs: A01 through A08, inclusive):*
    - a. *time, duration, nature, and probable cause of any CEMS downtime and corrective actions taken;*
    - b. *CEMS audit results or accuracy checks and corrective actions as required by 40 CFR 60, Appendix F, and the CEMS quality assurance plan;*

- c. *hourly and 12-month rolling accumulated mass emissions of NOX, CO and NH3 as recorded by CEMS;*
  - d. *quantity of natural gas consumed by each turbine hourly and monthly with rolling 12-month total;*
  - e. *quantity of natural gas consumed by each duct burner hourly and monthly with rolling 12-month total;*
  - f. *sulfur content of natural gas as certified by the supplier in accordance with 40 CFR 75.11(d)(2);*
  - g. *quantity of ammonia consumed monthly with rolling 12-month total, when PEMS is used;*
  - h. *dates, times and duration of each startup/shutdown cycle;*
- Auxiliary Boilers (EUs: A09 and A10):*
- i. *hours of operation for each auxiliary boiler, fire pump and emergency generator monthly with rolling 12-month total;*
  - j. *quantity of natural gas consumed by each auxiliary boiler monthly with rolling 12-month total;*
- IC Engines (EUs: A12 through A15, inclusive):*
- k. *quantity of diesel fuel consumed by each fire pump and emergency generator for testing and maintenance purposes, and separately for emergency use, monthly and annually; and*
- Gas Line Preheater (EU: A16):*
- l. *quantity of natural gas consumed by the gas line preheater monthly and annually.*
2. *"The Permittee shall maintain records on site that include, at a minimum:*
- a. *the record keeping requirements denoted in AQR Section 49:*
    - i. *maintenance of a written log of the type of fuel consumed and, on a quarterly basis, of either the amount of fuel consumed or of the hours of operation; and*
    - ii. *maintenance of a copy of the burner efficiency test on-site and to make such documentation available for inspection to the Control Officer upon request;*
  - b. *sulfur content of diesel fuel as certified by the supplier with each fuel delivery;*
  - c. *log of visual emissions checks;*
  - d. *records of opacity monitoring for HRSG units that meet all requirements of 40 CFR 60.52 Da;*
  - e. *results of performance tests conducted within the last five (5) years;*
  - f. *certificates of representation for the designated representative and the alternate designated representative that meet all requirements of 40 CFR 72.24;*
  - g. *copies of all records, reports, compliance certifications, and submissions made or required under the Acid Rain Program;*
  - h. *copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program; and*
  - i. *all CEMS and/or PEMS information required by the CEMS and/or PEMS monitoring plan as specified in 40 CFR 75 Subpart F."*

DAQEM updated the requirement for quarterly reports to reflect the current list of recordkeeping requirements listed above and has modified the table to include the submission dates for all reports. The final permit conditions (Conditions III-F-4 and III-F-5 in the Part 70 permit) are provided below:

4. *"The following requirements apply to quarterly reports:*
  - a. *The report shall include a quarterly summary of each item listed in Condition III-E-1*
  - b. *The report shall include quarterly summaries of any permit deviations, their probable cause, and corrective or preventative actions taken.*
  - c. *The report shall be based on a calendar quarter, which includes partial calendar quarters.*
  - d. *The report shall be submitted to the Control Officer within 30 calendar days after the calendar quarter.*
5. *"Regardless of the date of issuance of this Operating Permit, the source shall comply with the schedule for report submissions outlined in Table III-F-1:*

***"Table III-F-1: Required Report Submission Dates***

<b><i>Required Report</i></b>	<b><i>Applicable Period</i></b>	<b><i>Due Date<sup>1</sup></i></b>
<i>Quarterly Report for 1<sup>st</sup> Calendar Quarter</i>	<i>January, February, March</i>	<i>April 30 each year</i>
<i>Quarterly Report for 2<sup>nd</sup> Calendar Quarter</i>	<i>April, May, June</i>	<i>July 30 each year</i>
<i>Quarterly Report for 3<sup>rd</sup> Calendar Quarter</i>	<i>July, August, September</i>	<i>October 30 each year</i>
<i>Quarterly Report for 4<sup>th</sup> Calendar Quarter, Any additional annual records required.</i>	<i>October, November, December</i>	<i>January 30 each year</i>
<i>Annual Compliance Certification Report</i>	<i>12 Months</i>	<i>30 days after the Operating Permit issuance anniversary date</i>
<i>Annual Emission Inventory Report</i>	<i>Calendar Year</i>	<i>March 31 each year</i>
<i>Excess Emission Notification</i>	<i>As Required</i>	<i>Within one (1) hour of the onset of the event</i>
<i>Excess Emission Report</i>	<i>As Required</i>	<i>As soon as practicable but not to exceed ten (10) calendar days from onset of the event</i>
<i>Deviation Report</i>	<i>As Required</i>	<i>Along with quarterly reports</i>
<i>Performance Testing</i>	<i>As Required</i>	<i>Within 60 days from the end of the test</i>

<sup>1</sup> *"If the due date falls on a Saturday, Sunday or a Federal or Nevada holiday, then the submittal is due on the next regularly scheduled business day."*

In order to be consistent with currently issued permits, DAQEM moved the condition requiring annual emission inventory reports to the General Conditions section of the permit. The final permit condition (Conditions II-D-7 in the Part 70 permit) is provided below:

- "The Permittee shall submit annual emissions inventory reports based on the following:*
- a. *The annual emissions inventory shall be received by DAQEM no later than March 31 after the reporting year.*

- b. *The report shall include the emission factors and calculations used to determine the emissions from each permitted emission unit, even when an emission unit is not operated.*

DAQEM attached the acid rain renewal application to the Part 70 permit (as referenced in Condition IV-3 of the Part 70 permit) as Attachment 2.

**Attachment:**

1. Comments from Nevada Power Company

# Attachment 1



RECEIVED  
CC-DAQM

2009 JUL 31 A 9:53

July 30, 2009

Mr. Santosh Mathew  
Clark County Department of Air Quality and Environmental Management  
500 S. Grand Central Parkway  
Las Vegas, NV 89106

RE: Comments in Regard to Chuck Lenzie Generating Station Proposed Part 70 Operating Permit  
Permit Number 1513

Dear Mr. Mathew:

Nevada Power Company d/b/a NV Energy (NVE) hereby provides comments on the proposed Chuck Lenzie Generating Station Part 70 operating permit. The 30-day public comment period for the proposed permit commenced on July 6, 2009 and will end on August 4, 2009. NVE appreciates the time and effort expended by the Department of Air Quality and Environmental Management (DAQEM) in preparing the proposed permit. Pursuant to 40 CFR § 71.11 (j), NVE requests DAQEM's responses to the comments below when the updated version of the permit is made available.

The following are NVE's comments and suggested changes to be made to the proposed Part 70 permit. Where appropriate, we have listed text to be added in bold, and text to be removed with bold and strikethrough.

1. **Condition II-D-7-b:** AQR Section 25.2 does not require submittal of a detailed written report within 72 hours of the onset of the event. NVE is unfamiliar with this requirement or its source. Moreover, Condition II-C-6 requires all deviations to be reported in writing within ten (10) calendar days from discovery of the deviation. Therefore, NVE respectfully requests that Condition II-D-7-b be deleted from the permit.
2. **Condition II-E-4:** Condition II-E-4 requires that all requests for any alternative test methods must be submitted to EPA for approval. Pursuant to AQR 14.1 and 40 CFR 60.8(b), all requests requiring the use of alternative test methods that are not approved by EPA must be submitted to EPA for approval. However, DAQEM has the regulatory authority to approve the use of alternative test methods that are already approved by EPA but not specified in this permit. Therefore, NVE respectfully requests that Condition II-E-4 be revised as follows:  
*"The ~~Permittee Administrator shall provide all~~ consider approving the Permittee's requests for ~~any~~ alternative test methods ~~to EPA for approval~~ if proposed in writing in the performance test protocols. [AQR 14.1 and 40 CFR 60.8(b)]"*
3. **Condition II-E-6:** AQR Sections 4 and 10 do not require existing sources to submit a compliance plan if a stationary source or emission unit fails to demonstrate compliance with the emissions standards or limitations. These AQR sections do not include specific reference to performance test

results and preparation of compliance plans based on the results of the performance tests. Pursuant to the AQR Section 10, the existing sources are required to prepare and submit compliance schedules if the source is not in compliance with an emission limitation hereinafter adopted. Therefore, NVE respectfully requests that DAQEM revise Condition II-E-6 to be consistent with AQR Section 10.

4. **Table III-A-1:** As stated on Page 6 of the TSD, DAQEM agreed that the nominal load rating of each gas turbine should not include the power generated by the steam turbine, which is not an emission unit. Each combustion turbine generator (CTG) is only capable of a nominal 168 MW. The remainder of the 292 MW comes from the steam turbine generator (STG) and STG is not an emissions unit. Pursuant to AQR Section 18.2, the annual emissions unit fees, including the Megawatt Equivalent Fee, are only assessed on emission units. The duct burners indirectly contribute 50 MW of this total due to the additional heat they provide to the steam turbine generator (STG). Therefore, the correct nominal rating of each CTG (EUs:A01, A03, A05 and A07) should be 168 MW and the correct nominal rating of each duct-fired HRSG (EUs:A02, A04, A06, and A08) should be 50 MW. NVE believes that these nominal ratings translate directly to MEQ values. DAQEM revised the nominal rating in Table III-A-1 for EU:A01, A03, A05 and A07 to be 168 MW; however, the MEQ values were not revised. Therefore, NVE respectfully requests that DAQEM revise the MEQ for each CTG (EUs:A01, A03, A05 and A07) to 168 and each duct-fired HRSG (EUs:A02, A04, A06, and A08) to 50 MW.
5. **Condition III-B-1-b:** AQR Section 26 does not include any reference to Method 9 and only requires that the opacity shall not exceed an average of 20% for a period of more than 6 consecutive minutes. Likewise, no reference to Method 9 is listed in the referenced ATC condition. Therefore, NVE respectfully requests that Condition III-B-1-b be revised as follows.  
*“The Permittee shall not discharge into the atmosphere, from any emission unit, any air contaminant in excess of 20 percent opacity for a period of more than 6 consecutive minutes, ~~when viewed in accordance with EPA Method 9.~~ [NSR ATC Modification 6, Revision 3, Condition IV-B-1(d) (04/16/09)]”*
6. **Condition III-B-2-a:** Condition IV-B-2(a) in the final ATC (Modification: 1, Revision: 4), issued on May 13, 2009, is the basis for Condition III-B-2-a of the proposed Part 70 permit. Pursuant to 40 CFR § 70.1(b), the Title V permits should not impose substantive new requirements. Therefore, the permit conditions in the Part 70 operating permits must be consistent with their regulatory authority or origin. Condition IV-B-2(a) in the ATC requires that the total annual startup and shutdown hours per turbine shall not exceed 876 hours annually. Moreover, the operating hours limit on startup and shutdown is not needed to demonstrate compliance with the emission limits in Table III-B-1. Hence, NVE respectfully requests that Condition III-B-2-a be revised as follows.  
*“Total annual startup and shutdown hours per turbine shall not exceed 876 hours ~~per-rolling-12-month-period-annually~~. Startup/shutdown emissions must be reported as recorded by CEMS. [NSR ATC Modification 1, Revision 4, Condition IV-B-2(a) (05/13/09)]”*
7. **Condition III-C-5:** In order to maintain consistency with Condition III-C-5 in the final ATC/OP issued on May 13, 2009, NVE respectfully requests that DAQEM revise Condition III-C-5 as follows:  
*“The Permittee shall perform at least one visual emissions check on a plant-wide level for each ~~emission unit~~ each calendar quarter.....”*

8. **Condition III-D-1 and Table III-D-1:** Pursuant to Condition IV-D-2 of the final ATC/OP issued on May 13, 2009, performance testing is only required for NO<sub>x</sub>, CO, and VOC for all turbines (EUs:A01, A03, A05, and A07) and associated duct burners (EUs:A02, A04, A06, and A08); however, the proposed Title V permit requires performance testing on PM<sub>10</sub> and opacity as well. As stated above in Comment 6 above, the Title V permits should not impose substantive new requirements. Moreover, compliance with PM<sub>10</sub> emission limits can be demonstrated using fuel usage and emission factors, rather than by performance testing. Conditions III-C-2 and III-C-5 of the proposed Title V permit require Method 9 testing for opacity measurement for duct burners (EUs:A02, A04, A06, and A08) and quarterly visual emissions checks on a plant-wide level, respectively. These two conditions (III-C-2 and III-C-5) are adequate to demonstrate compliance with the 20% opacity limit in Condition III-B-1-b of the proposed Title V permit. Based on all these reasons, NVE respectfully requests that DAQEM remove the PM<sub>10</sub> and opacity testing requirements from Condition III-D-1 and Table III-D-1.
9. **Condition III-D-2:** Condition III-D-2 requires that the performance testing shall conform to all requirements of 40 CFR 60 Subparts A, Da, GG, 40 CFR 72, and DAQEM's Guideline on Performance Testing and this ATC. NVE will perform performance testing in accordance with the applicable provisions in 40 CFR 60 Subparts A, Da, GG, 40 CFR 72, DAQEM's Guideline on Performance Testing, and the Part 70 operating permit. Therefore, NVE respectfully requests that DAQEM revise Condition III-C-5 as follows:  
*"Performance testing shall conform to all applicable requirements of 40 CFR 60 Subparts A, Da, GG, 40 CFR 72, DAQEM's Guideline on Performance Testing and this ATC Part 70 permit."*
10. **Table III-F-1:** Footnote 1 to Table III-F-1 requires that all required reports must be received by DAQEM on or before the due date to demonstrate compliance with the reporting submittal requirements of the permit. This condition specifies reporting requirements that are different from the ATC (Mod 1 Rev 4) and from U.S. EPA's policy regarding reporting deadlines and submittal requirements. Several Maximum Available Control Technology (MACT) standards and NSPS specify the postmark date, as noted by the mail carrier, as an adequate measure of demonstrating compliance with the reporting deadline. If a Permittee submits a report that is postmarked on or before the due date, then the Permittee is deemed to be in compliance with the reporting requirement. This is also consistent with U.S. EPA's submittal guidelines specified in the Clean Air Act Q&A Database<sup>1</sup> and with ATC Mod 1 Rev 4 recently issued for this facility. Therefore, NVE respectfully requests the regulatory authority for the table footnote or requests DAQEM to delete this footnote.
11. **Condition III-F-7:** Condition III-F-7 of the proposed permit requires that the upset/breakdown or malfunction report shall include upsets that cause or require a gas combustion turbine to exit Mode 6 firing configuration. This statement is confusing and is inconsistent with Condition IV-F-8 of the ATC that defines malfunctions. Pursuant to AQR Section 25 and Condition II-D-7, NVE shall report any upset, breakdown, malfunction or emergency within the stipulated timeframes. Therefore, NVE respectfully requests that DAQEM revise Condition III-F-7 as follows, consistent with the ATC:  
*"~~Any upset/breakdown or m~~ Malfunctions report shall included, but not be limited to, upsets that cause or require a gas combustion turbine to exit Mode 6 firing configuration. The source has the*

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<sup>1</sup> CAA Q&A Database, March 1999 and May 2004.

*burden of proof for any upset for which it claims to be a malfunction causing or requiring a gas combustion turbine to exit Mode 6 firing configuration."*

12. **Condition IV-2:** U.S. EPA has the enforcing authority for 40 CFR Part 72 requirements and DAQEM has the enforcing authority through delegation from U.S. EPA. The citizens have the authority to participate in the Part 70 permitting and rule making process by virtue of public participation provisions in AQR Section 19.5.8 and Clean Air Act (CAA) Section 127. However, the citizens do not have the enforcing authority for the terms and conditions of the Part 70 operating permit. Therefore, NVE respectfully requests that DAQEM revise Condition IV-2 as follows: *"All terms and conditions of the permit are enforceable by DAQEM, and EPA and citizens under the Clean Air Act."*
13. Based on the comments above, NVE respectfully requests that DAQEM make corresponding revisions to relevant sections of the TSD. For the sake of brevity, these corresponding edits to the TSD are not listed in this letter. In addition to the revisions based on comments above, NVE also requests that DAQEM make the following edits to the TSD:
  - (a) Page 4: *"The CTGs convert thermal energy produced.....Under these conditions each CTG/HRSG/Steam Turbine combination provides approximately 292 MW."*
  - (b) Page 9: The size of EU:A14 is stated incorrectly as 600 kW. This was corrected to 275 hp in response to comment #6 of our 9/20/07 ATC comment letter. The proper size is stated as item #3 on page 6 of the TSD, but it is not properly stated on page 9. NVE respectfully requests that the size of EU:A14 on this page and elsewhere in TSD be corrected from 600 kW to 275 hp.
  - (c) Page 28 (Table V-B): The applicability discussion presented for 40 CFR Part 64 (Compliance Assurance Monitoring) is not valid for all emission units at the facility. Therefore, NVE respectfully requests DAQEM to revise the applicability description for 40 CFR Part 64 to be consistent with the summary of CAM applicability included on page 19. Alternately, in lieu of including a summary in the table, reference could be included in the table to the CAM applicability discussion.
  - (d) Table C: (1) 40 CFR Subpart Da Opacity Limit: The opacity limit included in the permit is equal to the 40 CFR 60.42Da opacity standard. Therefore, NVE respectfully requests that DAQEM revise the "streamlining statement for shielding purposes" on the right side of the table accordingly. (2) 40 CFR Subpart Da NO<sub>x</sub> Emission Limit: The NO<sub>x</sub> emission limit at high load is 349 lb/hr. This was specified in the revised permit shielding table that was submitted with the draft permit comment letter dated 6/10/09. Therefore, NVE respectfully requests that DAQEM revise the NO<sub>x</sub> emission limit at high load from 467 lb/hr to 349 lb/hr.

Mr. Santosh Mathew  
July 30, 2009  
Page 5 of 5

NVE greatly values the opportunity to review and comment on this proposed permit. Please feel free to contact Kim Williams at (702) 402-2184 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Starla Lacy". The signature is written in a cursive, flowing style.

Starla Lacy  
Executive, Environmental, Health, & Safety  
NV Energy