

**TECHNICAL SUPPORT DOCUMENT FOR REPEALING CCAQR SECTION 121,  
“REASONABLY AVAILABLE CONTROL TECHNOLOGY DETERMINATION FOR  
SPECIFIC MAJOR STATIONARY SOURCES IN THE 2015 8-HOUR OZONE NAAQS  
MODERATE NONATTAINMENT AREA HA 212,” AND CREATING A NEW SECTION  
122, “REASONABLY AVAILABLE CONTROL TECHNOLOGY FOR MAJOR  
SOURCES IN HA 212,” FOR THE 2015 OZONE NAAQS SIP**

**BACKGROUND**

On December 19, 2024, the U.S. Environmental Protection Agency (EPA) reclassified Hydrographic Area (HA) 212 (the Las Vegas Valley) as a “serious” nonattainment area for the 2015 8-hour ozone National Ambient Air Quality Standard (NAAQS) after finding that the area failed to meet its August 3, 2024, attainment date (89 FR 103657). This reclassification triggered an obligation for the Department of Environment and Sustainability, Division of Air Quality (DAQ) to prepare a State Implementation Plan (SIP) that includes a reasonably available control technology (RACT) analysis for major stationary sources, the *2015 O3 NAAQS Attainment Plan for the Las Vegas Valley Moderate Nonattainment Area, Clark County, NV* (“moderate ozone SIP”). Sections 182(b)(2), (c), and (f) of the Clean Air Act (Act) require ozone nonattainment areas to implement RACT emission standards for major sources of nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs). EPA’s 2015 ozone NAAQS implementation and reclassification rules require the SIP submission to provide for the implementation of major source RACT in HA 212 by the end of calendar year 2026 at the latest (40 CFR Parts 51.1308(d) and 51.1402(b)(2)(i)).

DAQ promulgated AQR 121 as part of the moderate ozone SIP submission to EPA. It established RACT requirements for major sources, i.e., stationary sources with a NO<sub>x</sub> or VOC potential to emit (PTE) of 100 tons per year (tpy) or more. To develop the rule, DAQ conducted case-by-case RACT determinations for each major source. As a result, AQR 121 established enforceable emissions limitations, control technology requirements, work practices, and associated monitoring, testing, recordkeeping, and reporting provisions on a source-by-source basis. The rule became effective on February 19, 2025, and the Nevada Department of Environmental Protection (NDEP) submitted it to EPA on March 7, 2025, as part of the moderate ozone SIP submission for HA 212. The submission remains pending EPA approval; however, EPA identified potential approvability issues with certain aspects of AQR 121 related to compliance assurance.

In another regulation, AQR 120, DAQ addressed the need for information to satisfy future major source RACT obligations if the EPA Administrator classifies or reclassifies an ozone nonattainment area as moderate, serious, severe, or extreme in the future. This rule codifies the requirement for major sources of NO<sub>x</sub> or VOCs to submit major source RACT demonstrations upon EPA classification or reclassification of HA 212.

AQR 120 became effective on December 18, 2024. DAQ opted not to submit it to EPA, and the rule remains a local requirement only. Nonetheless, following EPA’s reclassification of HA 212 to “serious” nonattainment in 2024, AQR 120 requires all major sources to submit a RACT demonstration after notification from the Control Officer, which occurred on April 3, 2025. This requirement affected major sources already subject to RACT requirements under AQR 121, as well as new stationary sources that met the reduced (from 100 to 50 tpy, per the definition of “major source” in AQR 12.3.2) NO<sub>x</sub> and VOC major source thresholds for the serious nonattainment area.

DAQ used the information submitted by major sources, along with its own independent data collection and analysis, to identify affected sources and establish RACT requirements for affected units, which DAQ is codifying in the new AQR 122.

Accordingly, the emissions standards in AQR 122 supersede those established in AQR 121 for a moderate nonattainment area. AQR 122 also addresses approvability issues with AQR 121 previously identified by EPA. On approval by the Clark County Board of County Commissioners, Section 121 will be repealed from the AQRs and DAQ will request that NDEP withdraw the AQR 121 submission from EPA review.

### **SUMMARY OF RACT ANALYSIS**

AQR 122 applies to a total of nine owners or operators of existing major sources of NO<sub>x</sub> and/or VOCs located in HA 212 (i.e., affected sources) that operate one or more affected units, listed in Attachment 1 of the rule, which identifies affected units by major source identification number and emission unit number. For the serious nonattainment area, DAQ identified emission units with a VOC or NO<sub>x</sub> PTE of 5 tpy or more as “affected units” in the notifications sent to potential affected sources.

All affected sources are required to comply with source-specific RACT requirements for each affected unit by the rule’s effective date. With limited exceptions, DAQ determined that existing emissions controls qualified as RACT because most affected units were already well-controlled by permitting requirements in the Section 12 series, such as RACT and Best Available Control Technology. In a limited number of cases, affected sources proposed an annual emissions cap to avoid or satisfy RACT requirements for an affected unit.<sup>1</sup> DAQ accepted these recommendations, but with some adjustments to ensure that the cap represented the most cost-effective means of reducing emissions.

The final source-specific RACT requirements reflect unit type, size, fuel, operating profile, and existing control configurations. For electric generating units at facilities such as NV Energy’s Clark Generating Station, Sun Peak Generating Station, and Las Vegas Generating Station, the rule imposes numeric NO<sub>x</sub> concentration limits, mass-based emission limitations, and startup/shutdown provisions that are supported by continuous emissions monitoring systems (CEMS), periodic performance testing, and quality assurance/quality control (QA/QC) procedures. For combustion turbines, duct burners, boilers, and peaking units, the rule specifies rolling or block-averaging emissions limitations, fuel-specific limits, and separate requirements for normal operations and other times of operation, including startup and shutdown operations.

All affected sources must develop, maintain, and implement an operations and maintenance (O&M) manual for each affected unit and associated control technology that incorporates good combustion practices (GCP) and good maintenance practices (GMP) and ensures that emissions are minimized during all hours of operation. Affected sources are required to maintain records

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<sup>1</sup> Memo, W.T. Harnett to Regional Air Division Directors, “RACT Qs &As – Reasonably Available Control Technology (RACT) Questions and Answers” (5/18/2006): “Where a source has a federally enforceable limit on emissions...then the analysis of whether the source is subject to RACT would be based on emissions considering those restrictions.”

demonstrating compliance with the operational requirements in the O&M manual. When performance testing or CEMS are required, testing and monitoring must be conducted using EPA-approved methods or as specified in the affected source's Part 70 operating permit. Modifications, reconstructions, or changes in emergency engine designation generally require submission of a revised major source RACT demonstration unless exempted by applicability thresholds or subject to the lowest achievable emissions rate under the preconstruction permit program.

AQR 122 not only establishes uniform recordkeeping and reporting requirements for all affected sources, it also includes unit-specific obligations in source-specific sections. Uniform requirements include monitoring data retention, inspections, maintenance records, hours of operation, malfunction event reports, O&M manuals, emissions inventory reports, and compliance certifications. Records must be retained for a minimum of 5 years and made available on-site upon request. Affected sources must also submit performance test protocols at least 45 days before testing, test results within 60 days of test completion, and annual emissions inventory reports and annual compliance certifications consistent with Part 70 certification requirements.

### **Comparison with AQR 121**

AQR 122 applies to seven of the eight affected sources subject to AQR 121. Since codifying AQR 122, DAQ has determined that one major source—Switch-West Campus (Source ID: 16304)—no longer operates affected units, as defined by DAQ for the serious ozone nonattainment area SIP. However, the lower major source threshold for this SIP required DAQ to apply the rule to two additional stationary sources.

Although many of the source-specific emission limitations and control strategies in AQR 122 are substantively similar to those in AQR 121, AQR 122 reflects updated RACT determinations, refined compliance demonstrations, and an improved structure. Specifically, while AQR 121 contains source-specific limits and conditions, AQR 122 introduces averaging times to accompany the emission limitations and defines block averages, versus rolling averages and operating hours, to more clearly identify the periods of exclusion for startup, shutdown, and testing and tuning operations. These updates align the rule more closely with Part 70 permitting conventions and reduce ambiguity in determining compliance with RACT emissions standards.

AQR 122 also provides an expanded introductory section with general information, rule requirements, and compliance dates. While AQR 121 included monitoring, recordkeeping, and reporting provisions in individual sections, AQR 122 consolidates some of those obligations into the general information section to provide a consistent baseline framework for compliance. These general requirements are supplemented by additional requirements for specific affected units in individual sections, as appropriate. Furthermore, AQR 122 makes it clear that supporting calculations should be included in emissions inventory submissions.

The general applicability section includes a requirement to develop, maintain, and operate each affected unit and associated air pollution control technology consistent with its O&M manual. AQR 121 only obligated some affected sources to operate in accordance with an O&M manual for some affected units; AQR 122 expands this obligation to all affected sources. Additionally, AQR 121 limited the O&M manual to include only manufacturer-recommended procedures, while AQR 122 recognizes that some refinement of these procedures may be justifiable and appropriate to

improve safety or emissions performance. AQR 122 also contains a requirement for affected sources to keep records demonstrating compliance with the best practices in these O&M manuals.

Under AQR 122, some affected units are now subject to periodic testing requirements that AQR 121 did not contain. DAQ added these compliance obligations to address EPA concerns that not enough affected units would undergo performance testing and that the rule was not specific enough about performance test methods. DAQ added a requirement to use EPA-approved methods for performance testing, along with new periodic testing requirements for some affected units, but the rule allows affected sources to opt to install a CEMS in lieu of periodic testing.

### **AQR 122 SOURCE-SPECIFIC RACT REQUIREMENTS**

#### **AQR 122.5: NV Energy – Clark Generating Station (Source ID: 00007)**

*40 CFR 51.121(f)(2)(i)(A)*

The affected units at the Clark Generating Station consist of multiple combustion turbines, including base-load units and peaking units. DAQ established RACT as a combination of numeric NO<sub>x</sub> and VOC emission limits and design-based requirements that reflect existing combustion and control configurations. For the base-load unit, RACT includes concentration-based and mass-based NO<sub>x</sub> limitations and a VOC emissions rate limitation, with compliance determined using block or rolling averages that exclude startup, shutdown, and testing and tuning operations. An annual NO<sub>x</sub> tonnage cap applies to Unit 4 to ensure that the existing selective catalytic reduction (SCR) and water injection controls remain the most cost-effective control option. A short-term pound-per-hour VOC emissions limitation also applies, based on expected operations.

For the remaining combustion turbines and peaking units, DAQ established more stringent concentration-based NO<sub>x</sub> limitations that apply during normal operation, based on existing SCR and water injection controls, and a separate annual emission limitation that applies during all operations, including startup and shutdown. The RACT requirements also include pound-per-hour VOC emissions limitations. Units 11–22 are already equipped with oxidation catalysts that limit VOC emissions to less than 5 tpy, so were excluded from further RACT analysis. However, these emission units remain subject to the requirements in the moderate ozone SIP.

As DAQ explains in its response to public comments (pp. 9–10), AQR 121 included a NO<sub>x</sub> concentration-based limitation to regulate startup and shutdown emissions but did not specify an averaging period. DAQ considered using a one-hour averaging period in AQR 122 for consistency with the averaging period used to demonstrate compliance during normal operations. After discussions with NV Energy, DAQ determined that compliance with the emissions limitation over a one-hour averaging period could not be ensured within an ample margin of safety, but that a longer averaging period was not ideal given the existing requirements to complete startup or shutdown within a 1- to 2-hour period. In lieu of the concentration-based limitation for startup and shutdown operations, DAQ expanded O&M manual requirements to ensure GCP, GMP, and minimization of emissions during all hours of operation, including startup and shutdown. To complement this requirement, DAQ imposed an annual emission limitation that applies at all times of operation based on the PTE of affected units, as reflected in their Part 70 operating permit.

NV Energy already has incentives to minimize time and emissions during startup and shutdown operations—for instance, to begin generating electricity for sale as rapidly as possible—and DAQ believes the emissions cap provides an additional reason to minimize NO<sub>x</sub> emissions during these operations because PTE is calculated based on the emissions limitations achievable during normal operations, including use of RACT controls. But during startup, the SCR must achieve operating temperature before it can effectively reduce NO<sub>x</sub> emissions. Similarly, during shutdown, the SCR operates less effectively as the temperature of the control cools. Emissions from the affected units are therefore higher during these times than during normal operation. If the Clark Station does not minimize these emissions, then use of the affected units' full capacities may be constrained during normal operations to offset these increased emissions on an annual basis. Given this situation, the annual emissions cap is an effective and complementary tool to regulate startup and shutdown emissions from the affected units.

DAQ opted for an annual form for the RACT requirement, rolled monthly, because this compliance period represents the most reasonable method for effectively regulating these emissions. The need to enter startup or shutdown operations does not occur at predictable intervals in a year, rendering a shorter term of the annual mass limitation impracticable for demonstrating compliance with the RACT requirement. Multiple startups and/or shutdowns could occur in one month, then none in other months, resulting in emissions that are not uniform throughout the year.

In addition to the general monitoring, recordkeeping, and reporting requirements, the affected source must conduct periodic performance testing or operate a CEMS, as applicable, to demonstrate compliance with NO<sub>x</sub> and VOC emissions limitations. DAQ added a periodic performance test requirement for Unit 4 in response to EPA comments on AQR 121. The affected source must also identify one or more parameters to monitor to demonstrate compliance between performance tests. For affected units equipped with a CEMS, the affected source must also implement QA/QC procedures, conduct relative accuracy test audits (RATAs), calculate rolling emission totals, and maintain records sufficient to demonstrate continuous compliance with all applicable RACT requirements.

#### **AQR 122.6: CalNev Pipe Line – Las Vegas Terminal (Source ID: 00013)**

The affected units at the Las Vegas Terminal consist of multiple petroleum storage tanks, a loading rack with associated vapor control equipment, fugitive emissions components, and a soil vapor extraction and groundwater treatment system. DAQ established RACT for storage tanks based on existing roof and seal configurations. Requirements vary by tank type, product vapor pressure, and construction characteristics, including the use of primary and secondary seals or product vapor pressure restrictions.

AQR 122 separates the tank requirements into additional tables not included in AQR 121. In comments on AQR 121, EPA noted that RACT determinations were inherently linked to the type of product stored in the tanks. DAQ addressed this by linking control requirements to the vapor pressure of stored material, using ASTM D4814's definition of gasoline as a product having a true vapor pressure of 6 pounds per square inch absolute or more at 60°F.

DAQ defined RACT for the loading rack as continued operation of the existing vapor recovery unit or flare, or an equivalent control technology achieving 98.4% VOC capture and control

efficiency. The loading rack must also comply with federal fugitive emissions standards adopted by DAQ in AQR 14.2(c) and meet a mass-based VOC emission limitation of 2.4 milligrams per liter or 0.02 pounds per gallon loaded.

RACT for the soil vapor extraction and groundwater treatment system requires operation of existing combustion controls with a 98.5% destruction efficiency; use of carbon adsorption controls meeting either a 95% VOC control efficiency or a VOC outlet concentration limit of 100 parts per million, volume dry (ppmvd); or use of a different air pollution control technology that achieves comparable VOC emissions control.

In addition to the general monitoring, recordkeeping, and reporting requirements, the affected source must perform routine inspections and throughput monitoring for tanks and loading operations, and operate and maintain a VOC CEMS on the vapor recovery unit.

#### **AQR 122.7: Nellis Air Force Base (Source ID: 00114)**

The affected units at Nellis Air Force Base consist of one continuous-duty engine, eight emergency engines, a hush house with two aircraft engine test cells, and two storage tanks. DAQ established RACT for the engines as design-based requirements reflecting existing controls, with the continuous-duty engine required to operate with a turbocharger and injection timing retardation (ITR) and the emergency engines required to be equipped with turbochargers and aftercoolers. For the hush house and associated aircraft engine test cells, DAQ identified no additional emissions controls that qualified as RACT; therefore, RACT was defined as operation in accordance with GCP and GMP, as documented in the facility's O&M manual.

AQR 122 also includes requirements for two tanks not previously regulated under AQR 121. RACT for these units is based on the current vapor recovery system, which achieves 95% control efficiency.

In addition to the general monitoring, recordkeeping, and reporting requirements, the affected source must maintain documentation demonstrating compliance with the applicable engine design standards and conduct periodic testing to demonstrate compliance with the VOC capture and control efficiency requirements for the tanks.

#### **AQR 122.8: Caesars Entertainment (Source ID: 00257)**

The affected units at Caesars Entertainment consist of 27 emergency engines and 5 boilers. The emergency engines all have a NO<sub>x</sub> PTE below the 5 tpy RACT applicability threshold for this serious ozone nonattainment area SIP. However, these emission units remain subject to the requirements in the moderate ozone SIP, in which DAQ established design-based RACT requirements based on operating with turbochargers and aftercoolers, consistent with existing configurations. Some engines are also required to comply with applicable federal engine standards referenced in the rule. DAQ established numeric NO<sub>x</sub> emission limits for the boilers based on existing low NO<sub>x</sub> burner configurations, with limitations expressed as 3-hour block averages.

In addition to the general monitoring, recordkeeping, and reporting requirements, the affected source must conduct annual burner efficiency testing, perform periodic performance testing on the

boilers, and operate nonresettable hour meters on the emergency engines to track operating hours for emergency, testing, maintenance, and nonemergency use.

**AQR 122.9: Saguaro Power Company (Source ID: 00393)**

The affected units at Saguaro Power Company consist of two stationary gas turbine generators with associated duct burners. DAQ established RACT as numeric NO<sub>x</sub> emission limitations reflecting the existing SCR and steam injection controls, with limitations expressed as rolling 4-hour averages during normal operation and separate limits applicable during startup and shutdown operations.

In addition to the general monitoring, recordkeeping, and reporting requirements, the affected source must operate and maintain NO<sub>x</sub> CEMS with associated QA/QC procedures, conduct RATAs, and maintain records sufficient to demonstrate continuous compliance with both concentration- and mass-based emission limitations.

**AQR 122.10: NV Energy – Sun Peak Generating Station (Source ID: 00423)**

The affected units at the Sun Peak Generating Station consist of three combustion turbines that operate on natural gas and, during limited periods, on diesel fuel. DAQ established RACT as fuel-specific NO<sub>x</sub> emission limits based on a water injection control system, with separate limits for natural gas and diesel operation and additional provisions addressing startup and shutdown emissions when burning these fuels.

In addition to the general monitoring, recordkeeping, and reporting requirements, the affected source must operate NO<sub>x</sub> CEMS with approved QA/QC procedures, track fuel type on an hourly basis, conduct RATAs, and retain records demonstrating compliance with applicable concentration- and mass-based limits under all operating modes.

**AQR 122.11: MGM Resorts International (Source ID: 00825)**

The affected units at MGM Resorts International consist entirely of emergency engines. DAQ defined RACT as design-based requirements that reflect existing controls, including the continued operation of existing turbochargers and aftercoolers, along with compliance with applicable federal engine regulations referenced in the rule.

In addition to the general monitoring, recordkeeping, and reporting requirements, the affected source must operate nonresettable hour meters on each emergency engine, track and record hours of operation by operating mode, and maintain documentation demonstrating compliance with equipment and operational requirements.

**AQR 122.12: CertainTeed Gypsum Manufacturing (Source ID: 00004)**

The affected units at CertainTeed Gypsum Manufacturing include a calcining process mill, a board dryer, and a portable diesel engine. DAQ established RACT for the process equipment as numeric NO<sub>x</sub> emission limits based on existing low-NO<sub>x</sub> burners, expressed as 3-hour block averages excluding startup and shutdown periods. DAQ defined RACT for the portable diesel engine as design-based requirements, including the use of turbochargers and aftercoolers, and an enforceable

operational hour limitation. This operations limitation is included in AQR 122 because the cost-effectiveness analysis relied on the reduced operations level.

In addition to the general monitoring, recordkeeping, and reporting requirements, the affected source must conduct periodic performance testing on the process units, operate nonresettable hour meters on the portable engine, perform visual emissions checks, and maintain records demonstrating compliance with both emission limitations and operating hour restrictions.

### **AQR 122.13: NV Energy – Las Vegas Generating Station (Source ID: 003290)**

The affected units at the Las Vegas Generating Station consist of five combustion turbine package units. DAQ established RACT as numeric NO<sub>x</sub> concentration- and mass-based emission limitations, with rolling 3-hour averages that reflect existing selective catalytic oxidation and water injection control configurations. DAQ evaluated catalyst replacement on Unit 1 as an available control technology, but determined that an annual NO<sub>x</sub> tonnage cap on the affected unit provided the most cost-effective control method. DAQ adjusted the cap originally proposed by NV Energy to distinguish this control option from the next most-stringent control option. DAQ also included an annual NO<sub>x</sub> tonnage cap on Units 2–5 to regulate all operations, including startup and shutdown. DAQ determined that an annual emission limitation was the shortest practical time period to use because startup and shutdown operations do not occur over predictable intervals of time.

In addition to the general monitoring, recordkeeping, and reporting requirements, the affected source must operate a NO<sub>x</sub> CEMS on all affected units, implement approved QA/QC and audit procedures, track temperature where required, and report emissions data in accordance with the CEMS QA plan and reporting schedule.

### **COMMENTS RECEIVED (1/23–2/6/2026) AND DAQ RESPONSES**

DAQ conducted a public comment period from 1/23/2026 to 2/6/2026 and received the comments below regarding the proposed changes. In addition, DAQ published a notice of public hearing in the *Las Vegas Review-Journal* and made drafts of AQRs 121 and 122 available for review, both online and at its offices, from March 9, 2026, to April 9, 2026. Staff has scheduled a public hearing before the Clark County Board of County Commissioners for Tuesday, June 2, 2026.

Comment Received: 2/2/2026, via email with letter attached

Commentor: Christopher Heintz, Env. Technical Manager, Environmental Services and Land Management, NV Energy ([Christopher.Heintz@nvenergy.com](mailto:Christopher.Heintz@nvenergy.com))

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#### **COMMENT 1:**

Section 122.5.1(b)(3) - "Limit NO<sub>x</sub> emissions to an average of 75 ppmvd of NO<sub>x</sub> or less, corrected to 15% O<sub>2</sub>, in a 1-hour period with startup or shutdown operations; and"

The current Part 70 Operating Permit does not contain this requirement. Clark Units 5-8 cannot meet 75 ppmvd or less, corrected to 15% O<sub>2</sub>, in a 1-hour period that includes startup and shutdown. NVE believes this proposed requirement is in relation to Clark Station's current permit, issued on October 5, 2020, and revised on November 30, 2021, Section VI.

Permit Shield, Table VI-2, Regulation 60.332 where the standard averaging period is 4 hours and permit limit averaging period is stated as 1 hour. However, the permit at Table III-C-3 specifically excludes startup and shutdown.

NVE respectfully requests the condition above to read as one of the options below:

- a). "Limit NO<sub>x</sub> emissions to an average of 75 ppmvd of NO<sub>x</sub> or less, corrected to 15% O<sub>2</sub>, excluding startup or shutdown operations; and" or
- b). Like proposed rule condition 12.5.l(c)(2) - "Limit emissions to an average of 75 ppmvd of NO<sub>x</sub> or less, corrected to 15% O<sub>2</sub>, in any 4-hour period that includes one or more 1-hour periods with startup or shutdown operations, calculated as a 4-hour average rolled hourly; and" or
- c). "Limit NO<sub>x</sub> emissions to an average of 75 ppmvd of NO<sub>x</sub> or less, corrected to 15% O<sub>2</sub>, in a 4-hour rolling average with startup or shutdown operations, and"

**RESPONSE:** DAQ added the emissions limitation to AQR 121 for regulating startup and shutdown emissions, but did not specify a particular averaging time; given this, DAQ agrees it was reasonable for NV Energy to interpret the requirement as a 4-hour average, consistent with the averaging time for a similar emissions limitation in 40 CFR Part 60, Subpart GG. This requirement was transferred into the draft AQR 122 with a 1-hour average time added, consistent with the averaging time that applies during normal operations. However, DAQ did not consider whether that emissions limitation would be achievable during all startup and shutdown operations once an ample margin of safety was included. In a meeting to discuss their comments, NV Energy indicated that emissions closely approach or even exceed the limitation during some startup and shutdown operations, and DAQ agreed that an emission limitation of 75 ppmvd of NO<sub>x</sub>, averaged over a 1-hour period, would be inappropriate for inclusion in the final version of AQR 122.

DAQ considered, but rejected, each of NV Energy's suggestions for revising the requirement. Option A would not achieve the goal of regulating emissions during startup and shutdown operations. Options B and C would allow different averaging times for normal versus startup and shutdown operations, but that raised concerns that two standards could apply during some hours of operation; in addition, under Clark's Part 70 operating permit, startup and shutdown times are limited to a maximum of 1–2 hours. If DAQ based the 75-ppmvd NO<sub>x</sub> limitation on a 4-hour average, then some portion of normal operations would be included in calculating compliance, which could allow very high emissions during startup and shutdown events. In view of this, DAQ does not consider the 4-hour average an effective means for restricting emissions during startup and shutdown operations.

DAQ decided to expand the requirements for an O&M manual that includes best practices for conducting operations and minimizing emissions. This requirement will ensure good operation and work practices during startup and shutdown events. In addition, an annual emissions limitation based on the PTE of the affected units will apply during all hours of operation, as reflected in a source's Part 70 operating permit. DAQ concludes that

collectively these requirements provide an effective means of reducing emissions during all hours of operation, including startup and shutdown.

**COMMENT 2:** Section 122.5.2.(b)(4)(C) - "1-hour and 3-hour average NO<sub>x</sub> concentrations."

The current permit, as referenced above, does not currently require 3-hour averages. One-hour limits exclude startup, shutdown, and testing and tuning operations as applicable. These units are subject to 40CFR60, Subparts GG and KKKK. Both subparts require 4-operating hour rolling average basis. (60.334(j)(iii) and 60.4350(g)).

NVE would be required to reprogram each CEMs for all applicable Clark Station units to incorporate a 3-hr rolling average. NVE sees no underlying requirement to support this condition. NVE believes and respectfully requests that the condition above reads as follows:

1. Section 122.5.2.(b)(4)(C)- "1-hour and 4-hour average NO<sub>x</sub> concentrations."

**RESPONSE:** We agree with the commenter. There are no requirements in AQR 122 for the affected units that are based on a 3-hour average. The inclusion of this requirement in the draft rule was an oversight. DAQ has deleted the requirement.