

*** PUBLIC NOTICE ***

NOTICE OF INTENT TO ISSUE REOPENED CLEAN AIR ACT CONSTRUCTION PERMIT
For
Shakopee Mdewakanton Sioux Community
Mystic Lake Casino Hotel

The U.S. Environmental Protection Agency (EPA) requests public comment on the draft construction permits, Permit No. SYN-SM-27139R0001-2012-02 and MIN-SM-27139R0001-2013-03, for Mystic Lake Casino Hotel. Mystic Lake Casino Hotel is located at 2400 Mystic Lake Boulevard, Prior Lake, Minnesota and is owned by the Shakopee Mdewakanton Sioux Community of Minnesota. The public comment period for the draft permit ends on **March 27, 2015**.

Permit No. SYN-SM-27139R0001-2012-01 is being reopened to revise monitoring and testing requirements. The revised permit will include a revision to require diesel-fired generators EU 116, EU 117, and EU 118 to be equipped with a fuel meter and runtime hour meter. These meters will help to ensure compliance with nitrogen oxide emission limits established in the permit. The revised permit is also adding a method to calculate nitrogen oxide emissions from each of these generators. The testing requirements in the permit are being revised by removing the requirement to perform annual testing using CTM-034 and requiring periodic Method 7E testing to determine nitrogen oxide emissions from EU 116, EU 117, and EU 118. The testing method is being revised due to technical issues experienced during recent CTM-034 tests. The permit is also being revised to incorporate permit terms and conditions required by 40 C.F.R. § 49.155 that were mistakenly omitted from the permit. These conditions revise the entry and inspection requirement and adds a permit revision requirement. The revised permit will be reissued as Permit No. SYN-SM-27139R0001-2012-02.

Permit No. MIN-SM-27139R0001-2013-02 is being reopened to revise nitrogen oxide emission and annual fuel limits for EU 103 and to add monitoring to ensure compliance with nitrogen oxide emission limits when a fuel meter fails. The nitrogen oxide emission limit for EU 103 is being revised upwards based on corrected generator manufacturer data. In the permit, the nitrogen oxide limit is currently based on incorrect data based on faulty test data. As a result, the current nitrogen oxide emission limit understates emissions for EU 103. The revised permit will increase allowable nitrogen oxide emissions from 34.09 pounds per hour to 64.02 pounds per hour and annual nitrogen oxide emissions from 11.93 tons per year to 22.41 tons per year. To ensure that the facility remains a minor source for nitrogen oxide emissions, the annual fuel limit is being revised downwards from 109,410 gallons per year to 108,500 gallons per year. The permit is also being revised to identify a method of determining nitrogen oxide emission when a fuel meter fails. In this case, the runtime hour meter on each generator will be used to estimate nitrogen oxide emissions. During this time, the fuel flow for each engine is assumed to be at its maximum flow rate giving a conservative estimate of nitrogen oxide emissions from combusting diesel fuel. The revised permit will be reissued as Permit No. MIN-SM-27139R0001-2013-03.

EPA is seeking comment only on the permit conditions being revised in this permit action. Comments received regarding any other permit condition will not be accepted. Each permit's

technical support document identifies the changes being made to each permit. Specifically, EPA is seeking comment on the following:

- Draft Permit No. SYN-SM-27139R0001-2012-02:
 - Revised Permit Conditions 2.0(B)(1)(ii) – (v)
 - Revised Permit Condition 2.0(B)(2)(ii)
 - Removed Permit Condition 2.0(B)(2)(viii)
 - Revised Permit Condition 2.0(C)(1)(h)
 - Revised Permit Condition 2.0(C)(2)
 - Revised Permit Condition 4.0(I)
 - New Permit Condition 4.0(L)

- Draft Permit No. MIN-SM-27139R0001-2013-03:
 - Revised Permit Condition 2.0(A)(1)(i)(a)
 - Revised Permit Condition 2.0(A)(1)(i)(b)
 - Revised Permit Condition 2.0(A)(1)(i)(d)
 - New Permit Condition 2.0(B)(1)(v)

Members of the public may review copies of the draft permits prepared by EPA, the technical support documents for the draft permits, the application, and all supporting materials at the EPA Region 5 office in Chicago, located at 77 West Jackson Boulevard, 18th floor, Chicago, Illinois 60604 by contacting Michael Langman at (312) 886-6867 or langman.michael@epa.gov. All documents will be available for review at the EPA Region 5 office in Chicago Monday through Friday from 8:15 AM until 4:45 PM (excluding federal holidays).

All documents are available for review online at <http://www.epa.gov/region5/air/tribes/index.html>. The draft permit is also available for review at <http://yosemite.epa.gov/r5/r5ard.nsf/Tribal+Permits!OpenView>

A copy of the permit application, draft permits, technical support documents, and the public notice are also available at the Prior Lake branch of the Scott County Library at 16210 Eagle Creek Avenue, Prior Lake, Minnesota.

Written comments and requests to receive notices of any future actions may be sent to George Czerniak, Director, Air and Radiation Division (AR-18J), at the above EPA Region 5 address or faxed to (312) 692-2031 by **March 27, 2015**. All written comments should include the reason for interest in the draft permit, requested actions for EPA to take, and the justification for such actions. All comments should include sufficient specificity and regulatory references to allow EPA to investigate the merits of the position.

Members of the public may also request a public hearing. A request for a public hearing must be made in writing and must state the nature of the issues proposed to be raised at the hearing. Written requests for a public hearing should be sent to the EPA Region 5 address provided above.

EPA will consider all relevant comments received prior to the end of the public comment period in arriving at a final decision on the permits. All comments will be included in the public docket without change and may be made available to the public, including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through email. If you send email directly to EPA, your email address will be captured automatically and included as part of the public comment. Please note an email or postal address must be provided with your comments if you wish to receive direct notification of EPA's final decision regarding the permit and its responses to comments submitted during the public comment period. The final permit is a public record that can be obtained upon request. A statement of reasons for changes made to the draft permit and responses to comments received will be sent to all persons who commented on the draft permits. If you believe any condition of the draft permit is inappropriate or that our initial decision to deny any application, terminate a permit, or prepare a draft permit is inappropriate, you must raise all reasonably ascertainable issues and submit all reasonably ascertainable arguments supporting your position by the end of the comment period.