



Navajo Nation Environmental Protection Agency – Air Quality Control/Operating Permit Program  
Post Office Box 529, Fort Defiance, AZ 86504 • Rt.112 North, Bldg # 2837  
Telephone (928) 729-4096, Fax (928) 729-4313

**Detailed Information**

**Permitting Authority: NNEPA**

**County:** Coconino                      **State:** Arizona                      **AFS Plant ID:** 04-005-N0423

**Facility:** Navajo Generating Station

**Document Type:** PERMIT REOPENING - RESPONSES TO COMMENTS

---

PART 71 FEDERAL OPERATING PERMIT  
PERMIT REOPENING - RESPONSE TO COMMENTS

Navajo Generating Station  
Permit No. NN-ROP-05-06-A

**NAVAJO NATION ENVIRONMENTAL PROTECTION AGENCY**  
**Response to Comments on Proposed Revisions to Reopened Draft Part 71 Operating Permit**  
**and**  
**Draft Statement of Basis for Navajo Generating Station**  
**Permit # NN-ROP-05-06**  
**October 28, 2011**

Beginning June 6, 2011, the Navajo Nation Environmental Protection Agency (“NNEPA”) had notices published in the Arizona Daily Sun of Flagstaff, Arizona, the Lake Powell Chronicle of Page, Arizona, and the Navajo Times of Window Rock, Arizona stating that NNEPA was accepting comments on the reopened portions of the Part 71 Permit for Navajo Generating Station (“NGS”), a coal fired power plant located 5 miles east of Page, Arizona, off U.S. Highway 98, in Coconino County, Arizona. The Public Notice also was broadcast over the radio through KXAZ in Page, Arizona, and KTNN and KWRK in Window Rock, Arizona. The notice provided information on how the public could review the reopened provisions of the permit and other documentation, and informed interested parties that they would have thirty (30) days to provide comments on the reopened provisions of the permit.

The public comment period for the Draft Reopened Part 71 Permit initially concluded July 6, 2011. On July 1, 2011, Mr. Robert Talbot on behalf of Salt River Project (“SRP”), the operating agent for NGS, mailed comments on reopened portions of the draft Part 71 permit. An extension to the public comment period was requested on July 1, 2011, and the extension was granted until July 15, 2011. On July 15, 2011, Mr. John Barth, on behalf of six groups, submitted comments on the reopened portions of the draft Part 71 permit. Mr. Barth also requested a public hearing. The request was granted pursuant to the NNEPA Uniform Regulations § 209(a), and the public hearing was held on August 29, 2011 in Page, Arizona. NNEPA also extended the comment period and accepted written comments until the conclusion of the public hearing. There were no oral or written comments submitted during the public hearing. A transcript of the public hearing is available to the public upon request.

The written comments of Mr. Barth are listed in Comments 1 through 29. The written comments of SRP are listed in Comments 30 through 31. This Response to Comments document provides responses to all of these comments. When permit language is included in the response, bolded language indicates additions to the permit and language with a line through it has been deleted from the permit.

***Comments from John M. Barth on behalf of Diné CARE, San Juan Citizens Alliance, Sierra Club, Center for Biological Diversity, National Parks Conservation Association, and Grand Canyon Trust (Comments 1 through 29)***

**Comment 1:**

The re-opened Title V permit fails to ensure continuous compliance with opacity limits. John Barth Comments at page 1.

**Comment 2:**

We are aware of no documentation in the administrative record for this Title V permit amendment proving that “excess opacity” at NGS is “due to” condensed uncombined water vapor. Before including such a broad exemption from compliance with the opacity limits, NGS must first conclusively demonstrate that condensed uncombined water vapor or droplets are causing excess opacity and must conclusively quantify the extent to which such condensed uncombined water droplets are causing such an exceedance of the opacity limits. Without such conclusive proof, inclusion of this exemption in the NGS Title V permit is arbitrary and capricious. In the event such documentation exists, it should be produced and available to all of the public and a new public comment period should be established prior to finalization of the draft permit. John Barth Comments at 1.

**Comment 3:**

In the event the Navajo Nation refuses to remove [the exemption for excess opacity due to condensed uncombined water vapor], condition II.A.4.d. should be amended to add the word “uncombined” after the word “condensed.” John Barth Comments at 2.

**Comment 4:**

NGS should be required to prove that its antiquated ESPs can continuously meet the 20% opacity limit absent any interference from uncombined condensed water vapor. John Barth Comments at 2.

**Comment 5:**

The startup, shutdown, malfunction, and SO<sub>2</sub> absorber module exemptions are not legally or technically justified and are contrary to applicable requirements. John Barth Comments at 2.

**Comment 6:**

There is no documentation in the administrative record for this permit amendment proving that an exemption from opacity limitations “during absorber upset transition periods” is legally or technically justified at NGS. Before including such a broad exemption from compliance with the opacity limits, the Navajo Nation must describe the nature of these “absorber upset transition periods” and why an exemption from opacity limits is legally and technically justified. John Barth Comments at 2.

**Comment 7:**

In the event such documentation exists, it should be produced and available to all of the public and a new public comment period should be established prior to finalization of the draft permit. John Barth Comments at 2.

**Comment 8:**

We object to the inclusion of these blanket “startup” “shutdown” and “malfunction” (“SSM”) exemptions in the draft Title V permit. Blanket SSM provisions are illegal and should be removed from Title V permits. John Barth Comments at 2 - 3.

**Response to Comments 1 through 8:**

NNEPA does not have the authority to make the requested changes to the reopened Part 71 permit. The opacity requirements at issue come from the Federal Implementation Plan (“FIP”) for NGS that U.S. EPA promulgated on March 5, 2010, *see* 75 Fed. Reg. 10174, and these requirements were codified in 40 CFR § 49.24 and were recodified in § 49.5513, *see* 76 Fed. Reg. 23879. They are the applicable requirements for NGS, *see* 40 CFR § 71.2, which must be incorporated into the permit, *see* 40 CFR § 71.6, and there is no mechanism in the Part 71 process that allows the permitting authority to make changes to federally applicable requirements.

Moreover, any comments on the NGS FIP were required to be made during the public comment period on the proposed FIP, which took place from September 12, 2006 through November 6, 2006. *See* 71 Fed. Reg. 53639. EPA also held a public informational workshop and hearing on October 5, 2006. Once the final rule was published on March 5, 2010, it was reviewable only pursuant to Clean Air Act § 307, 42 U.S.C. § 7607, which requires a petition for review of a rule to be made within 60 days of the rule’s publication and allows review only with regard to objections made during the public comment period.

For both of these reasons, therefore, NNEPA may not make any changes during this permit reopening to the underlying applicable requirements contained in the FIP, and instead must incorporate these requirements into the current Part 71 permit, pursuant to 40 CFR § 71.7(f). For further information about the FIP rulemaking, please refer to

Federal Docket EPA-R09-OAR-2006-0185, and please refer to Condition II.A.1.a for the definition of “absorber upset transition period.” No changes will be made to referenced Conditions II.A.1.a, II.A.2.d, II.A.4.d, II.A.7.b, and II.A.7.c.

**Comment 9:**

The Title V permit fails to require prompt reporting of excursions/exceedances/violations. John Barth Comments at 3.

**Comment 10:**

The draft permit fails to require that the operator report any excursions or exceedances of the component monitoring required by the CAM plan. As such, the public has no way of knowing whether there have been excursions/exceedances detected by the CAM plan. Thus, the signatories request that the draft permit should be amended to require the operator to report as part of its monthly excess emission reports (“EERS”) any excursions or exceedances detected as part of the CAM plan. John Barth Comments at 3.

**Comment 11:**

Condition IV.C. of the draft Title V Permit only requires compliance certification reporting once every six months. This does not constitute prompt reporting of permit deviations, as required by Title V permit regulations. John Barth Comments at 3.

**Comment 12:**

It would make sense for the Navajo Nation to require written reporting of permit deviations related to emission limits at least within two to ten days so that public health and safety can be protected and the applicable requirements can be met. This includes any excursions/exceedances detected by a CAM plan. John Barth Comments at 3.

**Response to Comments 9 through 12:**

The purpose of the Title V permit reopening for NGS is to incorporate new applicable requirements into the existing Title V permit, pursuant to 40 CFR § 71.7(f). The existing permit expires July 3, 2013. The unopened terms and conditions of the existing permit remain in effect until that date and are not subject to public comment unless and until they are proposed to be revised. Comments 9 through 12 either pertain to unopened terms and conditions of the permit that are not subject to comment or pertain to reopened terms and conditions that are consistent with the applicable requirements and so are not being revised.

An exceedance “is detected by monitoring that provides data in terms of an emission limitation or standard and that indicates that emissions . . . are greater than the applicable emission limitation.” 40 CFR § 64.1. In contrast, an excursion is “a departure from an indicator range established for monitoring under this part [64], consistent with any

averaging period specified for averaging the results of the monitoring.” *Id.* A deviation, as defined by Condition III.C.1.c., means “any situation in which an emission unit fails to meet a permit term or condition.” A deviation can be, but is not necessarily, a violation. An exceedance, as defined in 40 CFR § 64.1, is included in the definition of a deviation. Condition III.C.1.c.iv.

The claim that the permit fails to require prompt reporting of excursions, exceedances, and violations is incorrect. Using the definition of “prompt” provided by Condition III.C.2.b., “for emissions of a hazardous air pollutant...the report must be made...within 24 hours,” and “for emissions of any regulated air pollutant excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report must be made...within 48 hours of the occurrence.” In addition, “for all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report.” Also in accordance with Condition III.C.3, a written notice must be submitted within ten working days of the occurrence for the first two cases listed above, and all deviations must be reported in the six-month monitoring reports. Excursions are required to be reported in the six-month monitoring reports under 40 CFR § 64.9. Condition II.C.9.a.i requires that “the number, duration, and cause of excursions or exceedances, and corrective actions” be included in the six-month monitoring reports. Lastly, all “possible exceptions to compliance” when an excursion or exceedance has occurred must be reported in the Compliance Certifications pursuant to Condition IV.C.

Excess emissions with regard to any emission limit in the permit require notification to NNEPA and U.S. EPA within one business day and a written report within ten working days. Condition II.A.4.b. The EPA Regional Administrator must be notified within one business day if an exceedance of the NAAQS has occurred as detected by a required monitor. Condition II.A.4.c. Excess Emission Reports are quarterly, not monthly, in reference to the FIP, and report SO<sub>2</sub> and opacity as measured by COMS. Condition II.A.4.d. Excess Emission Reports are also required under the PSD Permit AZ 08-01, but these reports are submitted semi-annually, not monthly, and report CO and NO<sub>x</sub>. Condition II.B.7.e.

In summary, the existing reporting requirements, both in the reopened Title V permit and the existing Title V permit, provide “prompt” reporting of deviations, exceedances, and violations. Excursions are reported in the six-month monitoring reports and in Compliance Certifications. No changes will be made as a result of this comment.

**Comment 13:**

The Draft Title V Permit fails to require sufficient periodic monitoring. John Barth Comments at 4.

**Comment 14:**

Permitting authorities must ensure that a Title V Permit contain monitoring that assures compliance with the terms and conditions of the permit. John Barth Comments at 4.

**Comment 15:**

In this case, the draft Title V Permit fails to contain emission limits or monitoring requirements that ensure compliance with underlying particulate matter limits for the three coal-fired boilers. The Title V Permit should establish pound per hour emission limits, ton per year emission limits, and pound per million btu emission limits. The draft permit must also prescribed monitoring to ensure compliance with these emission limits. John Barth Comments at 4.

**Response to Comments 13 through 15:**

The demand that “a Title V Permit contain monitoring that assures compliance with the terms and conditions of the permit” and the claims that “the draft Title V permit fails to require sufficient periodic monitoring” and “fails to contain emission limits or monitoring requirements that ensure compliance with underlying particulate matter limits for the three coal-fired boilers” are too vague to explain why the monitoring required by the permit is inadequate. For example, the commenter fails to indicate the type of monitoring at issue, what is being monitored, or even the specific terms and conditions of the permit. There are many different types of monitoring prescribed through distinct mechanisms, *e.g.*, FIP, PSD, and NSPS, and the NGS draft Part 71 permit contains several types of monitoring requirements.

Moreover, as explained in Response to Comments 1 through 8, the codified FIP requirements, the emission limitations and monitoring contained therein, and any other applicable requirements must be incorporated into the Part 71 permit. The FIP explicitly states the emission limitation for particulate matter. The Part 71 permit contains these limits, 0.060 lb/MMBtu on a plant-wide basis, in Condition II.A.2.b. Statement of Basis § 3.b explains that because NGS relies on control equipment to meet the PM emission limit, the permittee is subject to a separate set of monitoring requirements, namely, CAM. These monitoring requirements are contained in the CAM plan in Condition II.C of the permit. The permittee must also comply with additional monitoring requirements prescribed by the FIP, including the operation, calibration, and maintenance of ambient air monitors for PM<sub>2.5</sub> and PM<sub>10</sub>. *See* Condition II.A.3.f. The comments do not address these requirements. No changes will be made as a result of these comments.

**Comment 16:**

Furthermore, to the extent the Title V Permit relies on compliance assurance monitoring (“CAM”) requirements to meet particulate matter emission limits, it is unclear how meeting CAM will ensure compliance with applicable particulate matter emission limits. John Barth Comments at 4.

**Comment 17:**

The CAM plan for particulate matter fails to ensure continuous compliance with the PM emission limit. John Barth Comments at 4.

**Comment 18:**

The draft Title V permit allows the operator to demonstrate compliance with particulate limits by using a compliance assurance monitoring plan. We object to the CAM plan provisions of the Title V permit. John Barth Comments at 5.

**Comment 19:**

First, there is little technical support for the findings of the CAM plan. John Barth Comments at 5.

**Comment 20:**

The draft permit's CAM plan does not meet the requirements of the Title V program because it does [not] provide sufficiently reliable information for determining compliance. For example, the CAM plan assumes compliance with particulate matter emission limitations unless there are 3 chambers (18 fields) are out of service. However, this assumption is based on a single sampling event (April 5, 2000), conducted at a single unit (Unit 1) over 11 years ago. This is not a technically sound basis upon which to reach a determination of compliance with PM limits. Moreover, NGS also argues that it can meet PM limits even when the wet scrubbers have been bypassed. However, NGS's own data shows that Unit 3 (11/11/2003) and Unit 2 (6/21/2004) both exceeded PM limits during such bypass. John Barth Comments at 5.

**Comment 21:**

The Clean Air Act Title V program requires stationary sources, such as NGS, to prove continuous compliance with its emission limits, such as particulate matter. John Barth Comments at 5.

**Comment 22:**

Specifically, the draft Title V Permit provides for monitoring that is too infrequent to ensure continuous compliance with the PM emission limit. The Title V Permit only requires annual testing for particulate matter emissions, which can hardly to serve to ensure compliance with the emission limits. John Barth Comments at 4.

## Response to Comments 16 through 22:

Pursuant to 40 CFR § 64.3, the monitoring design criteria for CAM must “provide a *reasonable assurance of compliance* with emission limitations or standards for the anticipated range of operations at a pollutant-specific emissions unit” (emphasis added). Since Units 1, 2, and 3 meet the applicability requirements of 40 CFR § 64.2(a), these Units must comply with CAM requirements and must follow the monitoring design criteria and submittal requirements.

The EPA Technical Guidance Document on CAM (“TGD CAM”) states that “monitoring is conducted to determine that control measures, once installed and otherwise employed, are properly operated and maintained so that they continue to achieve a level of control that complies with applicable requirements.” The monitoring requirements are meant to document continued operation within ranges of the performance indicators, indicate excursions, and respond to that the data so that the cause(s) behind the excursions may be corrected (TGD CAM at 1-1). In this way, CAM assures compliance with the particulate matter limitations for NGS. The CAM rule does not specify that “continuous compliance” be demonstrated, since this would imply that a “continuous compliance determination method,” *e.g.*, CEMS, be utilized. *See* 40 CFR § 64.1.

The monitoring design criteria take into account several different considerations. Indicators must be established to assure compliance; these indicators must be ranges or conditions such that operation within these ranges or conditions provides a reasonable assurance of ongoing compliance, and the ranges must be defined in a measurable way. 40 CFR § 64.3(a). In addition, “in designing monitoring to meet the requirements...the owner or operator shall take into account site-specific factors including the applicability of existing monitoring equipment and procedures,...the reliability and latitude built into the control technology, and the level of actual emissions relative to the compliance limitation.” 40 CFR § 64.3(c). The TGD CAM at 2-26 explains that parameter data collected during performance testing, engineering assessments, manufacturers’ design criteria, and historical monitoring data may all be used to establish indicator ranges. The ranges are not expected to be formulated based only on performance testing.

With regard to the April 5, 2000 particulate matter testing in which 4 ESP chambers were out of service, the permittee has indicated that this is a very rare occurrence. Typically, during normal operation, all ESP chambers are in service. As a result, more recent data with multiple ESP chambers out of service was not available. Condition II.C.1.c requires that additional “testing be conducted at the first possible opportunity, *i.e.*, the earliest time during which more than 3 chambers are out of service in an ESP unit.” It should be noted that in the test referenced above, the result was 0.032 lb/MMBtu, which is well below the emission limitation of 0.060 lb/MMBtu. To provide adequate compliance, the CAM plan also addresses a scenario in which ESP chambers and wet limestone scrubber spray levels are out of service at the same time, *see* Condition II.C.2.b. The submittal requirements in 40 CFR § 64.4(c)(1) state that, with regard to test data submitted to justify indicator ranges, “emission testing is not required to be conducted over the entire indicator range or range of potential emissions.” Therefore, CAM does not require NGS

to intentionally take ESP chambers out of service, or similarly to bypass wet limestone scrubbers solely to conduct testing for particulate matter.

Historic PM emissions from Units 1, 2, and 3 should be taken into consideration when designing monitoring to meet CAM requirements. 40 CFR § 64.3(c)(1). According to the test data submitted by NGS, over the past 11 years the PM emissions, averaged over Units 1, 2, and 3, range from 0.010 lb/MMBtu at a minimum to 0.029 lb/MMBtu at a maximum.

The indicators, ranges or conditions, performance criteria, and additional requirements are explained fully in Condition II.C. of the permit and Section 3.b. of the Statement of Basis, but a specific example of the technical support for Condition II.C is provided to respond to the above comments. Consider the higher of the two PM emission levels referenced in Comment 20, which states that “NGS’s own data shows that Unit 3 (11/11/2003) and Unit 2 (6/21/2004) both exceeded PM limits during such bypass.” The levels referred to are 0.067 lb/MMBtu for Unit 3 and 0.062 lb/MMBtu for Unit 2. CAM Plan submitted by NGS at Attachment 3. The higher of the two levels is 0.067 lb/MMBtu of PM from Unit 3 in 2003. The “Rationale for Selection of Indicator Threshold” notes that if the other two Units (Units 1 and 2) are assumed to emit 0.047 lb/MMBtu of PM (which is the highest single test result in the past 11 years from any of the 3 units), then the plant-wide average would be the average of 0.047 lb/MMBtu, 0.047 lb/MMBtu, and 0.067 lb/MMBtu, or 0.054 lb/MMBtu of PM. CAM Plan submitted for NGS at 5. The emission limit for PM in Condition II.A.2.b is 0.060 lb/MMBtu *on a plant-wide basis*. This indicates that the performance of any one Unit may only be considered in the context of the other two Units if the result is meant to indicate compliance. If more than one wet limestone scrubber was bypassed, this would indicate that the PM emission limits may be exceeded, which is the reasoning behind defining an excursion as having occurred “when a wet limestone scrubber is bypassed *for more than one unit* and the same wet limestone scrubber is bypassed for more than one hour” (emphasis added). Condition II.C.2.d.

As described in Condition II.C.1.b and Statement of Basis § 3.b, the four indicators that NGS must monitor to comply with CAM are all monitored *continuously*. These indicators must be monitored in order to assure compliance with the PM emission limit, in addition to the yearly performance test for PM required by Condition II.A.3.b.

In summary, the Monitoring Design Criteria meet the requirements set forth in 40 CFR § 64.3 and NGS has submitted the documentation required by 40 CFR § 64.4. Consequently, the CAM requirements have been incorporated into the Title V permit to assure compliance with the applicable PM emission limits and no change has been made to the permit as a result of these comments.

**Comment 23:**

The signatories request that operators be required to install continuous particulate monitors to prove compliance with PM emission limits rather than relying on a CAM plan. John Barth Comments at 3.

**Comment 24:**

Given the significant deficiencies identified above with the proposed CAM plan, NGS must instead install a particulate matter continuous emission monitoring system (PM CEMs) to continuously measure and report particulate matter regulated in the NGS Title V permit. John Barth Comments at 5.

**Comment 25:**

NGS must comply with this requirement by installing, operating, and reporting the results particulate emissions through the use of PM CEMs. John Barth Comments at 5.

**Comment 26:**

We recommend that NGS be required to use PM CEMs. PM CEMs have been installed at numerous coal plants across the nation. John Barth Comments at 5.

**Response to Comments 23 through 26:**

Condition II.A.2.b. contains the emission limitation for PM and states that “no owner or operator shall discharge or cause the discharge of particulate matter into the atmosphere in excess of 0.060 lb/MMBtu, on a plant-wide basis, as averaged from at least three sampling runs per stack, each at a minimum of 60 minutes in duration, each collecting a minimum sample of 30 dry standard cubic feet.” In addition, Condition II.A.3.b. requires annual performance tests for PM, the results of which indicate compliance with the emission limitation. The performance tests are the only numeric indicator of PM emissions required by the emission limitation. Compare this to the SO<sub>2</sub> emission limitation in Condition II.A.2.a., which limits emissions to “1.0 pound per million British thermal units (lb/MMBtu) averaged over any three (3) hour period, on a plant-wide basis.” The latter implies that numeric SO<sub>2</sub> emissions be monitored continuously in order to comply with the emission limitation.

While it is true that CEMS may be used to comply with CAM, as illustrated by the Aquila-Sibley Generating Station in Missouri, that does not indicate that CEMS is the only way to comply with CAM. The TGD CAM at 2-21 specifically mentions that in selecting a monitoring approach, the facility should evaluate its current monitoring procedures and determine if they can be modified to meet 40 CFR Part 64 requirements. Subsequent steps include selecting the most reasonable approach that meets 40 CFR Part 64 criteria. If monitoring can be modified and appropriate indicator ranges can be

established, then there is no need to consider more expensive and less familiar methods of monitoring, such as PM CEMS.

The current monitoring set forth in Condition II.C fulfills the requirements of CAM and, therefore, PM CEMS is not considered “the most reasonable approach” for monitoring compliance with the PM emission limitation. TGD CAM at 2-23. Therefore, no change has been made as a result of this comment.

**Comment 27:**

The NGS plant has recently undergone numerous physical changes that may alter the technical findings and assumptions in the CAM plan. The Navajo Nation should order NGS to update the data and information presented in the CAM plan. John Barth Comments at 5.

**Response to Comment 27:**

According to the permittee, all of the changes that have been made to the ESPs are expected to improve reliability and therefore reduce the probability that ESP chambers will need to be taken out of service. No changes have been made to the ESPs that are expected to affect the basis or validity of the indicators proposed in the CAM plan.

The PM emissions from Units 1, 2, and 3 are controlled by ESPs which were constructed in 1970. The wet limestone scrubbers for each Unit were installed in 1997, 1998, and 1999 for Units 3, 2 and 1, respectively. The installation of the wet limestone scrubbers did not affect the ESP performance or necessitate any ESP configuration changes. The performance test data that were used to establish the indicators proposed in the CAM plan were obtained after the installation of the scrubbers. Therefore, these physical changes do not alter the technical findings and assumptions in the CAM plan and no change has been made as a result of this comment.

**Comment 28:**

In issuing the Title V Permit for Navajo Generating Station, EPA must consult with U.S. Fish and Wildlife Service over the effects of permitted activities to ESA listed species and critical habitat. John Barth Comments at 6.

**Response to Comment 28:**

Pursuant to Section 7 of the Endangered Species Act (“ESA”), 16 U.S.C. § 1536, and its implementing regulations at 50 CFR Part 402, U.S. EPA is required to ensure that any action authorized, funded, or carried out by U.S. EPA is not likely to jeopardize the continued existence of any federally listed endangered species or threatened species, or result in the destruction or adverse modification of the designated critical habitat of any such species. NNEPA is issuing this Part 71 reopened permit pursuant to a delegation from U.S. EPA, and so it is subject to compliance with the ESA. However, this permit

does not authorize the construction of new emission units or emission increases from existing units, nor does it authorize any other physical modifications to the facility or its operations. Therefore, NNEPA and U.S. EPA have concluded that the issuance of this permit will have no effect on listed species or their critical habitat.

**Comment 29:**

EPA has recognized that PM CEMs have been installed and operated at numerous coal plants in the United States. Attachment 1, p.3 hereto. An example is the Sibley power plant. *See* Attachment 2 hereto. John Barth at 5.

**Response to Comment 29:**

Even if the two plants were comparable, it would not be necessary to require a PM CEMS to comply with CAM if NGS has other suitable regulatory monitoring approaches already in place. The reasons why the existing CAM plan provides a reasonable assurance of compliance is detailed in the Response to Comments 16 through 22. The indicator ranges specified in Condition II.C.1 comply with the requirements of 40 CFR § 64.3(a)(2) and (3) and reflect proper operation and maintenance of the control devices. There are four distinct indicators to further assure compliance, including one indicator range, Condition II.C.1.a.ii, that is established as interdependent between more than one indicator.

***Comments from Robert K. Talbot on behalf of SRP (Comments 30 through 31)***

**Comment 30:**

SRP wishes to clarify that the permit conditions associated with the FIP in Condition II.A. have already been through the public notice and comment process. Accordingly, SRP encourages NNEPA to consider only those comments that are related to Conditions II.C. (CAM Requirements) and IV.C. (Compliance Certification)

**Response to Comment 30:**

NNEPA agrees that the FIP has already been through public notice and comment and its requirements are not subject to further comment in this proceeding, as discussed in the Response to Comments 1 through 8.

**Comment 31:**

Proposed Condition II.C.1.a. SRP is proposing to identify the indicators in this condition, rather than specifying the acceptable ranges for each indicator. Title 40 of the Code of Federal Regulations (40 CFR) § 64.6(c)(1)(i) states that "...the permitting authority shall establish one or more permit terms or conditions that specify the required monitoring...the permit shall specify...*the indicator(s)* to be monitored" (emphasis added).

The acceptable range for each indicator is specified in the excursion criteria identified in Condition II.C.2. Therefore, stating the ranges in Condition II.C.1.a. is redundant, and may create confusion regarding what constitutes an excursion.

Accordingly, SRP is proposing the changes that are shown below:

1. *Monitoring*

a. ~~*The indicator ranges are defined by the following thresholds following parameters shall be used as indicators of the control device performance [40 CFR § 64.6(c)(1)(i)]:*~~

~~(i) *For each Electrostatic Precipitator (ESP), no more than 3 chambers (18 fields) shall be out of service at one time. The number of chambers/fields in service for each ESP unit.*~~

~~(ii) *If less than 2 spray levels are operating in each wet limestone scrubber, then for the same boiler, no more than 1 chamber (6 fields) shall be out of service in the ESP for that boiler. The number of wet limestone scrubber spray levels in service for each boiler unit.*~~

~~(iii) *For each wet limestone scrubber, the temperature shall not exceed 145°F on a 1 hour average, as measured by a J type thermocouple. The wet limestone scrubber exhaust temperatures at the absorber outlets of each boiler unit.*~~

~~(iv) *No more than one wet limestone scrubber shall be bypassed at one time, and the same wet limestone scrubber shall not be bypassed for more than 1 hour. The wet limestone scrubber on/off signal of each boiler unit.*~~

**Response to Comment 31:**

Pursuant to 40 CFR § 64.6(c)(1)(i), “the permitting authority shall establish one or more permit terms or conditions that specify the required monitoring...at a minimum, the permit shall specify...the approved monitoring approach that includes...the indicator(s) to be monitored” (emphasis added). “The CAM approach establishes monitoring for the purpose of documenting continued operation of the control measures within ranges of specified indicators of performance...that are designed to provide a reasonable assurance of compliance with applicable requirements” and “indicating any excursions from these ranges.” TGD CAM at 1-1. The indicator range is the most important aspect of the CAM plan as it provides reasonable assurance that the emission limitations or standards will be met. *See, e.g.*, 40 CFR §§ 64.3(a)(2), 64.6(b). An excursion is defined as a departure from the indicator range established for monitoring. 40 CFR § 64.1. Therefore, it is

appropriate to include the indicator range in the monitoring requirements as well as defining the excursion, or departure, from that range.

The statement “the acceptable range for each indicator is specified in the excursion criteria” is incorrect. The excursion criteria define the *departures* from the acceptable range for each indicator, not the acceptable range. For the purposes of certifying compliance, an acceptable range must be specified. No changes will be made as a result of this comment.