



GROUP AGAINST SMOG & POLLUTION

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January 18, 2017

VIA EMAIL

Allegheny County Health Department
Air Quality Program
301 39th St., Bldg. 7
Pittsburgh, PA 15201
aqpermits@alleghenycounty.us

Re: Comments of Group Against Smog and Pollution, Regarding Draft Title V Operating Permit for NRG Energy Center Pittsburgh LLC (Permit # 0022)

Dear Sir or Madam:

Please accept these comments regarding the draft Title V Operating Permit (#0022) (the "Permit") for NRG Energy Center Pittsburgh LLC (the "Facility"), which I am submitting on behalf of the Group Against Smog and Pollution. According to the notice posted on its website, the Allegheny County Health Department is accepting comments on the Permit through January 18, 2017.

Very truly yours,

/s

John K. Baillie
Staff Attorney

**COMMENTS OF THE GROUP AGAINST SMOG AND POLLUTION REGARDING
THE DRAFT TITLE V OPERATING PERMIT RENEWAL FOR
NRG ENERGY CENTER PITTSBURGH, LLC (#0022)**

I. THE PERMIT MUST INCORPORATE RACT FOR THE 2008 OZONE NAAQS

Pennsylvania is included in the Ozone Transport Region created by Section 184(a) of the Clean Air Act.¹ Consequently, stationary sources in Pennsylvania with the potential to emit at least 50 tons per year of volatile organic compounds (“VOCs”) or 100 tons per year of oxides of nitrogen (“NOx”) are subject to the Clean Air Act’s requirements for major stationary sources in areas classified as moderate nonattainment of the National Ambient Air Quality Standards (“NAAQS”) for ozone,² including the requirement that such sources implement “reasonably available control technology” (“RACT”).³

The NAAQS for ozone were revised in 2008.⁴ Allegheny County was designated as a moderate nonattainment area for the 2008 NAAQS for ozone effective July 20, 2012.⁵ EPA’s Final Rule implementing the 2008 NAAQS for ozone required states in the Ozone Transport Region to submit revisions to their State Implementation Plans to include revised RACT determinations for major sources of NOx and VOCs by July 20, 2014.⁶ RACT for the 2008 ozone NAAQS must be implemented by January 1, 2018.

RACT determinations must be submitted to EPA as revisions to a State Implementation Plan (“SIP”).⁷ EPA can approve revisions to a SIP only after the public notice requirements set forth in 40 C.F.R. § 51.102 have been met.⁸ Section 51.102 generally requires that the public be

¹ See 42 U.S.C. § 7511c(a).

² 42 U.S.C. § 7511c(a)(2) (imposing requirements on major stationary sources of VOCs); 42 U.S.C. § 7511a(f)(1) (imposing requirements on major stationary sources of NOx).

³ 42 U.S.C. § 7511a(b)(2)(C); see 40 C.F.R. § 51.912(a) (imposing a RACT requirement under the 2008 NAAQS for ozone).

⁴ National Ambient Air Quality Standards for Ozone, 73 Fed. Reg. 16436 (March 27, 2008).

⁵ Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standard, 77 Fed. Reg. 30160, 30143 (May 21, 2012).

⁶ See 40 C.F.R. § 51.1116(b).

⁷ See 42 U.S.C. § 7511a(a)(2)(A) and (b)(2).

⁸ See 40 C.F.R. § 51.104(c).

provided with notice, an opportunity to submit written comments, and an opportunity to request a public hearing regarding a proposed revision to a SIP.⁹

A Title V Operating Permit must include “[e]missions limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance.”¹⁰ The Facility is a major source of NO_x, and is thus currently subject to the RACT requirement for the 2008 NAAQS for ozone. However, the Permit does not include provisions that purport to assure compliance with the RACT requirement for the 2008 NAAQS for ozone. ACHD must make the required RACT determinations for the NO_x-emitting emission units at the Facility and incorporate them into the Permit.

II. THE PERMIT MUST REQUIRE THE FACILITY TO MEASURE AND RECORD ITS NATURAL GAS USAGE ON AN HOURLY BASIS

Except in “emergency situations,” the Facility’s boilers are required to combust only utility-grade natural gas.¹¹ If the amount of natural gas a particular boiler combusts in a certain period of time is known, the boiler’s emissions for that time period can be calculated.¹² The Permit imposes hourly emission limits on each boiler,¹³ and limits the amount of natural gas that each boiler may combust on an hourly basis,¹⁴ but does not require that the Facility monitor or record the boilers’ usage of natural gas on an hourly basis.¹⁵ Except for emissions of those pollutants for which the Facility operates a continuous emission monitoring system, it will not be

⁹ See 40 C.F.R. § 51.102(a).

¹⁰ 40 C.F.R. §70.6(a)(1) (emphasis added); Art. XXI, *see* § 2103.12.h.1 (operating permits must contain “compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit”).

¹¹ See §§ V.B.1.f; V.C.1.f; V.D.1.b; V.E.1.c.

¹² See UNITED STATES ENVTL. PROT. AGENCY, 1 *AP-42 Compilation of Air Pollutant Emission Factors*, Tables 1.4-1 and 1.4-2 (1998).

¹³ See §§ V.B.1.i; V.C.1.j; V.D.1.e; V.E.1.f.

¹⁴ See §§ V.B.1.g; V.C.1.g; V.D.1.d; and V.E.1.e.

¹⁵ See §§ V.B.3; V.B.4; V.C.3; V.C.4; V.D.3; V.D.4; V.E.3 and V.E.4.

possible to determine any given boiler's emissions or natural gas consumption for a particular hour – and thus assure compliance with the Permit's terms and conditions – if the Facility does not monitor each boiler's natural gas consumption on an hourly basis.

An operating permit must incorporate “compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms of the conditions of the permit.”¹⁶ “[I]f there is some periodic monitoring in the applicable requirement, but that monitoring is not sufficient to assure compliance with permit terms and conditions, permitting authorities must supplement monitoring to assure such compliance.”¹⁷ The Permit must be revised to require that the Facility monitor and keep records of each boiler's hourly natural gas consumption so that the Facility's compliance with hourly emission limits on the boilers can be checked and confirmed.

III. STRAY ERROR MESSAGES SHOULD BE REMOVED FROM THE FINAL DRAFT OF THE PERMIT

The message “Error! Reference source not found.” appears in bold face several times in Section V of the Permit.¹⁸ All instances of that message should be deleted from the final Permit.

¹⁶ Art. XXI, § 2103.12.h.1.

¹⁷ *In the Matter of CITGO Ref. and Chems. Co.*, Petition VI-2007-01, at 6-7 (May 28, 2009), quoted in *In the Matter of Luke Paper Co.*, 2010 EPA CAA Title V LEXIS 7, *13-14 (Oct. 18, 2010).

¹⁸ *See, e.g.*, § V.A.5.a.