



U.S. Environmental Protection Agency
Region 9

Summary of and Responses to Public Comments on Proposed Tribal Minor New Source Review Permit

Navajo Generating Station – Refined Coal Treatment System Project

Tribal Minor NSR Permit: T-0004-NN

Prepared By: Larry Maurin

Reviewed By: Gerardo Rios

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1. Introduction – Summary of the Formal Public Participation Process

On February 2nd, 2016, the U.S. Environmental Protection Agency (EPA), Region 9 provided notice of, and requested public comment on, Region 9's proposed permit to allow construction of a Refined Coal Treatment System at the Navajo Generating Station (hereinafter "NGS RCTS Project"). Region 9 also requested public comment on our finding that the NGS RCTS Project would have no effect on any historic properties or cultural resources pursuant to Section 106 of the National Historic Preservation Act. The public comment period on the proposed permit for the FCPP SCR Project began on February 2nd, 2016 and closed on March 7th, 2016.

Region 9 announced the public comment period through public notices published in the *Lake Powell Chronicle* on February 3rd, 2016 and the *Navajo Times* on February 4th, 2016. Region 9 also distributed the public notices to the necessary parties in accordance with 40 CFR part 49.157, including notices sent by mail and email on February 2nd, 2016. Parties notified by Region 9 included agencies, organizations, and public members for whom contact information was obtained through a number of different methods, including requests made directly to Region 9 through Region 9's website, contacts provided by the Navajo Nation Environmental Protection Agency (NNEPA), and other parties known to Region 9 who may have an interest in this action based on their interest in previous actions within the Navajo Nation.

The administrative record for our proposed permit for the NGS RCTS Project was made available at EPA Region 9's office. Region 9 also made the proposed permit, the Technical Support Document, and most of the other supporting documents in the administrative record available through Region 9's website. Region 9 made the key documents available at: Page Public Library in Page, AZ, the Navajo Nation Environmental Protection Agency Operating Permit Program Offices in Fort Defiance, AZ, and at the LeChee Chapter House in LeChee, AZ.

EPA did not hold a public hearing concerning the proposed permit. Any person had the opportunity to request a public hearing, however, no requests for a public hearing were received by EPA. During the public comment period EPA received several comment letters on the draft permit by email. Only one commenter submitted comments on EPA's finding that there would be no effect on any historic properties or cultural resources. Timely comments received equal weight, regardless of the method used to submit them. We provide our response to the comments we received below.

2. Region 9's Response to Public Comments

This section excerpts the significant public comments received by EPA during the February-March 2016 public comment period. Our responses to all significant comments made during the public comment period are provided following each comment. This document also includes an explanation of what changes have been made in the Final Permit as a result of those comments – see additional information in Section 3. In some instances similar comments are grouped together by topic into one comment summary, and addressed by one EPA response. The full text of all public comments and many other documents relevant to the permit are available through a link at our website, <https://www.epa.gov/caa-permitting/tribal-nsr-permits-region-9>, or at www.regulations.gov (Docket ID EPA-R09-OAR-2016-0026).

Comments on the Proposed Minor New Source Review Permit for the Navajo Generating Station Refined Coal Treatment System Project

Commenters:

Written commenters on draft permit

- Mary Altmann
- Kenneth Joe Frazier, Salt River Project
- Lorie Golden
- Nathan Miller, National Parks Conservation Association
- Vincent H. Yazzie
- Shawn Dolan, Virtual Technology LLC
- Unidentified Commenter who submitted a comment directly to the docket without identification

Written commenters on EPA's finding under Section 106 of the National Historic Preservation Act

- Unidentified Commenter who submitted a comment directly to the docket without identification

Exclusion of NGS RCTS Project from 2014 BART FIP

Comment 1:

(Commenter: Nathan Miller, National Parks Conservation Association)

The commenter is concerned that the NGS RCTS Project was not considered as part of the 2014 Best Available Retrofit Technology (BART) Federal Implementation Plan (FIP) for NO_x control at NGS:

It is our understanding that the refined coal treatment system (RCTS) is anticipated to result in reduced nitrogen oxides (NO_x) emissions from NGS. We question why this option was not considered as part of the recent determination for best available retrofit technologies (BART) for NO_x control under the regional haze program, since it appears that RCTS is not a new control technique. We maintain that selective catalytic reduction is the appropriate NO_x control for these units and should be required through the regional haze program.

The commenter finds it problematic that a project which will lead to further NO_x reductions is being proposed so soon after the BART determination:

Although we do not agree that the NO_x "cap" set up under the BART determination is an appropriate or legal alternative to BART, if it is used going forward, we ask EPA to re-calculate and lower the cap, which was based on anticipated future NO_x emissions from the facility. We note that without this step, NGS will be able to continue to operate under the NO_x "cap" for longer than was previously advertised. For that reason, we find it problematic that this proposal comes shortly after the final BART determination, and request information about any other NO_x reduction projects at NGS that SRP has submitted applications for.

The commenter also believes that EPA should require NGS to operate the RCTS permanently, even if the federal tax credit for the operation of the RCTS expires at some point in the future:

The materials in the docket also indicate that SRP does not have plans to permanently operate the RCTS, but rather anticipates dismantling it when the associated federal tax credit is no longer available. If the RCTS

provides an overall benefit to visibility, we ask that EPA require NGS to continue use it as part of the regional haze program regardless of the availability of the federal tax credit.

Response 1:

In February 2013, EPA published a Notice of Proposed Rulemaking (NPRM) providing our analysis of the emission limitation for NO_x that would represent the Best Available Retrofit Technology (BART) for the 3 coal-fired electrical generating units (EGUs) at NGS. The EGUs were “BART-eligible” and “subject to BART” because they met the statutory and regulatory criteria in Section 169A of the Clean Air Act and 40 CFR 51.308. Because the 3 EGUs were BART-eligible and subject to BART, we conducted a 5-factor analysis consistent with EPA’s BART Guidelines. We proposed an emission limitation of 0.055 lb NO_x/MMBtu for each of the EGUs operating at NGS. 78 Fed. Reg. 8274, 8293 (Feb. 5, 2013). The NPRM also set forth a “Better than BART” alternative that would result in greater overall NO_x emission reductions but provided more time for installation of controls. *Id.* at 8288-8291. EPA received an additional suggested alternative for complying with the BART emission limit, calculated as plant-wide cap, from the Technical Work Group (TWG) in July 2013. In October 2013, EPA published a Supplemental NPRM analyzing the TWG Alternative and proposing regulations that were generally consistent with that alternative. The requirements put forth in the Supplemental NPRM would achieve greater NO_x emission reductions calculated as a plant-wide cap than would have been achieved with the NO_x BART emission limit of 0.055 lb/MMBtu at each of the 3 EGUs. 78 Fed. Reg. 62509, 62517-18 (Oct. 22, 2013). EPA received substantial comments on our NPRM and Supplemental NPRM, including oral comments received during 5 public hearings on the reservation lands of the Navajo Nation and Hopi Tribe, and in Arizona. EPA responded to these comments and published our Notice of Final Rulemaking (NFRM) on August 8, 2014. Our final rule required NGS to comply with the regulations that were largely consistent with the provisions in Supplemental NPRM. 79 Fed. Red. 46514 (Aug. 8, 2014).

EPA disagrees with the comment that EPA should have considered the RCTS during its NO_x BART rulemaking, and that EPA should “re-calculate” and lower the cap taking into consideration the RCTS. EPA’s proposed BART determination for NGS was based on a review of NO_x control technologies that were widely available and rejected technologies that were not achieved in practice. The commenter has not supported the contention that the RCTS technology was readily available and achieved in practice in 2013 when EPA was considering BART for NGS. In addition, the commenter has not provided any information to show that the NO_x BART emission limit for the NGS EGUs could have been lower than 0.055 lb/MMBtu if EPA had considered the RCTS in 2013.

The commenter also speculates that if EPA does not recalculate a lower 2009-2044 NO_x Cap “NGS will be able to continue to operate under the NO_x ‘cap’ for longer than was previously advertised.” But this statement ignores the final BART rule that requires: “By December 22, 2044, the owner/operator shall permanently cease conventional coal-fired electricity generation by all coal-fired Units at NGS.” 40 CFR 49.5513(J)(3)(iii). This requirement is independent of meeting the NO_x Cap. NGS must also comply with the specific dates in each of the Alternatives in addition to meeting the NO_x Cap. Therefore, the commenter’s concern that NGS will be able to continue to operate beyond the timeframe of the NO_x cap (i.e., 2044) is unfounded. The final rule included several alternatives, each of which depended on the final ownership structure of NGS. See 40 CFR 49.5513(J)(2)(vi)(definition of “Departing Participant”) and 49.5513(J)(3)(i)(B) – (D)(Alternatives A1 – B). All of the Alternatives in the final BART rule require NGS to meet the 2009 – 2044 NO_x Cap. *Id.* at 49.5513(J)(3). Regarding the commenter’s concern about time periods of operation, we further note that each of the Alternatives requires specific actions by a date certain. For example, Alternative A1 requires NGS to cease operation of one EGU by December 31, 2019 and to comply with a NO_x emission limit of 0.07

lb/MMBtu by December 31, 2030 at the remaining EGUs. Id. at 40 CFR 49.5513(J)(3)(i)(A). The actions specific to the EGUs are required in addition to the requirement for NGS to meet its plant-wide “Better than BART” 2009 -2044 NOx Cap, and the requirement to cease conventional coal fired operation by December 22, 2044.

The comment further asserts that EPA should require NGS to operate the RCTS permanently. This permit and the applicable FIPs establish emission limits that NGS must continue to meet whether or not the RCTS is operated permanently. Therefore, the commenter has not established that there would be any additional air emissions even if operation of the RCTS is discontinued at some point in the future. In summary, EPA disagrees with the comment suggesting that the permit should be amended or revised to require permanent operation of the RCTS.

Coal Power and Climate Change

Comment 2:

(Commenters: Mary Altmann, Lorie Golden)

Commenters believe that coal-burning power plants such as NGS contribute to climate change and environmental impacts, as excerpted below:

Please observe that the Earth is in climate catastrophe now and cannot take one more coal burning effort, whether on Indian land or anywhere else. It is high time to respect the true needs of the Earth, and all forms of life, and stop doing things that destroy Earth's ability to function. Thank you for taking Life on Earth and your own children's needs seriously by refusing to build any form of energy use that destroys life.

Please say "no" to new coal permits. We can see first-hand the devastating effects to our water, air, and quality of life.

Response 2:

The EPA appreciates the commenters' concerns regarding climate change, and would like to point out that EPA has finalized the Clean Power Plan to address greenhouse gases from existing coal-fired power plants. That action is currently stayed by the Supreme Court pending judicial review. However, this permitting action is related to emissions of particulate matter (PM and PM₁₀). The NGS RCTS Project is not subject to review under the Tribal NSR program for greenhouse gas emissions, the group of pollutants that contribute to climate change. The only pollutants subject to the Tribal NSR regulations for the NGS RCTS Project are PM and PM₁₀. Furthermore, there are no changes in the allowable emissions for any other pollutants due to the RCTS Project at NGS.

For more information regarding EPA's actions related to carbon pollution from existing power plants please visit: <http://www2.epa.gov/carbon-pollution-standards>.

EPA understands that coal combustion can have adverse effects on air and water quality. NGS is an existing facility that was constructed over 1974-1976 and this action does not authorize the construction of a new coal-fired power plant. The minor NSR permit currently under review for the NGS RCTS Project also does not authorize any expansion of the existing capacity for NGS to combust coal. The coal consumption rates are not expected to change as a result of the RCTS Project and NGS must comply with all applicable emission limits in the current title V permit and PSD Permit AZ 08-01A. None of the allowable emission limits for existing equipment are under review for this proposed action.

EPA has previously promulgated two Federal Implementation Plans (FIPs) regulating NGS pursuant to other authority in the CAA. See 40 CFR 49.5513(a) - (i) and 75 FR 10174 for more information. As discussed above, in 2014, EPA finalized another FIP that included regulations requiring reductions in NO_x emissions as a “better-than-BART” alternative under the Regional Haze Rule to improve visibility in surrounding federal Class I areas. See 40 CFR 49.5513(j) and 79 FR 46514 (Aug 8, 2014). In 2012, EPA finalized the Mercury and Air Toxics Standards Rule (MATS) Rule which placed more stringent mercury emission standards on power plants. In April 2016, NGS expects to begin operating a Mercury Control System to ensure compliance with the mercury emissions standards in the MATS rule.

All of these emissions limits remain applicable to NGS.

Effects of Carbon Monoxide Emissions on Human Health

Comment 3:

(Commenters: Vincent H. Yazzie)

One commenter was concerned about the effects of carbon monoxide (CO) emissions from NGS and their effects on human health around Lake Powell, as excerpted below:

Carbon monoxide emissions from houseboats have created dangerous pockets of carbon monoxide levels near the water elevation. Any Navajo Generating Station (NGS) carbon monoxide emissions that settle at the lake elevation will add to the localized house boat emissions under calm conditions.

Any NGS carbon monoxide that descends to the lake level will add to localized house boat carbon monoxide emissions creating a dangerous condition for people at the surface of the lake.

Carbon monoxide and carbon dioxide air monitoring stations must be setup throughout Lake Powell.

Low NOX burners need to be shut off and SCR installed.

Lake Powell between 1990 and 2009 had 211 CO poisonings.

Navajo Generating Station (NGS) would worsen the carbon monoxide (CO) levels at Lake Powell.

Deny Salt River Project (SRP) permit for NGS due to additional CO that will worsen existing adverse environmental and human public health conditions.

Response 3:

The EPA appreciates the commenter’s concerns over possible health impacts of high carbon monoxide (CO) levels on Lake Powell. The NGS RCTS Project is not subject to review under the Tribal NSR program for CO emissions, so the comments are outside the scope of the proposed permit action. Cement Kiln Dust acts as a sorbent and has no expected effect on flame temperature or thermal NO_x or CO production from combustion of coal. Therefore, the NGS RCTS Project is not expected to increase emissions of CO at NGS.

Furthermore, PSD Permit AZ 08-01A, which authorized the installation of Low-NO_x burners on Units 1, 2, and 3 is not currently up for review or public comment under this proposed Tribal Minor NSR permit action. The

Low-NOx burners are outside the scope of this permitting action. NGS must comply with the current CO limits in Condition IX.B.1 of PSD Permit AZ 08-01A, as they remain unchanged and in effect, and are protective of public health.

Use of Calcium Bromide and Formation of Trihalomethanes (THM)

Comment 4:

(Commenter: Vincent H. Yazzie)

Commenter expressed concerns that the addition of calcium bromide to coal as a result of the NGS RCTS Project would lead to the formation of trihalomethanes (THM) in the local drinking water supply:

SRP has not adequately studied possible rises in trihalomethanes (THM) in the water when calcium bromide is used like when Duke Energy stopped used calcium bromide due to increased THM in the water. THM will have an adverse impact to the local population and minority groups.

Response 4:

Trihalomethanes (THM) are a carcinogenic by-product that forms when bromide-containing wastewater is exposed to drinking water which employs chlorine as a disinfectant. It appears the commenter is concerned that there is potential for the bromides produced from the combustion of coal treated with calcium bromide to enter the local drinking water supply. This is unlikely given the configuration at the plant.

Wet scrubbers have a high capacity for capturing acid gases and halogenic compounds in flue gas including bromides and chlorides. Unlike the Belews Creek Power Station, owned by Duke Energy, in Belews Creek, North Carolina, NGS employs a Zero Liquid Discharge system for wastewater originating from the cooling towers and wet scrubbers. The wastewater is distilled on site for reuse within the plant. The solid distillates from the scrubber wastewater are then landfilled on site along with other coal combustion residuals (CCR) from the plant.

EPA's Final Rule for Disposal of Coal Combustion Residuals from Electric Utilities, which became effective on October 19, 2015, requires more stringent standards for impoundment of CCR to prevent the leakage of contamination into surface water and groundwater. It also requires groundwater monitoring surrounding CCR impoundments to detect the presence of hazardous constituents released from these units. Furthermore, the standards in the final CCR Rule ensure low risk associated with the interception of any groundwater contamination plume by surface water bodies (See 80 Fed. Reg. 21322). For more information on the Coal Combustion Residuals Disposal Rule visit: <https://www.epa.gov/coalash>

Concerns that EPA Methods 9 and 22 are Not Adequate for Opacity Measurements

Comment 5:

(Commenter: Shawn Dolan, Virtual Technology LLC)

Commenter expressed concerns that EPA Test Methods 9 and 22 are not adequate for accurate measurement of opacity. The commenter expressed that the permit should be revised to require that NGS use Alternative Method 082 – Digital Camera Opacity Technique (DCOT) to measure visible emissions:

Facility Operation should be amended to support the review of imagery associated with opacity observations performed in support of all opacity limits with the permit and facility.

X-A.4 and 5 should be changed to include the use of EPA Alternative Method 082 (Digital Camera Opacity Technique (DCOT)) for the monitoring of visible emission.

A-B.4 and 5 and 8 should be changed to include the use of EPA Alternative Method 082 (Digital Camera Opacity Technique (DCOT)) for the monitoring of visible emission.

EPA Alternative Method 082 has been determined in the Ferro Alloy NESHAP final rule as BACT for opacity measurement, this is a BACT driven permit and thus should include BACT for all monitoring requirements unless BACT is cost prohibitive. Given the cost to maintain Method 9 certification in Page Arizona the use of EPA Alternative Method 082 would be less expensive, more reliable and repeatable than Method 9. Further, imagery from camera used to perform EPA Alternative Method 082 opacity observations could be posted to public web sites for community relations improvement.

Experience: Being a native of Arizona I have spent a great amount of time boating on Lake Powell. I have notice coal dust, road dust, and excessive emission from the NGS facility. Given that camera based technology exists, is certified as BACT for opacity, and is cost effective, I do not believe any permit should be promulgated without its requirement. Methods, 22 and 9 are very subjective legacy methods and COMS are not representative of the exit opacity values. I have personal witnessed secondary formations from NGS that significantly exceed the stack exit opacity (measured beyond the condensed water vapor). I have witnessed coal dust emissions at opacities greater than 60% hundreds of feet in the air and at water level in the lake Powell main channel just north of Antelope Point marina.

Response 5:

EPA has determined that Methods 9 and 22 are adequate for monitoring the increases in emissions of particulate matter from the NGS RCTS Project. The PM and PM₁₀ emission increases which are expected from the RCTS Project are minor as defined in 40 CFR Part 49.152. Furthermore, EPA Method 9 is currently in use at NGS for most of the other emission points at the facility that release any amount of particulate matter including the main stacks, coal handling operations, fly ash and soda ash storage, and lime storage silos. The opacity limits and method of opacity measurements for these other operations at NGS are not up for review in this proposed minor NSR permit. For these reasons, EPA does not consider Alternative Method 082 – Digital Camera Opacity Technique (DCOT) – to be appropriate for implementation at the NGS facility solely for the particulate matter emission increases due to the RCTS Project.

With respect to secondary formations from NGS that significantly exceed the stack exit opacity, the stack opacity limits or the method by which stack exit opacity is measured is not up for review under this minor NSR permit action. Coal dust emissions from existing coal handling and storage facilities, fly ash and storage, road sweeping activities, crushers, grinding mills, screening operations, belt conveyors, truck loading or unloading operations, or railcar unloading stations are also outside the project scope of this minor NSR permit action. NGS is expected to comply with all opacity limits and control measures in the 2010 source-specific FIP codified at 40 CFR 49.5513(d).

Stack Height at NGS

Comment 6:

(Commenter: Vincent H. Yazzie)

Comment below expresses concerns that the height of the stacks at NGS are not adequate to protect human health of minority populations in LeChee, Arizona:

Navajo Generating Station (NGS) is 4,376 feet above mean sea level (MSL). Page, Arizona is at an elevation of 4,337 feet above MSL and 3.83 miles bearing of 286 degrees from NGS. Page, AZ is 39 feet below NGS.

LeChee, Arizona is at an elevation of 4,786 feet high above MSL. LeChee, AZ is 4.87 miles from NGS at a bearing of 223 degrees from true north. LeChee, Arizona is 410 feet high above NGS.

The flue stack at NGS is 775 high for a flue elevation of 5,151 feet high. The flue stack is 814 feet above Page, Arizona. The flue stack is 365 feet above LeChee, Arizona.

LeChee, Arizona is a Navajo ghetto in the shadow of the NGS smoke stacks. Navajos are a minority population. Minority populations are closer to flue stacks than the people of Page, AZ in terms of elevation. The flue stacks need to be 430 meters high instead of 775 feet.

Response 6:

The EPA appreciates the commenter's concerns over the stack height at NGS. The NGS RCTS Project will not impact the National Ambient Air Quality Standards (NAAQS), and the emissions do not exceed the PM₁₀ Significant Impact Limits (SILs) outside the facility fence line (see Technical Support Document for Permit T-0004-NN). SILs indicate the impact level at which emissions of a pollutant from a proposed source or project are likely to impact ambient air quality. The NAAQS are standards above which any ambient pollutant concentrations are expected to have significant impacts on human health.

In our analysis, EPA considered what control technology would be appropriate for the NGS RCTS Project. The majority of emission increases from the NGS RCTS Project do not pass through the stacks, but rather are controlled by separate baghouses or dust collectors or originate as fugitive dust emissions from unpaved roads. The commenter has not demonstrated that raising the stack height at NGS would decrease the potential impacts from the RCTS Project. Pursuant to 40 CFR 49.154(c)(5), emission limits may not rely on stack heights above good engineering practice. The stack height at NGS are required to meet good engineering practice as defined by 40 CFR 51.100, and therefore, the emissions increases due to the RCTS Project must be evaluated based on control technology. The existing Electrostatic Precipitators (ESPs) remain the most effective control technology for reducing PM emissions from flue gas. Particulate matter discharge limits and opacity limits from the main stacks remain in place, pursuant to the 2010 NGS FIP (See 40 CFR 49.5513(d)) and the Mercury and Air Toxics Standards (MATS) Rule.

Effects of Dust on Lake Powell and Glen Canyon National Recreation Area

Comment 7:

(Commenter: Unidentified Commenter who submitted a comment directly to the docket without identification)

Commenter expresses concerns on the effects from dust emissions of the NGS RCTS Project on Lake Powell and Glen Canyon National Recreation Area. The commenter agreed with EPA's determination that the NGS RCTS Project would have no effect on historic properties under Section 106 of the National Historic Preservation Act:

Agree this modification will not affect historical buildings but it will affect the Lake Powell National Park with dust emission.

Response 7:

The EPA understands the commenter's concerns over the possible impacts of dust emissions on the surrounding area, most notably on Lake Powell and the Glen Canyon National Recreation Area. The NGS RCTS Project will not impact the National Ambient Air Quality Standards (NAAQS), and the emissions do not exceed the PM₁₀ Significant Impact Limits (SILs) outside the facility fence line (see Technical Support Document for Permit T-0004-NN). Under this action EPA is also required to review and receive public comment on the potential impacts due to emission increases from the RCTS Project on any historic properties or cultural resources pursuant to Section 106 of the National Historic Preservation Act (NHPA). EPA is aware that historic properties or cultural resources may exist in and around Lake Powell and Glen Canyon National Recreation Area. However, as stated in a letter to the Navajo Nation Historic Preservation Department dated October 23, 2015, due to the fact that the emissions increases at NGS do not exceed the SILs for any pollutant, there will be no effects due to the RCTS Project on any historic properties or cultural resources which may exist outside the NGS facility footprint.

Fugitive Dust Control on Roadways**Comment 8:**

(Commenters: Kenneth Joe Frazier, Salt River Project)

Proposed Permit Condition X.A.4: The dust on the site roadways shall be controlled by applications of water such that visible fugitive dust emissions do not exceed 20 percent opacity. Roadways shall be swept as needed between applications of water.

Salt River Project expressed concern that proposed permit condition X.A.4 limits NGS to controlling fugitive dust emissions from roadways with water applications or sweeping. SRP would like for permit condition X.A.4 to provide additional flexibility for measures which may be used to control fugitive dust emissions from roadways.

SRP recommends a revision to the draft permit language to provide additional flexibility in the measures that may be used to control dust on the roadways used to transport treatment chemicals. Permit language is suggested to be revised as follows: "The dust on the site roadways shall be controlled by the application of water, dust suppressants, or an alternative control measure such that visible dust emissions do not exceed 20 percent opacity."

Response 8:

EPA agrees that NGS should be allowed more flexibility to control fugitive dust emissions from roadways as necessary to meet all applicable emission limits. According to the Dust Control Plan included as an attachment to the most recently proposed title V permit renewal, NGS uses a variety of methods as standard practice for control of fugitive dust emissions from roadways including application of water and chemical dust suppressants, surface graveling, speed reduction, and limits on traffic. There are some periods when applications of water on roadways for dust control may not be appropriate due to hazardous weather conditions. It is industry standard to use chemical dust suppressants, such as calcium chloride or magnesium chloride, as stabilizer to help minimize fugitive dust emissions from unpaved roads. In addition, because it is not the facility's practice to sweep unpaved roads, the requirement to sweep roads between applications of dust suppressant may be removed from Condition X.A.4. The access roads which will be used to deliver

calcium bromide and cement kiln dust to the RCTS are unpaved roads, and thus, do not require sweeping. EPA is revising Permit Condition X.A.4 be revised as follows:

“The dust on the site roadways shall be controlled such that visible emissions of fugitive dust do not exceed 20 percent opacity. The Permittee may use applications of water, chemical dust suppressants, or gravel to control dust from site roadways.”

The Equipment Description table in the permit has been updated accordingly. We are also revising Condition X.B.7 so that it contains recordkeeping requirements for any application of chemical dust suppressants or gravel on unpaved roadways as follows:

“The Permittee shall maintain records of the date and time of any road watering or application of chemical dust suppressants or gravel performed.”

Opacity Limit for NGS RCTS Project Equipment

Comment 9:

(Commenters: Kenneth Joe Frazier, Salt River Project)

Proposed Permit Condition X.B.4: At least once during each calendar week the Permittee shall perform a visible emissions survey for each PAC Silo (Silos A and B), Dust Collectors DC-12 and DC-13, Cement Kiln Dust Storage Silos (DC-14 through DC-16), and Cement Kiln Dust Day Bins (DC-17 and DC-18). The survey shall be performed during daylight hours by an individual trained in EPA Method 22 while the equipment is in operation. If visible emissions are detected during the survey, the permittee shall take corrective action so that within 24 hours no visible emissions are detected.

The commenter expresses concern that proposed permit condition X.B.4 implies that the listed emission units have an opacity limit of zero. The commenter is concerned that a zero percent opacity limit is impractical and more stringent than the New Source Performance Standards for similar sources:

The current title V operating permit for NGS requires dust emissions from similar coal handling sources to be maintained below 20 percent opacity as determined by a certified EPA Reference Method 9 observer. SRP recommends a similar condition be included for the refined coal and PAC systems.

Response 9:

EPA understands the applicant’s concern that Condition X.B.4 implies that the listed emission units have an opacity limit of zero. Our intent was not to impose a zero opacity limit. Inclusion of an opacity limit is consistent with other permits issued by EPA under the Tribal NSR program for material handling equipment. We have revised Condition X.B.4 to include an opacity limit of seven percent for the control equipment associated with the refined coal and PAC systems. This limit is consistent with the limit imposed on similar equipment covered by 40 CFR 60 Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing (see Table 2 of 40 CFR 60 Subpart OOO).

We maintain that EPA Method 22 remains useful as a tool for detection of visible emissions, and can prevent the need for a Method 9 observation to be conducted at the equipment on a weekly basis. Additionally, five percent is the lowest opacity measureable by any Method 9 observer. If any emissions are visible from the

emissions equipment, the opacity of the emissions should be rated at a minimum of five percent. We are revising Condition X.B.4 as follows:

“At least once during each calendar week the Permittee shall perform a visible emissions survey for each PAC Silo (Silos A and B), Dust Collectors DC-12 and DC-13, Cement Kiln Dust Storage Silos (DC-14 through DC-16), and Cement Kiln Dust Day Bins (DC-17 and DC-18). The survey shall be performed during daylight hours by an individual trained in EPA Method 22 while the equipment is in operation. If visible emissions are detected during the survey, the permittee shall perform a 6-minute EPA Method 9 observation. If visible emissions during the 6-minute EPA Method 9 observation exceed 7 percent opacity, the Permittee shall take corrective action so that within 24 hours no visible emissions are detected.”

3. Final Revised Tribal Minor NSR Permit No. T-0004-NN

After careful review of the comments submitted and consideration of the views expressed by the commenters, the pertinent Federal statutes and regulations, and additional material relevant to the applicant and contained in our administrative record, Region 9 is issuing a decision pursuant to 40 CFR 49.151-161 to issue a final permit to NGS for the RCTS Project. Region 9’s consideration of the comments received during the February-March 2016 public comment period resulted in several changes to the Final Permit. For the purpose of clarity, we have created an unofficial redline/strikeout version of the final permit that shows the changes made to the permit since proposal. In addition to the changes described in our responses we also made updates to the permit cover page to correct the procedure under which the Final Permit will be issued and the effective date of the Final Permit, which can be seen in the unofficial reline/strikeout version.