Response to Comments For
Great Lakes Gas Transmission Limited Partnership, Deer River Compressor Station No. 4
Title V Permit to Operate
Permit No. V-LL-2706100011-14-01

On April 30, 2015, the U.S. Environmental Protection Agency (EPA) issued for public comment a draft Title V Permit to Operate, permit number V-LL-2706100011-14-01, for Great Lakes Gas Transmission Limited Partnership, Deer River Compressor Station No. 4. The public comment period for the draft permit ended on June 1, 2015. During the public comment period, EPA received several comments. This document provides a summary of the comments received during the public comment period and EPA's response to each comment. This document also lists any changes made to the permit or statement of basis as a result of the comments.

Comments Submitted by Minnesota Historical Society State Historic Preservation Office:
Based on available information, we conclude that no buildings or structures eligible for or listed in the National Register of Historic Places will be affected by this project. Please note that the Leech Lake Tribal Historic Preservation Officer has assumed partial Section 106 review responsibilities for projects located within the reservation area as approved by the National Park Service. Since this project is located in that area, you should consult with the Tribal Historic Preservation Office as well.

EPA Response: EPA has included this information as part of the administrative record for this permitting action. EPA notified the Tribal Historic Preservation Office prior to the beginning of the public comment period of the draft permitting action.

Comments Submitted by Leech Lake Band of Ojibwe Tribal Historic Preservation Office:
It has been determined that, provided the work remains within the predetermined permit area, this work should have No Effect upon cultural resources. Therefore, according to our records and careful consideration, I have determined that the Leech Lake Band of Ojibwe does not have any concerns regarding sites of religious, cultural importance, Traditional Cultural Properties (TCP's) or archaeological resources in this area, at this time. In the event there is any future declaration made by tribal member(s) reporting any cultural or religious significance to this area, I will revisit this particular project. Should any cultural materials, any human remains or suspected human remains, or newly discovered burials be encountered during project activities, all work shall cease and the Leech Lake Tribal Historic Preservation Officer (THPO) and the Leech Lake Tribal Police Department should be notified immediately.

EPA Response: EPA has included this information as part of the administrative record for this permitting action. As stated above, EPA also contacted the Minnesota Historical Society State Historic Preservation Office regarding this permitting action.

Comments Submitted By Leech Lake Band of Ojibwe, Division of Resource Management

Leech Lake Band submitted five comments during the public comment period.

Leech Lake Band Comment 1: The Band is concerned that data from 2012 was used instead of 2013 to formulate emission calculations for the submission in 2014 to be potentially approved in 2015. If the emissions are as quoted by EPA "steady-state," then why wouldn't the most up to date information be easily obtained and utilized? We request the emissions and permitting information be updated utilizing 2013 if not 2014 data. With limited calculations in this permit this should be a simple and appropriate update. This facility is within the boundaries of the Leech Lake Reservation and we feel the most up to date information should be used for the protection of our people and resources.

EPA's Response to Leech Lake Band Comment 1: The data in the Title V permit application is used to determine the applicability of Part 71 regulations and determine fees. The 2012 data establishes the applicability of Part 71 regulations and is sufficient for determining fees. The use of 2013 or 2014 data would neither change the applicability of regulations nor substantially change the fee calculations. EPA finds the use of 2012 data in this permit application to be sufficient.

Leech Lake Band Comment 2: In reviewing the Part 71 renewal permit, the Band observed there was discussion on EU2 for specific operating requirements. However there are not specific operating requirements for: EU1 a gas turbine with higher actual and potential CO emissions than EU2; EU3 should have requirements if not provisions as a generator, even if utilized as an emergency unit; and EU 4 should have an explanation even if the unit is below the boiler threshold and by how much. Each of these EUs produces the same pollutants in varying amounts, some higher than EU2. All EUs are included in the permit and thus should be detailed and explained according to their function and use. In order to comment effectively on this permit the Band needs to know all requirements and details of these units as in hours of operation, throughput, etc…other than the very limited information provided in a table. If there are no applicable requirements for the units then the permit should state the reasoning and justification for each.

EPA's Response to Leech Lake Band Comment 2: There are no requirements specific to emission unit EU 001 under Part 71 because it was constructed in 1971, which predates the applicability of major source rules. EU 001 is therefore "grandfathered" from Part 71 regulations. There are no requirements specific to emission unit EU 004 because the potential emissions of this natural gas-fired boiler are below the applicability thresholds of Part 71 regulations. EPA has added footnotes to the table in Condition 2.0(B) regarding EU001 and EU004.

Upon further review, EPA has concluded that the permit should include terms specific to emission unit EU 003 due to the applicability of 40 C.F.R. Part 63, Subpart ZZZZ: National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. Specifically, 40 CFR §63.6640(f)(1)-(4) are applicable to this emergency generator. The final permit has been revised accordingly by adding Condition 2.0(D).

Leech Lake Band Comment 3: As stated on page 1 of the TSD, there is a proposed power turbine and jet exchange for unit 402 of a 23,000 horsepower General Electric Model LM1600

turbine. The Band requested more information from the replacement permit engineer to explain this verbiage. It was shared that this was a "like-kind replacement", a functionally similar unit. This should be further explained, with emissions numbers, and detailed in the permit as the current one sentence is very vague. This concerns the Band on what other areas of the permit is vague and in-descript (*sic*) of information.

EPA's Response to Leech Lake Band Comment 3:
The Permittee provided a January 9, 2015 Operational Flexibility notice containing emissions information about the like-kind replacement. This notice was available on EPA's website for the permit throughout the public comment period. The notice provided information showing the "like-kind" replacement of the General Electric LM1600 power turbine and jet with the same model unit would result in a zero increase in annual potential tons per year (tpy) of emissions for all pollutants. The potential emissions remain the same between the existing and exchanging unit: nitrogen oxides 297.84 tpy; carbon monoxide 31.55 tpy; volatile organic compounds 1.69 tpy; sulfur dioxide 2.74 tpy; particulate matter less than 10 microns in diameter 5.32 tpy; and hazardous air pollutants total 0.83 tpy.

The Part 71 operating permit program contains a provision for operational flexibility. This operational flexibility (found in 40 CFR 71.6(a)(13)) allows changes within a permitted facility without requiring a permit revision, if the changes are not modifications under any provision of Title I of the Clean Air Act (the major construction permitting program) and the changes do not exceed the emissions allowable under the permit. TransCanada provided EPA written notice as required in advance of the proposed changes. All of the terms and conditions regulating the previous existing power turbine and jet continue to apply to the new "like-kind" replacement unit. Because this action was occurring during the same time as this Part 71 permit renewal action, EPA included this information in the public record.

Leech Lake Band Comment 4: The Band would like to see greenhouse gases (GHG) calculated for this facility as per the Greenhouse Gas Tailoring Rule and input into this permit reissuance if the Rule is applicable. EPA has this authority to permit GHG of which we believe this facility has the potential to be a large emitter. Though we understand this is a global issue, GHG emissions from this facility directly affect the Leech Lake Reservation's Members and resources of which we have seen negative impacts of climate change.

EPA's Response to Leech Lake Band Comment 4: The units in question are not subject to any applicable requirements for greenhouse gases (GHGs). They are not new major sources or major modifications to major stationary sources for pollutants other than GHGs, and thus they are not subject to the PSD requirements. In *Utility Air Regulatory Group v. EPA*, 134 S. Ct. 2427 (2014), the Supreme Court held that EPA could not subject a source to PSD solely on the basis of its potential to emit GHGs. In light of this decision, the appellate court in *Coalition for Responsible Regulation v. EPA*, Nos. 09-1322, 10-073, 10-1167 (D.C. Cir. April 10, 2015)(Amended Judgment) ordered the GHG Tailoring Rule vacated to the extent that it subjected a stationary source to PSD based only on its emissions of GHGs. EPA's final rule, published August 19, 2015, reflects the D.C. Circuit's vacatur. 80 FR 50199.

Furthermore, the only GHG requirements that can apply to a source currently are those created through the PSD best available control technology process. Since the source is not subject to PSD, and the permitting authority cannot create new requirements under Title V, there are no GHG requirements applicable to the Deer River #4 facility.

The GHG potential emissions information is available in the permit application. Overall, the GHG emissions for each of the emission units is as follows: EU 002 89,538 tpy carbon dioxide equivalent (CO2e); EU 003 3,643 tpy CO2e; and EU 004 96,909 tpy CO2e. Based on these emissions and the information provided above, the Permittee is not subject to the Greenhouse Gas Tailoring Rule.

Leech Lake Band Comment 5: We would like to stress to EPA that the early communications by the permit engineer and the facility will greatly assist in addressing most of our concerns and/or questions, thereby potentially reducing issues or changes during the public comment period. EPA received this permit on April 25th, 2014; over one year ago allowing for ample direct government to government notification to the Band of the permit application. The Band warrants notification of the permit review by Region 5 so the Band can provide insight to the facility and comments that could be integrated into the proposed permit. With limited staff available to provide comments, we need time to address and request more information regarding the permit. We make this request as an affected government and have provided for the past four years a listing of Tribes requesting notification of Title V permit reviews/issuances in Tribal areas of interest.

EPA's Response to Leech Lake Band Comment 5: Direct notice of the pending permitting action, along with an invitation to request consultation, was provided in an October 29, 2014 email. The upcoming permitting action was also mentioned in the October 30, 2014 Tribal Air Contacts conference call, the notes for the call, and discussions regarding Tribal Environmental Agreements in January 2015. EPA appreciates the need for early communication and believes we have provided the tribes the opportunity to review and comment on this permitting action.