Shakopee Mdewakanton Sioux Community

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23 January 2015

Genevieve Damico, Chief, Air Permits Section
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd (AR-18J)
Chicago, IL 60604

Re: Permit Revision Requests at Mystic Lake Casino Hotel

Dear Ms. Damico:

On 18 December 2014 the Shakopee Mdewakanton Sioux Community (SMSC) submitted a request for administrative permit revisions to be made for permits number SYN-SM-27139R0001-2012-01 and MIN-SM-27139R0001-2013-02. These permits are issued to the SMSC for its Mystic Lake Casino Hotel.

We requested that both permits define alternative emissions calculations in the event that a fuel meter fails, using language that aligns with permit no. MIN-SM-27139R0004-2013-01. For permit no. SYN-SM-27139R0001-2012-01 we requested the removal of emissions test method CTM-034. This method has involved significant delays during every annual test period, and consequently, it is not a condition of the three more recently-issued construction permits.

Michael Langman of the Region 5 U.S. Environmental Protection Agency (EPA) Air Permits Section contacted Simeon Matthews, SMSC Industrial Hygienist on 13 January 2015 and noted that the changes described in our application did not fall under what EPA Air Permits Staff consider administrative permit revisions, but should be handled as permit reopenings in accordance with applicable public participation requirements. Mr. Langman noted that our initial request provided all of the necessary forms, and that SMSC should submit a letter requesting that the changes be made as permit reopenings in accordance with public participation requirements.

As Mr. Langman suggested, with this letter we ask that the EPA process our 18 December 2014 requested changes in accordance with the appropriate public participation requirements. In order to ensure compliance in the absence of annual testing, we acknowledge that the frequency of Method 7E periodic testing in permit no. SYN-SM-27139R0001-2012-01 should change. We request that the permit be changed to require the SMSC to prepare a periodic test plan to align with, and not exceed, the frequency defined in Mystic Lake Casino Hotel's more recently issued permit no. MIN-SM-27139R0001-2013-02. We would submit this plan within 90 days of the

approval of permit changes. We acknowledge that these permit reopenings will not be accomplished by administrative permit revision.

Administrative permit revisions, we assumed, would take effect immediately upon request as prescribed at 40 CFR §71.7 (d)(3) and explained in our 18 December 2014 letter. Since our requests will not be treated as such, EPA staff processing and public participation will take time. We are concerned that permit no. SYN-SM-27139R0001-2012-01 requires test method CTM-034 to be conducted by October 2015. In the case that the permit changes are not completed before that time or before a fuel meter fails, the SMSC requests that the EPA issue a No Action Assurance regarding these two permits in advance of revised permits. We request such assurance in the event of fuel meter failure when hour meter and other generator operations remain normal, and in the event that test method CTM-034 is not conducted by October 2015.

The alternative emissions formula defined in permit no. MIN-SM-27139R0004-2013-01 for fuel meter failures does not allow an increase in emissions. In the event of fuel meter failure, we believe that such an alternative formula should be defined in the Mystic Lake Casino Hotel permits. Fuel meter failures are rare, but can occur at any time.

We would also like to take this opportunity to express our appreciation for the close working relationship we have developed with your staff. If you have any questions or require any additional information, please feel free to contact me at 952-233-4235 or simeon.matthews@shakopeedakota.org.

Sincerely,

Simeon Matthews
Industrial Hygienist

CC: Michael Langman, U.S. EPA, Region 5 (digital)
Stan Ellison, Director of Land and Natural Resources (digital)
Pat Mulloy, Air Consultant (digital)