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Environment & Sustainability
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PART 70 OPERATING PERMIT

SOURCE ID: 01550

Walter M. Higgins III Generating Station
1275 East Primm Boulevard
Primm, Nevada 89019

ISSUED ON: October 22, 2026 **EXPIRES ON: October 21, 2031**

Current action: Renewal

Issued to:	**Responsible Official:**
Nevada Power Company	Jason Hammons
PO Box 98910	Vice President Generation
Las Vegas, Nevada 89151	Email: jason.hammons@nvenergy.com

NATURE OF BUSINESS:
SIC code 4911 "Electric Services"
NAICS code 221112 "Fossil Fuel Electric Power Generation"

Issued by the Clark County Department of Environment and Sustainability/Division of Air Quality in accordance with Section 12.5 of the Clark County Air Quality Regulations.

Santosh Mathew, Permitting Manager

EXECUTIVE SUMMARY

Walter M. Higgins III Generating Station is an electrical power generating station that falls under SIC Code 4911, "Electrical Services" and NAICS Code 212112, "Fossil-Fueled Electric power Generation." The facility is located in Hydrographic Area 164A (Ivanpah Valley North), which is designated as attainment for all regulated pollutants. The source is classified as a categorical source in accordance with AQR 12.2.2(j)(1): "Fossil-fueled steam electric plants of more than 250 MMBtu/hr heat input."

The source operates a two-on-one combined cycle unit that consists of two 200 MW natural gas-fired stationary gas turbines, two 700 MMBtu/hr heat recovery steam generators with natural gas-fired duct burners for supplemental firing, and a steam turbine generator. The facility also operates one natural gas-fired 40 MMBtu/hr auxiliary boiler and one 250 hp diesel-powered fire pump. All natural gas-fired equipment combusts pipeline-quality natural gas as the sole fuel source.

The source is classified as a major source of PM_{10}, $PM_{2.5}$, NOx, and CO and a minor source of SO_2, VOC, and HAP. It is also a source of greenhouse gas pollutants.

The source is subject to 40 CFR Part 60, Subparts A, Dc, IIII, and KKKK and 40 CFR Part 63, Subpart ZZZZ. By adhering to the requirements of 40 CFR Part 60, Subpart IIII, the source also meets the requirements of 40 CFR Part 63, Subpart ZZZZ.

Table 1 summarizes the source potential to emit for each regulated air pollutant from all emission units.

Table 1: Source Potential to Emit (tons per year)

Pollutant	PM_{10}	$PM_{2.5}$	NO_X	CO	SO_2	VOC	HAPs[1]	GHG[2]
PTE	144.91	144.91	157.97	194.06	10.44	43.51	7.22	1,553,147.38

[1]Ten tons for any individual hazardous air pollutant, or 25 tons for the combination of all hazardous air pollutants.
[2]Metric tons per year, CO_2e.

DAQ will continue to require the permittee to estimate GHG emissions in terms of each individual pollutant (CO_2, CH_4, N_2O, SF_6 etc.) during subsequent permitting actions will include these PTEs for informational purposes

Pursuant to AQR 12.5.2, all terms and conditions in this permit are federally enforceable unless explicitly denoted otherwise.

This permitting action is based on the renewal application submitted on October 16, 2025.

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Common Acronyms and Abbreviations

(These terms may be seen in the permit)

Acronym	Term
AQR	Clark County Air Quality Regulation
CFR	Code of Federal Regulations
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
CD	control device
DAQ	Division of Air Quality
DES	Clark County Department of Environment and Sustainability
DOM	date of manufacture
dscf	dry standard cubic feet
dscm	dry standard cubic meter
EPA	U.S. Environmental Protection Agency
EU	emission unit
g/gr	gram
GHG	greenhouse gas
HAP	hazardous air pollutant
hp	horsepower
kW	kilowatts
MMBtu/hr	Millions of British Thermal Units per Hour
NAICS	North American Industry Classification System
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO_X	nitrogen oxides
NSPS	New Source Performance Standard
NSR	New Source Review
OP	Operating Permit
$PM_{2.5}$	particulate matter less than 2.5 microns in diameter
PM_{10}	particulate matter less than 10 microns in diameter
PSD	Prevention of Significant Deterioration
PTE	potential to emit
SIP	State Implementation Plan
SIC	Standard Industrial Classification
SO_2	sulfur dioxide
TDS	Total Dissolved Solids
VEE	Visible Emissions Evaluation
VOC	volatile organic compound

1.0 EQUIPMENT

1.1 EMISSION UNITS

The stationary source covered by this Part 70 Operating Permit (Part 70 OP) consists of the emission units and associated appurtenances summarized in Table 1-1. *[NSR ATC Modification 2, Revision 2, Section IV-A (04/09/2010), ATC (2/4/2020), NSR ATC (10/ 31/2024), and AQR 12.5.2.3]*

Table 1-1: List of Emission Units

EU	Description	Rating	Make	Model No.	Serial No.
A01	Natural Gas Stationary Gas Turbine (Turbine #1)	200 MW	Westinghouse	501FD	
A02	Duct Burner for HRSG associated with A01	700 MMBtu/hr			
A03	Natural Gas Stationary Gas Turbine (Turbine #2)	200 MW	Westinghouse	501FD	
A04	Duct Burner for HRSG associated with A03	700 MMBtu/hr			
A05	Auxiliary Boiler	40 MMBtu/hr	English Boiler and Tube	30DE250	22-007
A07	Fire Pump		Pentair	60481-20	24-2670627
	Diesel Engine, DOM: 2024	250 hp	Clarke	JU6H-UFADR8	50202093P

1.2 INSIGNIFICANT ACTIVITIES

The units in Table 1-2 are present at this source, but are insignificant activities pursuant to AQR 12.5.2.5. The emissions from these units or activities, when added to the PTE of the source, will not make the source major for any additional pollutant.

Table 1-2: Summary of Insignificant Activities

Description	Rating
Storage Tank; Ammonia	33,500 Gallon
Storage Tank; Diesel	500 Gallon
Maintenance Shop Activities (sandblasters, parts washers)	
Lubrication Oil Sumps and Vents	

1.3 NONROAD ENGINES

Pursuant to Title 40, Part 1068.30 of the Code of Federal Regulations (40 CFR Part 1068.30), nonroad engines that are portable or transportable (i.e., not used on self-propelled equipment) shall not remain at a location for more than 12 consecutive months, or a shorter period of time for an engine located at a seasonal source; otherwise, the engine(s) will constitute a stationary reciprocating internal combustion engine (RICE) and be subject to the applicable requirements of 40 CFR Part 63, Subpart ZZZZ; 40 CFR Part 60, Subpart IIII; and/or 40 CFR Part 60, Subpart JJJJ. Stationary RICE shall be permitted as emission units upon commencing operation at this stationary source.

A location is any single site at a building, structure, facility, or installation. For any engine(s) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced, include the time period of both engines in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more) each year.

Records of location changes for portable or transportable nonroad engines shall be maintained and shall be made available to the Control Officer on request. These records are not required for engines owned and operated by a contractor for maintenance and construction activities as long as that contractor maintains records demonstrating that such work took place at the stationary source for periods of less than 12 consecutive months. Nonroad engines used on self-propelled equipment do not have the 12-month limitation or associated recordkeeping requirements.

2.0 CONTROLS

2.1 CONTROL DEVICES

1. The permittee shall operate each control device at all times any affected emission unit is operating, as indicated in Table 2-1. *[NSR ATC Modification 2, and Revision 2 (04/09/2010)]*

Table 2-1: Summary of Add-On Control Devices

CD	Affected EU	Device Type	Manufacturer	Pollutant
CD1	A01–A04	Selective Catalytic Reduction	N/A	NO_X
CD2	A01–A04	Oxidation Catalyst	N/A	CO and VOC

Turbines/Duct Burners

2. The permittee shall install and operate a selective catalytic reduction (SCR) system to control NO_X on each of the stationary gas turbine units. *[NSR ATC Modification 2, Revision 2, Condition IV-B-2 (04/09/2010), and Part 70 Operating Permit, Condition III-C-3(b) (01/18/2022)]*

3. The permittee shall install and operate an oxidation catalyst to control CO and VOC on each stationary gas turbine unit (EUs: A01–A04). *[NSR ATC Modification 2, Revision 2, Condition IV-B-6 (04/09/2010), Part 70 Operating Permit, and Condition III-C-3(d) (01/18/2022)]*

4. The permittee shall maintain and operate the SCR system and oxidation catalyst on each stationary gas turbine unit in accordance with the manufacturer's specifications and good operating practices. *[NSR ATC Modification 2, Revision 2, Condition IV-B-8 (04/09/2010), and Part 70 Operating Permit, Condition III-C-3(e) (01/18/2022))]*

5. The SCR and oxidation catalyst controls shall be operated at all times the associated stationary gas turbine units are operating, excluding periods of startup, shutdown, testing, and tuning (EUs: A01–A04). *[NSR ATC Modification 2, Revision 2, Condition IV-B-8 (04/09/10), and Part 70 Operating Permit, Condition III-C-3(f) (01/18/2022)]*

2.2 CONTROL REQUIREMENTS

Turbines/Duct Burners

1. NO_X exhaust emissions shall be further controlled with dry low NO_X combustors and good combustion practice (EUs: A01–A04). *[NSR ATC Modification 2, Revision 2, Condition IV-B-2 (04/09/2010), and Part 70 Operating Permit, Condition III-C-3(c) (01/18/2022)]*

2. The permittee shall combust only pipeline-quality natural gas in all stationary gas turbine units (EUs: A01–A04). *[NSR ATC Modification 2, Revision 2, Condition IV-B-1 (04/09/2010), and Part 70 Operating Permit, Condition III-C-3(a) (01/18/2022)]*

3. The permittee shall control PM_{10} exhaust emissions from each combined cycle system by properly maintaining and periodically replacing the inlet air filters preceding each stationary gas turbine. *[NSR ATC Modification 2, Revision 2, Condition IV-B-9 (04/09/2010), and Part 70 Operating Permit, Condition III-C-3(g) (01/18/2022)*]

Auxiliary Boiler

4. The permittee shall combust only natural gas in the boiler (EU: A05). *[NSR ATC Modification 2, Revision 2, Condition IV-B-14 (04/09/2010)]*

5. The permittee shall operate and maintain the boiler in accordance with the manufacturer's specifications (EU: A05). *[NSR ATC Modification 2, Revision 2, Condition IV-B-15 (04/09/2010)]*

Diesel Engine

6. The permittee shall operate and maintain the fire pump engine in accordance with the manufacturer's emission-related operation and maintenance instructions (EU: A07). *[NSR ATC Condition 2.2.2 (10/31/2024) and 40 CFR Part 60, Subpart IIII]*

7. The permittee shall only combust diesel fuel with a maximum sulfur content of 15 ppm and either a minimum cetane index of 40 or a maximum aromatic content of 35 percent by volume in the fire pump (EU: A07). *[NSR ATC Condition 2.2.1 (10/31/2024) and 40 CFR Part 60, Subpart IIII]*

Other

8. The permittee shall not cause or allow the handling, transporting, or storage of any material in a manner that may or does allow controllable particulate matter to become airborne. *[AQR 41.1.2]*

9. The permittee shall adhere to any applicable VOC emissions control requirements for architectural and industrial maintenance coatings. *[AQR 130]*

10. The permittee must comply with the control requirements contained in this section. If there is any inconsistency between standards or requirements, the most stringent standard or requirement shall apply. *[NSR ATC Modification 2, Revision 2, Condition IV-B-22 (04/09/2010)]*

11. The permittee and operator shall, under all conditions, maintain and operate the source in a manner consistent with good air pollution control practice for minimizing emissions, as required by 40 CFR Part 60.11. *[NSR ATC Modification 2, Revision 2, Condition IV-B-24 (04/09/2010)]*

12. The permittee shall not cause, suffer, or allow any source to discharge air contaminants (or other materials) in quantities that will cause a nuisance, including excessive odors. *[AQR 40 and AQR 43]*

3.0 LIMITATIONS AND STANDARDS

3.1 OPERATIONAL LIMITS

Turbines/Duct Burners

1. The permittee shall limit operation of each stationary gas turbine to the fuel limits listed in Table 3-1. *[NSR ATC Modification 2, Revision 2, Condition IV-A-3(a) (04/09/2010), and Part 70 Operating Permit, Condition III-C-2(a) (01/18/2022)]*

Table 3-1: Fuel Limitations for Turbines

Equipment	Fuel Type	Max. Hourly MMBtu	Max. Annual MMBtu per Any Consecutive 12- Month Period	Reference
A01/A03	Natural Gas	2,096[1]	15,365,000	Based on HHV of natural gas

[1]Based on 100% load at 12°F.

2. The permittee shall limit operation of each duct burner unit to the fuel limits listed in Table 3-2. *[NSR ATC Modification 2, Revision 2, Condition IV-A-3(a) (04/09/2010), and Part 70 Operating Permit, Condition III-C-2(b) (01/18/2022)]*

Table 3-2: Fuel Limitations for Duct Burners

Equipment	Fuel Type	Max. Hourly MMBtu	Max. Annual MMBtu per Any Consecutive 12-Month Period	Reference
A02/A04	Natural Gas	700[1]	2,145,000	Based on HHV of natural gas

[1]Based on 100% load at 108°F.

3. The permittee shall limit operation of each of the two duct burners to an equivalent of 3,064 hours at full load at 108 °F (ambient temperature) at a maximum heat input in any consecutive 12-month period (EUs: A02 and A04). *[NSR ATC Modification 2, Revision 2, Condition IV-A-3(b) (04/09/2010), Part 70 Operating Permit, and Condition III-C-2(c) (01/18/2022)]*

4. Startup shall be defined as the period beginning with ignition and lasting until a stationary gas turbine has reached a continuous and stable operating level and the catalyst has reached optimal operating temperature. Shutdown means the period immediately preceding the cessation of firing of a turbine, not to exceed 60 minutes. *[NSR ATC Modification 2, Revision 2, Condition IV-A-3(e) (04/09/2010), Part 70 Operating Permit, and Condition III-C-2(f) (01/18/2022)]*

5. Testing and tuning is defined as planned operation outside of normal emission limitations for the purposes of data collection, diagnostics, or operational adjustment (EUs: A01–A04). *[Part 70 Operating Permit, Condition III-C-2(g) (01/18/2022)]*

6. The permittee shall limit testing and tuning to 600 minutes per stationary gas turbine unit per calendar year (EUs: A01–A04). *[Part 70 Operating Permit, Condition III-C-2(h) (01/18/2022)]*

Auxiliary Boiler

7. The permittee shall limit the operation of the auxiliary boiler to 100,000 MMBtu heat input per any consecutive 12-month period, based on the higher heating value of natural gas (EU: A05). *[NSR ATC Modification 2, Revision 2, Condition IV-A-3(c) (04/09/2010), and Part 70 Operating Permit, Condition III-C-2(d) (01/18/2022]*

Diesel Engine

8. The permittee shall limit the operation of the fire pump for testing and maintenance purposes to 100 hours per year. The permittee may operate the fire pump up to 50 hours per year for nonemergency situations, but those hours count toward the 100 hours provided for testing and maintenance (EU: A07). *[NSR ATC Condition 3.1.1 (10/31/2024) and 40 CFR Part 60.4211]*

3.2 EMISSION LIMITS

1. The permittee shall not allow actual emissions from each emission unit to exceed the PTE listed in Table 3-3 per any consecutive 12-month period. The emission limits (in tons per year) for each emission unit include startup, shutdown, testing, and tuning emissions. *[NSR ATC Modification 2, Revision 2, Table IV-A-2 (04/09/2010), Part 70 Operating Permit, Condition III-C-1(a) (01/18/2022, and NSR ATC, Condition 3.2 (10/31/2024))]*

Table 3-3: PTE, Including Startups, Shutdowns, Testing, and Tuning (tons per year)[1]

EU	PM_{10}	$PM_{2.5}$	NO_x	CO	SO_2	VOC	HAP	GHG
A01/A02	72.20	72.20	77.90	95.15	5.20	21.65	3.56	773,858.32
A03/A04	72.20	72.20	77.90	95.15	5.20	21.65	3.56	773,858.32
A05	0.50	0.50	1.80	3.70	0.03	0.20	0.09	5,365.34
A07	0.01	0.01	0.37	0.06	0.01	0.01	0.01	65.40

[1]The quantities in this column are not intended as enforceable permit limits unless stated otherwise in this permit.

2. The permittee shall not allow actual emissions from each emission unit to exceed the emission rates listed in Table 3-4. NO_X and CO for the stationary gas turbine units shall not be exceeded for any 3-hr rolling average period, as determined by the CEMS. Pound-per-hour limits are normal operation limits only (excluding startup, shutdown, testing, and tuning). *[NSR ATC Modification 2, Revision 2, Table IV-A-3 (04/09/2010), and Part 70 Operating Permit, Condition III-C-1(b) (01/18/2022)]*

Table 3-4: Emission Rates, Excluding Startups, Shutdowns, Testing, and Tuning (lb/hr)

EU	PM_{10}	$PM_{2.5}$	NO_x	CO	VOC
A01/A02	21.10	21.10	25.70	31.38	9.90
A03/A04	21.10	21.10	25.70	31.38	9.90
A05	-	-	1.44	2.96	-

3. The permittee shall not allow actual emissions from each emission unit to exceed the emission concentrations listed in 3-5, as determined by the CEMS or performance tests. The emission limits are normal operation limits only (excluding startup, shutdown, testing, and tuning). *[NSR ATC Modification 2, Revision 2, Table IV-A-5 (04/09/2010), and Part 70 Operating Permit, Condition III-C-1(c) (01/18/2022)]*

Table 3-5: Emission Concentrations, Excluding Startups, Shutdowns, Testing, & Tuning

EU	Averaging Period	O_2 Standard	NO_X (ppmvd)	CO (ppmvd)
A01/A02	3-hour	15%	2.5	5.0
A03/A04	3-hour	15%	2.5	5.0
A05	15-minute	3%	30.0	100.0

4. The permittee shall not allow actual emissions from the combustion turbines and duct burners (EUs: A01/A02 and A03/A04) to exceed 0.060 lb of SO_2 per MMBtu heat input. *[Part 70 Operating Permit, Condition III-C-1(d) (01/18/2022) and 40 CFR Part 60.4330(a)(2)]*

5. The permittee shall not allow actual emissions from each emission unit to exceed the emission concentrations listed in Table 3-6 during normal operation, testing, and tuning. *[NSR ATC, Condition VII-1(b) (2/4/2020); Part 70 Operating Permit, Condition III-C-1(c) (01/18/2022), and 40 CFR Part 60.4320]*

Table 3-6: 40 CFR Part 60, Subpart KKKK—NOx Standard (ppmvd @ 15% O2)[1]

EU	Turbine Loads ≥ 75% of Peak Load	Turbine Loads ≤ 75% of Peak Load
A01/A02	15	96
A03/A04	15	96

[1]30-day rolling average.

6. The permittee shall not allow actual emissions from each emission unit to exceed the emission limits listed in Table 3-7 during testing and tuning. *[AQR, Section 0, "Allowable Emissions" and Part 70 Operating Permit, Condition III-C-1(f) (01/18/2022)]*

Table 3-7: CO Testing and Tuning Emission Limitations (pounds in a clock hour)

EU	CO
A01/A02	400
A03/A04	400

Other

7. The permittee shall not discharge into the atmosphere, from any emission unit, any air contaminant in excess of an average of 20% opacity for a period of more than six consecutive minutes *[AQR 26.1]*

4.0 COMPLIANCE DEMONSTRATION REQUIREMENTS

4.1 MONITORING

Visible Emissions [AQR 12.5.2.6(d) & AQR 12.5.2.8]

1. The Responsible Official shall sign and adhere to the department's *Visible Emissions Check Guidebook* and keep a copy of the signed guide on-site at all times.

2. The permittee shall conduct a visual emissions check at least quarterly on the diesel-powered fire pump (EU: A07).

3. The permittee shall conduct a visual emissions check at least quarterly on the diesel fire pump (EU: A07) while in operation. If the fire pump does not operate during the calendar quarter, then no observation of it shall be required.

4. If no plume appears to exceed visible emissions standards during the visible emissions check, the date, location, and results shall be recorded, along with the viewer's name.

5. If a plume appears to exceed an opacity standard the permittee shall do one of the following:

    a. Immediately correct the perceived exceedance, then record the first and last name of the person who performed the emissions check, the date the check was performed, the unit(s) observed, and the results of the observation; or

    b. Call a certified Visible Emissions Evaluation (VEE) reader to perform a U.S. Environmental Protection Agency (EPA) Method 9 evaluation if the plume observed is perceived to be exceeding an opacity standard.

        i. For sources required to have a certified reader on-site, the reader shall start Method 9 observations within 15 minutes of the initial observation. For all other sources, the reader shall start Method 9 observations within 30 minutes of the initial observation.

        ii. If no opacity standard exceedance is observed, the certified VEE reader shall record the first and last name of the person who performed the VEE, the date the VEE was performed, the unit(s) evaluated, and the results. A Method 9 VEE form shall be completed for each emission unit that was initially perceived to have exceeded the opacity limit, and the record shall also indicate:

            (1) The cause of the perceived exceedance;

            (2) The color of the emissions; and

            (3) Whether the emissions were light or heavy.

        iii. If a visible emissions exceedance is observed, the certified VEE reader shall take immediate action to correct the exceedance. The reader shall then record the first and last name of the person performing the VEE, the date the VEE was performed, the unit(s) evaluated, and the results. A Method 9 VEE form shall be completed for each reading identified, and the record shall also indicate:

(1) The cause of the exceedance;

(2) The color of the emissions;

(3) Whether the emissions were light or heavy;

(4) The duration of the emissions; and

(5) The corrective actions taken to resolve the exceedance.

6. Any scenario of visible emissions noncompliance can and may lead to enforcement action.

Turbines

7. The permittee shall monitor the installation and condition of the inlet air filters preceding each stationary gas turbine quarterly. *[AQR 12.5.2.6(d)]*

8. The permittee may elect not to monitor the total sulfur content of the fuel combusted in the turbines if the fuel is demonstrated not to exceed potential sulfur emissions of 0.060 lb SO_2/MMBtu heat input. The permittee shall use one of the following sources of information to make the required demonstration: *[NSR ATC, Condition III-C-6 (02/04/2020); 40 CFR Part 60.4365]*

   a. The gas quality characteristics in a current, valid purchase contract, tariff sheet, or transportation contract for the fuel specifying that the maximum total sulfur content of the fuel is 20 grains/100 standard cubic feet or less, and documentation that potential sulfur emissions are less than 0.060 lb SO_2/MMBtu heat input; or

   b. Representative fuel sampling data showing that the sulfur content of the fuel does not exceed 0.060 lb SO_2/MMBtu heat input. At a minimum, the amount of fuel sampling data specified in Sections 2.3.1.4 or 2.3.2.4 of 40 CFR Part 75, Appendix D is required.

CEMS [AQR 12.5.2.6(d) & AQR 12.5.2.8]

9. The permittee shall comply with all applicable monitoring requirements of 40 CFR Part 60, Subpart KKKK and 40 CFR Part 75 for the combustion turbines (EUs: A01 and A03) and associated duct burners (EUs: A02 and A04). *[40 CFR Part 60.4345]*

10. To demonstrate continuous direct compliance with all emission limitations for NO_X and CO specified in this permit, the permittee shall install, calibrate, maintain, operate, and certify CEMS for NO_X, CO, and either O_2 or CO_2 on each stationary gas turbine unit in accordance with 40 CFR Part 75 and 40 CFR Part 60, as applicable. Each CEMS shall include an automated data acquisition and handling system, and each system shall monitor and record at least the following data: [40

    a. Exhaust gas concentrations (in ppm) of NO_X, CO, and either diluent O_2 or CO_2 for all turbine units, including periods of startup and shutdown, at least once every 15 minutes when required by 40 CFR Part 60 or 40 CFR Part 75, as appropriate;

    b. Exhaust gas flow rate (by direct or indirect methods);

    c. Fuel flow rate;

d. Hours of operation;

e. Hourly and 3-hour rolling averages each of NO_X and CO concentrations;

f. Monthly and 12-month rolling accumulated mass emissions of NO_X and CO; and

g. Hours of downtime of the CEMS.

11. All emissions recorded by the CEMS shall be reported in clock hour increments. Any clock hour that contains at least one minute of a startup event shall be considered a startup hour and any clock hour that contains at least one minute of a shutdown event shall be considered a shutdown hour.

12. Any clock hour that contains any part of a testing/tuning event shall not be subject to the limits in Tables 3-4 and 3-5.

13. The permittee shall maintain and adhere to the latest quality assurance plan (QAP) for all CEMS submitted to and approved by DAQ, which shall include auditing schedules, reporting schedules, design specifications, and other quality assurance requirements for each CEMS. The CEMS shall conform to all provisions of 40 CFR Part 60.13 and 40 CFR Part 60, Subpart KKKK. Audit procedures shall conform to the provisions of 40 CFR Part 60, Appendix F.

14. The permittee shall conduct periodic audit procedures and QA/QC procedures for CEMS conforming to the provisions of 40 CFR 60 Appendix F or 40 CFR 75 Appendix B, as applicable. *[AQR 12.5.2.6(d)]*

15. The permittee shall conduct relative accuracy test audits of the CO, NO_X, and diluent O_2 or CO_2 CEMS at least annually unless otherwise provided for in 40 CFR Part 60, Appendix F or in 40 CFR Part 75, Appendix B.

Auxiliary Boiler

16. The permittee shall monitor the monthly fuel usage of the auxiliary boiler (EU: A05).

17. The permittee shall perform a burner efficiency test twice each calendar year, at least five months apart but no more than seven. (EU: A05)

18. The permittee may perform a burner efficiency test once each calendar year if the actual hours of operation are less than 50. To exercise this option, the permittee must install an hour meter and begin keeping written records before the start of the calendar year. (EU: A05)

19. The permittee may replace one contemporaneously required burner efficiency test with a performance test that has acceptable results.

Diesel Engine

20. The permittee shall monitor the sulfur content, and cetane index or aromatic content of the fuel burned in the fire pump by retaining a copy of vendor fuel specifications (EU: A07). *[40 CFR 63.6604(b)]*

21. The permittee shall operate the fire pump with a nonresettable hour meter and monitor the duration of operation for testing, maintenance, and nonemergency operation, and separately for emergencies (EU: A07). *[40 CFR Part 63.6625(f)]*

4.2 TESTING

1. At the Control Officer's request, the permittee shall test (or have tests performed) to determine emissions of air contaminants from any source whenever the Control Officer has reason to believe that an emission in excess of those allowed by the AQRs is occurring. The Control Officer may specify testing methods to be used in accordance with good professional practice. The Control Officer may observe the testing. All tests shall be conducted by reputable, qualified personnel. *[AQR 4.2]*

2. At the Control Officer's request, the permittee shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices, as may be necessary for proper determination of the emission of air contaminants. *[AQR 4.2]*

3. The permittee shall submit to the Control Officer for approval a performance testing protocol that contains testing, reporting, and notification schedules, test protocols, and anticipated test dates no less than 45 days, but no more than 90 days, before the anticipated date of the performance test unless otherwise specified in this permit. *[AQR 12.5.2.8]*

4. The permittee shall submit to EPA for approval any alternative test methods EPA has not already approved to demonstrate compliance with a requirement under 40 CFR Part 60. *[40 CFR Part 60.8(b)]*

5. Performance testing is subject to 40 CFR Part 60.8 (as amended), Subpart A, Subpart Dc, 40 CFR Part 72, and the department's *Guideline for Source Testing (9/19/2019)*. Performance testing shall be the instrument for determining initial and subsequent compliance with the emission limitations set forth in Tables 3-4 and 3-5 this permit. *[AQRs 14.1.b.40, 14.1.b.3, 14.1.b.5, & 12.5.2.8(a)]*

6. The permittee shall conduct performance tests on the auxiliary boiler for NO_X, CO, and stack gas parameters in accordance with the test methods summarized in Table 4-1 once every five years, and within the same calendar quarter of the last successful performance test (EU: A05). *[NSR ATC Modification 2, Revision 2, Condition IV-D-9 (04/09/2010) and Part 70 Operating Permit, Condition III-E-2 (01/18/2022)]*

Table 4-1: Performance Testing Requirements for Auxiliary Boiler

Test Point	Pollutant	Method
Boiler Exhaust Outlet Stack	NO_x	EPA Method 7E
Boiler Exhaust Outlet Stack	CO	EPA Method 10 analyzer
Stack Gas Parameters	—	EPA Methods 1, 2, 3A, and 4[1]

[1]Method 4 is not required if the source uses Method 19 to calculate exhaust flow rate with an F factor derived from a site-specific fuel sample test.

7. The permittee fulfilled the initial performance test requirements, following the completion of the Combustion Turbine Upgrade Project, on September 5, 2020, and January 5, 2021 (EUs: A01 and A03). *[40 CFR Parts 60.4400 & 60.4405]*

8. The Control Officer will consider approving the permittee's request for alternative performance test methods previously approved by EPA, if proposed in writing in the performance test protocols. *[AQR 12.5.2.8(a)]*

9. The permittee shall submit a report describing the results of each performance test to the Control Officer within 60 days of the end of the test. *[AQR 12.5.2.8]*

10. The permittee of any stationary source that fails to demonstrate compliance with emissions standards or limitations during any performance test shall submit a compliance plan to the Control Officer within 90 days of the end of the performance test. *[AQR 12.5.2.8(a)]*

11. The Control Officer may require additional performance testing when operating conditions appear inadequate to demonstrate compliance with the emissions and/or limitations in this permit. *[AQR 12.5.2.8(a)]*

4.3 RECORDKEEPING

1. The permittee shall keep records of all inspections, maintenance, and repairs, as required by this permit. *[AQR 12.5.2.6(d) and AQR 12.5.2.8]*

2. The permittee shall comply with all applicable recordkeeping requirements of 40 CFR Part 60.7; 40 CFR Part 60, Subparts Dc, and KKKK; 40 CFR Part 72; 40 CFR Part 75, Subpart F; and any other applicable regulations. *[AQR 12.5.2.6(d)(2)]*

3. All records, logs, etc., or copies thereof, shall be kept on-site for a minimum of five years from the date the measurement, or data was entered. *[AQR 12.5.2.6(d) and AQR 12.5.2.8]*

4. Records and data required by this permit to be maintained by the permittee may be audited at any time by a third party selected by the Control Officer. *[AQR 4.1]*

5. At a minimum, the permittee shall create and maintain the records identified in Sections 4.3.6 and 4.3.7, all of which must be producible on-site to the Control Officer's authorized representative upon request and without prior notice during the permittee's hours of operation. *[AQR 12.5.2.6(d) and AQR 12.5.2.8]*

6. The permittee shall maintain the following records for reporting: *[AQR 12.5.2.6(d) and AQR 12.5.2.8]*

Turbines and Duct Burners

a. Monthly, consecutive 12-month total natural gas consumed by each stationary gas turbine (EUs: A01 and A03);

b. Monthly, consecutive 12-month total natural gas consumed by each duct burner (EUs: A02 and A04);

c. Monthly, consecutive 12-month total hours of operation for each duct burner (EUs: A02 and A04);

Auxiliary Boiler

d. Monthly, consecutive 12-month total hours of operation for the auxiliary boiler (EU: A05);

e. Monthly, consecutive 12-month total natural gas consumed by the auxiliary boiler (EU: A05);

Diesel Engine

f. Monthly hours of operation of the fire pump engine for testing and maintenance purposes, and separately for operation during emergency (EU: A07);

Other

g. Deviations from permit requirements resulting in excess emissions (report as required by Section 4-4);

h. Deviations from permit requirements not resulting in excess emissions;

i. Burner efficiency test results on the auxiliary boiler; and

j. Date, time, and duration of testing and tuning events, and the purpose for testing and tuning.

7. The permittee shall maintain the following records on-site: *[AQR 12.5.2.6(d) and AQR 12.5.2.8]*

Turbines and Duct Burners

a. Hourly quantity of natural gas consumed in each stationary gas turbine (EUs: A01 and A03);

b. Hourly quantity of natural gas consumed in each duct burner (EUs: A02 and A04);

c. Date of inspection of the inlet air filters for each stationary gas turbine (EUs: A01 and A03);

d. Dates of replacement of the inlet air filters for each stationary gas turbine (EUs: A01 and A03);

e. Documentation verifying sulfur content of natural gas;

Auxiliary Boiler

f. Hourly fuel consumption for the auxiliary boiler (EU: A05);

g. Burner efficiency tests performed on the auxiliary boiler (EU: A05);

Diesel Engine

h. Diesel fire pump inspection/maintenance as required by this permit (EU: A07);

i. The sulfur content, and cetane index or aromatic content of diesel fuel used to power the fire pump as certified by the supplier (EU: A07);

j. Date and duration of operation of the fire pump for testing, maintenance, and nonemergency use (EU: A07);

k. Date and duration of operation of the fire pump for emergency use, including documentation justifying the use during emergency (EU: A07);

CEMS

l. CEMS audit results or accuracy checks, corrective actions, etc., as required by Appendix F of 40 CFR Part 60 and the CEMS quality assurance plan;

m. All CEMS information required by the CEMS monitoring plan, as specified in 40 CFR Part 75, Subpart F;

n. Time, duration, nature, and probable cause of any CEMS downtime and corrective actions taken;

o. Annual relative accuracy test audits (RATA) results for CEMS;

Other

p. Log of visible emissions checks;

q. Dates, times, and duration of each startup and shutdown cycle;

r. Monthly, consecutive 12-month total emissions for each emission unit in tons per year;

s. Quantity and duration of excess emissions, notifications, monitoring system performance, malfunctions, corrective actions taken, etc., as required by 40 CFR Part 60.7;

t. Copies of all reports, compliance certifications, and other submissions, as well as all records produced or required under the Acid Rain Program;

u. Certificates of representation for the designated representative and the alternate designated representative that meet all requirements of 40 CFR Part 72.24;

v. 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

w. Results of all performance testing.

4.4 REPORTING AND NOTIFICATIONS

1. The permittee shall certify compliance with the terms and conditions contained in this Part 70 OP, including emission limitations, standards, work practices, and the means for monitoring such compliance. *[AQR 12.5.2.8(e)]*

2. The permittee shall submit compliance certifications annually in writing to the Control Officer (4701 W. Russell Road, Suite 200, Las Vegas, NV 89118) and the Region 9 Administrator (Director, Air and Radiation Divisions, 75 Hawthorne St., San Francisco, CA 94105). A compliance certification for each calendar year will be due on January 30 of the following year, and shall include the following: *[AQR 12.5.2.8(e)]*

   a. The identification of each term or condition of the permit that is the basis of the certification;

   b. The identification of the methods or other means used by the permittee for determining the compliance status with each term and condition during the certification period.

These methods and means shall include, at a minimum, the monitoring and related recordkeeping and reporting requirements described in 40 CFR Part 70.6(a)(3). If necessary, the permittee shall also identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the Clean Air Act, which prohibits knowingly making a false certification or omitting material information; and

c. The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the methods or means designated in (b) above. The certification shall identify each deviation and take it into account in the compliance certification. The certification shall also identify, as possible exceptions to compliance, any periods during which compliance was required and in which an excursion or exceedance, as defined under 40 CFR Part 64, occurred.

3. The permittee shall report to the Control Officer any startup, shutdown, malfunction, emergency, or deviation that causes emissions of regulated air pollutants in excess of any limits set by regulations or this permit. The report shall be in two parts, as specified below: *[AQR 12.5.2.6(d)(4)(B); AQR 25.6.1]*

   a. Within 24 hours of the time the permittee learns of the excess emissions, the permittee shall notify DAQ by phone at (702) 455-5942, by fax at (702) 383-9994, or by email at airquality@clarkcountynv.gov.

   b. Within 72 hours of the notification required by paragraph 3.a above, the permittee shall submit a detailed written report to DAQ containing the information required by AQR 25.6.3.

4. With the semiannual monitoring report, the permittee shall report to the Control Officer all deviations from permit conditions that do not result in excess emissions, including those attributable to malfunction, startup, or shutdown. Reports shall identify the probable cause of each deviation and any corrective actions or preventative measures taken. *[AQR 12.5.2.6(d)(4)(B)]*

5. The owner or operator of any source required to obtain a permit under AQR 12 shall report to the Control Officer emissions in excess of an applicable requirement or emission limit that pose a potential imminent and substantial danger to public health and safety or the environment as soon as possible, but no later than 12 hours after the deviation is discovered, and submit a written report within two days of the occurrence. *[AQR 25.6.2]*

6. The permittee shall submit all compliance certifications to the U.S. Environmental Protection Agency (EPA) and to the Control Officer. *[AQR 12.5.2.8(e)(4)]*

7. Any application form, report, or compliance certification submitted to the Control Officer pursuant to the permit or the AQRs, shall contain a certification by a Responsible Official, with an original signature, of truth, accuracy, and completeness. This certification, and any

   other required under AQR 12.5, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. *[AQR 12.5.2.6(l)]*

8. The permittee shall furnish to the Control Officer, in writing and within a reasonable time, any information that the Control Officer may request to determine whether cause exists for revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Control Officer copies of records that the permit requires keeping. The permittee may furnish records deemed confidential directly to the Administrator, along with a claim of confidentiality. *[AQR 12.5.2.6(g)(5)]*

9. At the Control Officer's request, the permittee shall provide any information or analyses that will disclose the nature, extent, quantity, or degree of air contaminants that are or may be discharged by the source, and the type or nature of control equipment in use. The Control Officer may require such disclosures be certified by a professional engineer registered in the state. In addition to this report, the Control Officer may designate an authorized agent to make an independent study and report on the nature, extent, quantity, or degree of any air contaminants that are or may be discharged from the source. An agent so designated may examine any article, machine, equipment, or other contrivance necessary to make the inspection and report. *[AQR 4.1]*

10. The permittee shall submit annual emissions inventory reports based on the following: *[AQR 18.6.1 and AQR 12.5.2.4]*

    a. The annual emissions inventory must be submitted to DAQ by March 31 of each calendar year (if March 31 falls on a state or federal holiday, or on any day the office is not normally open for business, the submittal is due on the next business day);

    b. The calculated actual annual emissions from each emission unit shall be reported even if there was no activity, along with the total calculated actual annual emissions for the source based on the emissions calculation methodology used to establish the potential to emit (PTE) in the permit or an equivalent method approved by the Control Officer prior to submittal; and

    c. As the first page of text, a signed certification containing the sentence: "I certify that, based on information and belief formed after reasonable inquiry, the statements contained in this document are true, accurate, and complete." This statement shall be signed and dated by a Responsible Official of the company (a sample form is available from DAQ).

11. Stationary sources that emit 25 tons or more of nitrogen oxide (NO_X) and/or emit 25 tons or more of volatile organic compounds (VOC) from their emission units, insignificant activities, and exempt activities during a calendar year shall submit an annual emissions statement for both pollutants. Emissions statements must include actual annual NO_X and VOC emissions from all activities, including emission units, insignificant activities and exempt activities. Emissions statements are separate from, and additional to, the calculated annual emissions reported each year for all regulated air pollutants (aka Emissions Inventory). *[AQR 12.9.1]*

12. The permittee shall submit to the Control Officer, within 15 days after commencing operation, any outstanding identification and/or description that was not previously available for new emission unit(s), as noted in this permit with "TBD." (Use this condition if there is emission unit information in the permit that is incomplete and noted with "TBD.")

13. The permittee shall comply with all applicable notification and reporting requirements of 40 CFR Part 60.7; 40 CFR Part 60, Subparts Dc and KKKK; 40 CFR Part 63, Subpart ZZZZ; 40 CFR Part 72.9(f); and 40 CFR Part 75. *[AQR 12.5.2.6(d)]*

14. The permittee shall submit semiannual monitoring reports to DAQ. *[AQR 12.5.2.6(d) and AQR 12.5.2.8]*

15. The following requirements apply to semiannual reports: *[AQR 12.5.2.6(d) and AQR 12.5.2.8]*

    a. The report shall include items listed in Section 4.3.6.

    b. The report shall be based on a calendar semiannual period, which includes partial reporting periods.

    c. The report shall be received by DAQ within 30 calendar days after the semiannual period.

16. Regardless of the date of issuance of this OP, the source shall comply with the schedule for report submissions outlined in Table 4-2. *[AQR 12.5.2.6(d) and AQR 12.5.2.8]*

Table 4-2: Required Submission Dates for Various Reports

Required Report	Applicable Period	Due Date
Semiannual report for 1st six-month period	January, February, March, April, May, June	July 30 each year[1]
Semiannual report for 2nd six-month period; any additional annual records required	July, August, September, October, November, December	January 30 each year[1]
Annual Compliance Certification	Calendar year	January 30 each year[1]
Annual Emissions Inventory Report	Calendar year	March 31 each year[1]
Annual Emissions Statement[2]	Calendar year	March 31 each year[1]
Notification of Malfunctions, Startup, Shutdowns, or Deviations with Excess Emission	As required	Within 24 hours of the permittee learns of the event
Excess Emissions that Pose a Potential Imminent and Substantial Danger	As required	Within 12 hours of when permittee learns of event
Report of Malfunctions, Startup, Shutdowns, or Deviations with Excess Emission	As required	Within 72 hours of the notification[1]
Deviation Report without Excess Emissions	As required	Along with semiannual reports[1]
Performance Testing Protocol	As required	No less than 45 days, but no more than 90 days, before the anticipated test date[1]
Performance Testing Results	As required	Within 60 days of end of test[1]

Required Report	Applicable Period	Due Date
RATA Protocol	As required	No less than 21 days, but no more than 90 days, before the anticipated test date[1]
RATA Results	As required	Within 45 days of end of test for Part 75 sources or within 60 days for all others[1]

[1]If the due date falls on a federal or Nevada holiday, or on any day the office is not normally open for business, the submittal is due on the next regularly scheduled business day.
[2] Required only for stationary sources that emit 25 tons or more of nitrogen oxide (NO_X) and/or emit 25 tons or more of volatile organic compounds (VOC) during a calendar year.

17. The Control Officer reserves the right to require additional reports and reporting to verify compliance with permit emission limits, applicable permit requirements, and requirements of applicable federal regulations. *[AQR 4.1]*

4.5 MITIGATION

The source has no federal offset requirements. *[AQR 12.7]*

5.0 PERMIT SHIELD

5.1 PERMIT SHIELD

Compliance with the terms contained in this permit shall be deemed compliant with the applicable requirements in Table VII-1 that becomes effective on the date of permit issuance: *[AQR 12.5.2.9]*

Table 5-1: Permit Shield

EU	Regulation (40 CFR)	Pollutant	Regulatory Standard		Permit Limit		Value Comparison			Averaging Period Comparison			Shield Statement
			Value	Units	Value	Units	Standard Value, in Units of Permit Limit	Permit Limit Value	Is Permit Limit Equal or More Stringent?	Standard Averaging Period	Permit Limit Averaging Period	Is Permit Limit Equal or More Stringent?	
A01/A02	60.4320 (KKKK), Table 1	NO_x	15[1]	ppmvd @ 15% O2	2.5	ppmvd @ 15% O2	15	2.5	Yes	30-day rolling	3 hour	Yes	The permit limit is more stringent than the standard, based upon both concentration and averaging time, therefore the facility should be shielded from the standard.
A03/A04													
A01/A02	60.4330 (KKKK)	NOx	96[2]	ppmvd @ 15% O2	2.5	ppmvd @ 15% O2	96	2.5	Yes	30-day rolling	3 hour	Yes	
A03/A04													

[1] The 40 CFR Part 60 Table 1 NOx standard for modified turbine firing natural gas with heat input >850 MMBtu/hour.

[2] The 40 CFR Part 60 Table 1 NOx standard for turbine >30 MW operating at less than 75% of peak load.

6.0 ACID RAIN REQUIREMENTS

1. In accordance with the provisions of Title IV of the Clean Air Act and 40 CFR Parts 72 through 77, an Acid Rain Permit was issued to Higgins Generating Station.

2. All terms and conditions of the Acid Rain Permit are enforceable by DAQ and EPA under the Clean Air Act. *[40 CFR Part 72]*

3. The permittee shall comply with all the applicable requirements of the Acid Rain Permit application located in Attachment. *[40 CFR Part 72.30]*

4. This Acid Rain Permit incorporates the definitions of terms in 40 CFR Part 72.2.

5. This Acid Rain Permit is valid for a term of five years from the date of issuance unless a timely and complete renewal application is submitted to DAQ. *[40 CFR Part 72.69]*

6. A timely renewal application for an Acid Rain Permit is an application that is received at least six months prior to the permit expiration date. *[40 CFR Part 72.30]*

7. Emissions from this source shall not exceed any allowances that the source lawfully holds under Title IV of the Act or its regulations. *[AQR 12.5.2.6 and 40 CFR Part 70.6(a)(4)]*

8. Where an applicable requirement of the Act is more stringent than an applicable requirement of Title IV regulations, both provisions shall be incorporated into the permit and shall be enforceable. *[40 CFR Part 70.6(a)(1)(ii)]*

7.0 OTHER REQUIREMENTS

1. Any person who violates any provision of the AQRs, including, but not limited to, any application requirement; any permit condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any requirements from DAQ is guilty of a civil offense and shall pay a civil penalty levied by the Air Pollution Control Hearing Board and/or the Hearing Officer of not more than $10,000. Each day of violation constitutes a separate offense. *[AQR 9.1; NRS 445B.640]*

2. Any person aggrieved by an order issued pursuant to AQR 9.1 is entitled to review, as provided in Chapter 233B of the NRS. *[AQR 9.12]*

3. The permittee shall comply with the requirements of Title 40, Part 61 of the Code of Federal Regulations (40 CFR Part 61), Subpart M—the National Emission Standard for Asbestos—for all demolition and renovation projects. *[AQR 13.1(b)(8)]*

4. The permittee shall not use, sell, or offer for sale any fluid as a substitute material for any motor vehicle, residential, commercial, or industrial air conditioning system, refrigerator freezer unit, or other cooling or heating device designated to use a Class I or Class II ozone-depleting substance or any nonexempt substitute refrigerant as a working fluid, unless such fluid has been approved for sale in such use by the EPA Administrator. The permittee shall keep records of all paperwork relevant to the applicable requirements of 40 CFR Part 82 on-site. *[40 CFR Part 82]*

5. A risk management plan is required for the storing, handling and use of an applicable "Highly Hazardous Chemical" pursuant to 40 CFR Part 68. The permittee shall submit revisions of the risk management plan to the appropriate authority and a copy to DAQ. *[40 CFR Part 68.150(b)(3)]*

8.0 ADMINISTRATIVE REQUIREMENTS

8.1 GENERAL

1. The permittee shall comply with all conditions of the Part 70 OP. Any permit noncompliance may constitute a violation of the Clark County Air Quality Regulations (AQRs), Nevada law, and the Clean Air Act, and is grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a renewal application. *[AQR 12.5.2.6(g)(1)]*

2. If any term or condition of this permit becomes invalid as a result of a challenge to a portion of this permit, the other terms and conditions of this permit shall be unaffected and remain valid. *[AQR 12.5.2.6(f)]*

3. The permittee shall pay all permit fees pursuant to AQR 18. *[AQR 12.5.2.6(h)]*

4. This permit does not convey property rights of any sort, or any exclusive privilege. *[AQR 12.5.2.6(g)(4)]*

5. The permittee agrees to allow inspection of the premises to which this permit relates by any authorized representative of the Control Officer at any time during the permittee's hours of operation without prior notice. The permittee shall not obstruct, hamper, or interfere with any such inspection. *[AQR 4.1; AQR 5.1.1; and AQR 12.5.2.8(b)]*

6. The permittee shall allow the Control Officer, upon presentation of credentials, to: *[AQR 4.1 and AQR 12.5.2.8(b)]*

    a. Access and copy any records that must be kept under the conditions of the permit;

    b. Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;

    c. Sample or monitor substances or parameters for the purpose of assuring compliance with the permit or applicable requirements; and

    d. Document alleged violations using such devices as cameras or video equipment.

7. Any permittee who fails to submit relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit the needed supplementary facts or corrected information. In addition, the permittee shall provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit. A Responsible Official shall certify the additional information consistent with the requirements of AQR 12.5.2.4. *[AQR 12.5.2.2]*

8. Anyone issued a permit under AQR 12.5 shall post it in a location where it is clearly visible and accessible to facility employees and DAQ representatives. *[AQR 12.5.2.6(m)]*

9. The permittee shall not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. *[AQR 12.5.2.6(g)(2)]*

8.2 MODIFICATION, REVISION, AND RENEWAL REQUIREMENTS

1. No person shall begin actual construction of a new Part 70 source, or modify or reconstruct an existing Part 70 source that falls within the preconstruction review applicability criteria, without first obtaining an Authority to Construct (ATC) from the Control Officer. *[AQR 12.4.1.1(a)]*

2. The permit may be revised, revoked, reopened and reissued, or terminated for cause by the Control Officer. The filing of a request by the permittee for a permit revision, revocation, reissuance, or termination, or of a notification of planned changes or anticipated noncompliance, does not stay any permit condition. *[AQR 12.5.2.6(g)(3)]*

3. The permit shall be reopened under any of the following circumstances and when all applicable requirements pursuant to AQR 12.5.2.15 are met: *[AQR 12.5.2.15(a)]*

    a. New applicable requirements become applicable to a stationary source considered "major" (per the definition in AQR 12.2, AQR 12.3, or 40 CFR Part 70.3(a)(1)) with a remaining permit term of three or more years;

    b. Additional requirements (including excess emissions requirements) become applicable to an affected source under the Acid Rain Program;

    c. The Control Officer or U.S. Environmental Protection Agency (EPA) determines that the permit contains a material mistake, or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or

    d. The EPA Administrator or the Control Officer determines that the permit must be revised or revoked to assure compliance with applicable requirements.

4. A permit, permit revision, or renewal may be approved only if all of the following conditions have been met: *[AQR 12.5.2.10(a)]*

    a. The permittee has submitted to the Control Officer a complete application for a permit, permit revision, or permit renewal (except a complete application need not be received before a Part 70 general permit is issued pursuant to AQR 12.5.2.20); and

    b. The conditions of the permit provide for compliance with all applicable requirements and the requirements of AQR 12.5.

5. The permittee shall not build, erect, install, or use any article, machine, equipment, or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission that would otherwise constitute a violation of an applicable requirement. *[AQR 80.1 and 40 CFR Part 60.12]*

6. No permit revisions shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit. *[AQR 12.5.2.6(i)]*

7. Permit expiration terminates the permittee's right to operate unless a timely and complete renewal application has been submitted. *[AQR 12.5.2.11(b)]*

8. For purposes of permit renewal, a timely application is a complete application that is submitted at least six months, but not more than 18 months, prior to the date of permit expiration. If a source submits a timely application under this provision, it may continue operating under its current Part 70 OP until final action is taken on its application for a renewed Part 70 OP. *[AQR 12.5.2.1(a)(2)]*

9.0 ATTACHMENTS

9.1 APPLICABLE REGULATIONS

Requirements Specifically Identified as Applicable

1. NRS, Chapter 445B.

2. Applicable AQRs listed in Table 9-1.

Table 9-1: Applicable Clark County AQRs

Citation	Title
AQR 00	"Definitions"
AQR 02	"Procedures for the Adoption and Revision of Regulations and for the Inclusion of Those Regulations in the State Implementation Plan"
AQR 04	"Control Officer"
AQR 05	"Interference with Control Officer"
AQR 08	"Persons Liable for Penalties – Punishment: Defense"
AQR 09	"Civil Penalties"
AQR 10	"Compliance Schedules"
AQR 11	"Ambient Air Quality Standards"
AQR 12.0	"Applicability and General Requirements"
AQR 12.4	"Authority to Construct Application and Permit Requirements for Part 70 Sources"
AQR 12.5	"Part 70 Operating Permit Requirements"
AQR 12.9	"Annual Emissions Inventory Requirement"
AQR 12.10	"Continuous Monitoring Requirements for Stationary Sources"
AQR 13.2(b)(1)	"Subpart A - General Provisions"
AQR 13.2(b)(82)	"Subpart ZZZZ - National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines"
AQR 14.1(b)(1)	"Subpart A – General Provisions"
AQR 14.1(b)(82)	"Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines"
AQR 14.1(b)(84)	"Subpart KKKK – Standards of Performance for Stationary Combustion Turbines"
AQR 18	"Permit and Technical Service Fees"
AQR 21	"Acid Rain Permits"
AQR 22	"Acid Rain Continuous Emissions Monitoring"
AQR 25	"Affirmative Defense for Excess Emissions due to Malfunctions, Startup, and Shutdown"
AQR 26	"Emission of Visible Air Contaminants"
AQR 28	"Fuel Burning Equipment"
AQR 40	"Prohibitions of Nuisance Conditions"
AQR 41	"Fugitive Dust", AQR 41.1.2 only
AQR 42	"Open Burning"
AQR 43	"Odors in the Ambient Air"

Citation	Title
AQR 70	“Emergency Procedures”
AQR 80	“Circumvention”

3. Clean Air Act Amendments (42 U.S.C. § 7401, et seq.)

4. Applicable 40 CFR sections are listed in Table 9-2.

Table 9-2: Federal Standards

Citation	Title
40 CFR Part 52.21	“Prevention of significant deterioration of air quality”
40 CFR Part 52.1470	“Approval and Promulgation of Implementation Plans, Subpart DD—Nevada”
40 CFR Part 60, Subpart A	“General Provisions”
40 CFR Part 60, Subpart IIII	“Standards of Performance for Stationary Compression Ignition Internal Combustion Engines”
40 CFR Part 60	Appendix A, Method 9 or equivalent, (Opacity)
40 CFR Part 60, Appendix A-3	“Test Methods 4 through 5I” (PM in g/dscm)
40 CFR Part 60, Appendix A-4	“Test Methods 6 through 10B” (opacity)
40 CFR Part 63, Subpart A	“General Provisions”
40 CFR Part 60, Subpart Dc	“Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units”
40 CFR Part 60, Subpart IIII	“Standards of Performance for Stationary Compression Ignition Internal Combustion Engines”
40 CFR Part 60, Subpart KKKK	“Standards of Performance for New Stationary Combustion Turbines”
40 CFR Part 63, Subpart ZZZZ	“National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines”
40 CFR Part 68	“Chemical Accident Prevention Provisions
40 CFR Part 70	“State Operating Permit Programs”
40 CFR Part 72	Acid Rain Permit Regulation
40 CFR Part 73	“Acid Rain Sulfur Dioxide Allowance System”
40 CFR Part 75	“Acid Rain Continuous Emission Monitoring”
40 CFR Part 82	“Protection of Stratospheric Ozone”

9.2 ACID RAIN PERMIT

United States
Environmental Protection Agency
Acid Rain Program

OMB No. 2060-0258
Approval expires 05/31/2025

Acid Rain Permit Application

For more information, see instructions and 40 CFR 72.30 and 72.31.

This submission is: ☐ new ☐ revised ■ for ARP permit renewal

STEP 1

Identify the facility name, State, and plant (ORIS) code.

Facility (Source) Name	State	Plant Code
Walter M Higgins III Generating Station	NV	55687

STEP 2

Enter the unit ID# for every affected unit at the affected source in column "a."

a	b
Unit ID#	Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1)
BHG1	Yes
BHG2	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes
	Yes

EPA Form 7610-16 (Revised 07-2022)

Facility (Source) Name (from STEP 1): Walter M Higgins III Generating Station

STEP 3

Read the standard requirements.

Permit Requirements

(1) The designated representative of each affected source and each affected unit at the source shall:
- (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
- (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;

(2) The owners and operators of each affected source and each affected unit at the source shall:
- (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
- (ii) Have an Acid Rain Permit.

Monitoring Requirements

(1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.

(2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the source or unit, as appropriate, with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.

(3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements

(1) The owners and operators of each source and each affected unit at the sourceshall:
- (i) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and
- (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.

(2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.

(3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
- (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
- (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).

(4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.

(5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.

(6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.

(7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

Nitrogen Oxides Requirements

The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Acid Rain - Page 3

Facility (Source) Name (from STEP 1): Walter M Higgins III Generating Station

STEP 3, Cont'd.

Excess Emissions Requirements

(1) The designated representative of an affected source that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
(2) The owners and operators of an affected source that has excess emissions in any calendar year shall:
   (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
   (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements

(1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
   (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
   (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
   (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
   (iv) 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.
(2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability

(1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
(2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
(3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
(4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
(5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
(6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit.
(7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Acid Rain - Page 4

Facility (Source) Name (from STEP 1): Walter M Higgins III Generating Station

STEP 3, Cont'd.

Effect on Other Authorities

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

(1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;

(2) Limiting the number of allowances a source can hold; provided, that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the Act;

(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;

(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,

(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

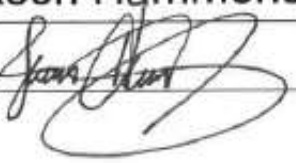
STEP 4

Read the certification statement, sign, and date.

Certification

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name: Jason Hammons

Signature: 

Date: 10/16/2025