



GROUP AGAINST SMOG & POLLUTION

5135 Penn Avenue
Pittsburgh, PA 15224
412-924-0604
gasp-pgh.org

December 15, 2014

Via Email

Edward F. Orris, PE,
PA DEP NWRO
Air Quality Program
230 Chestnut Street, Meadville, PA 16335
eorris@pa.gov

Dear Mr. Orris,

Please accept these comments on behalf of the Group Against Smog and Pollution (GASP) regarding proposed permit modification TV61-00198B for the Handsome Lake Energy LLC (HLE) Kennerdell facility (44 Pa.B. 7190, Nov. 15, 2014). If you have any questions, or require any additional information, please do not hesitate to contact me. GASP appreciates the opportunity to provide comment on this proposed action.

The Department proposes to amend TV61-00198 for the Handsome Lake Energy LLC, HLE Kennerdell facility, a peaking station located in Rockland Township, Venango County. The facility consists of 10 simple-cycle natural gas-fired combustion turbines rated at 529 MMBtu/hr. The proposed amendment would eliminate the facility's rolling 365-day fuel throughput restriction of 2,111 MMscf of natural gas. HLE claims that the permit's 95 tons per year limit on potential NO_x emissions “should be used by itself to show [compliance] with synthetic minor emission limits [and] that the current fuel use limitation conditions are unnecessary and redundant and could be removed.”¹ GASP disagrees.

The 95 TPY NO_x emission limit alone is insufficient to limit facility potential to emit. The Department’s regulatory definition of “potential to emit” reads, in relevant part:

*The maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and limitations on hours of operation or on the type or amount of material combusted, stored or processed shall be treated as part of the design **if the limitation or the effect it would have on emissions is Federally enforceable or legally and practicably enforceable by an operating permit condition.** . . .²*

In keeping with this definition, numerical emission limits alone are insufficient to limit potential to emit unless those emission limits “reflect the maximum emissions of the source operating at full design capacity without pollution control equipment.”³ Where emission limits do not reflect maximum

1 PADEP, Permit Review Memo – Handsome Lake Energy LLC Kennerdell Facility (Nov. 24, 2014), p. 1.

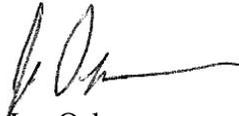
2 25 Pa. Code § 121.1 – definition of “potential to emit” (*emphasis added*).

3 USEPA, Limiting Potential to Emit (PTE) in New Source Review (NSR) Permitting *available at*: <http://www.epa.gov/reg3artd/permitting/limitPTEmmo.htm>.

uncontrolled emissions, some other “physical or operational limit” such as a restriction on facility throughput, hours of operation, or pollution control equipment requirements paired with permit conditions ensuring the control devices achieve and maintain a pollution control efficiency sufficient to meet the numerical emission limits.⁴

Thus in order for the HLE facility to retain synthetic minor status, the facility permit must retain a physical or operational restriction sufficient to ensure potential NOx emissions remain below the 100 TPY major source threshold.

Sincerely,



Joe Osborne
Legal Director
Group Against Smog & Pollution
5135 Penn Ave.
Pittsburgh, PA 15224
412-924-0604
joe@gasp-pgh.org

⁴ See e.g., *Ogden Projects v. New Morgan Landfill Co.*, 911 F. Supp. 863, 876 (E.D. Pa. Jan. 8, 1996); USEPA, Limiting Potential to Emit (PTE) in New Source Review (NSR) Permitting; *US v. Louisiana-Pacific Corp.*, 682 F. Supp. 1122, 1133 (D. Colo. Oct. 30, 1987).