



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

October 22, 2008

Peter Cruz
Guam Environmental Protection Agency
Air Pollution Control Program
P.O. Box 22439 GMF
Barrigada, Guam 96921

Dear Mr. Cruz:

Thank you for the opportunity to review the Guam Environmental Protection Agency's ("GEPA") proposed Permits to Operate for three Navy and eight Guam Power Authority ("GPA") facilities. We have enclosed our comments, which include suggestions for improving the clarity and enforceability of the permits.

Please contact Roger Kohn at (415) 972-3973 or kohn.roger@epa.gov if you have any questions concerning our comments.

Sincerely,


Gerardo C. Rios
Chief, Permits Office
Air Division

Enclosure

**EPA Region 9 Comments
Draft Permits to Operate
Naval Facilities Engineering Command Marianas
(Hospital, Finegayan, Orote Point)
Guam Power Authority
(Cabras, Yigo, Tenjo, Dededo, Macheche, Manengon, Marbo, Talofoto)**

1. GEPA has proposed three permits for the Naval Facilities Engineering Command Marianas (Finegayan, Orote Point, and the hospital.) The statements of basis are silent on whether these facilities are contiguous or adjacent, and if GEPA views them as one stationary source, or three. We understand from discussions with GEPA that these facilities are not contiguous or adjacent, and that GEPA is permitting them as three separate sources. EPA recommends that GEPA add a discussion of these circumstances to the statements of basis. Absent such discussion, it is not clear if GEPA is disaggregating contiguous or adjacent sources for Title V permitting purposes, which would require a written justification in accordance with EPA guidance (“Major Source Determinations for Military Installations under the Air Toxics, New Source Review, and Title V Operating Permit Programs of the Clean Air Act,” August 2, 1996).
2. The three Navy permits list a position, NAVFAC Marianas Commanding Officer, as the Responsible Official, instead of an individual’s name. The underlying policy objective behind the Responsible Official requirement is to create a greater degree of individual, as opposed to general corporate or organizational, responsibility and liability. While the listing of a position without naming the individual occupying is not explicitly permitted or forbidden by GEPA’s regulations, EPA recommends that GEPA avoid this practice in its operating permits because it dilutes this important title V policy goal. Omission of the name is not of any real value to either the source or the permitting authority. Even if the position turns over frequently, GEPA can easily make any necessary Responsible Official changes via administrative amendments of the permits.
3. The signature pages of the permits state that “all terms and conditions of the permit are enforceable by the United States Environmental Protection Agency (USEPA) and citizens under the CAA.” This language should include GEPA as well.
4. The compliance certification and semi-annual monitoring reporting conditions of all the proposed permits are not enforceable as a practical matter. The conditions do not define the coverage period or establish deadlines for the submittal of the certifications. We recommend revising the permits to state that each certification must be postmarked by January 30 and cover the previous calendar year (except that the first certification will cover the period from the effective date of the permit to December 31, 2008). Similarly, the monitoring reporting conditions should state that the reports must cover the periods from

January 1 to June 30 and from July 1 to December 31 (except that the first reporting period shall begin on the effective date of the permit and end on December 31, 2008) and should be postmarked by the 30th day following the end of the reporting period. These changes will clarify the time period certifications and monitoring reports must cover and give the sources a reasonable amount of time following the end of the period to prepare their certifications.

5. All of the proposed permits contain an equation from Section 7.5 of the SIP for calculating the particulate emission limit for the engines or boilers. However since the GEPA knows what emission units are present at each facility, we recommend that both the equation and the rule-derived language (“For fuel burning equipment with a heat input greater than one (1) million Btu per hour but less than 1,000 MMBtu/hr”) be deleted. Instead, for greater ease of enforcement and clarity, GEPA should perform the calculation and then include a specific allowable particulate emission rate for each emission unit.

For units not subject to PSD source testing requirements, if compliance with the calculated emission unit is assured based on the maximum capacity of the equipment, no monitoring or testing is required and GEPA should explain this in its statements of basis. If the operating rate of any emission units must be limited in order to assure compliance with the rule, GEPA should add specific conditions to permits as needed.

6. The table of federal requirements in Section VII of the statement of basis for the Navy’s Orote Point permit does not include the EPA-issued PSD permit. Since the PSD permit is an applicable requirement (and has been incorporated into the permit), it should be included in the table.

7. Most of the proposed permits require weekly or daily visible emissions surveys, which can trigger a Method 9 observation if any visible emissions are detected. With emissions units burning diesel fuel, some visible emissions may be normal and facilities may frequently trigger the requirement for a Method 9 observation. EPA recommends that GEPA revise the permits to ensure excessive Method 9 testing is not required. One option would be to require that the visible emissions surveys be conducted by a Method 9-certified observer, and that an instantaneous reading of 10% or higher triggers a Method 9 observation. Alternatively, GEPA could increase the required Method 9 frequency, e.g., from annual to quarterly, and delete the weekly or daily visible emissions survey requirement.

We note that one GPA permit, Cabras, does not have any visible emission survey requirement. GEPA should add this to the final permit.

8. Several of the proposed GPA permits do not require Method 9 observations unless triggered by the detection of visible emissions. EPA recommends that GEPA add a requirement to conduct Method 9 observations at

least annually, regardless of the results of the visible emissions surveys, to the permits for Marbo, Macheche, Manengon, Talofoto, and Yigo to ensure compliance with the 20% SIP opacity requirement.

9. The requirement that all of the permittees not cause “the continuous emission of visible air pollutants” that equal or exceed 20% opacity is not practically enforceable because “continuous” is not defined. If this term is not defined in GEPA regulations, we suggest that GEPA clarify its intent in the permits.
10. When 40 C.F.R. Part 64 was promulgated, 40 C.F.R. Part 70 was revised. One of the changes was to §70.6(c)(5)(iii), which now requires that annual compliance certifications “identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under part 64 of this chapter occurred.” While this may not be an explicit requirement for Guam permits issued pursuant to Part 69, we recommend that condition II.H.2 of the Dededo permit (and the compliance certification conditions of any future permits with emissions units subject to CAM) be revised to include this requirement to ensure proper implementation of CAM.