

August 31, 2016

Don Guzzetta
Designated Representative
Devon Power, LLC
734 Naugatuck Ave
Milford, CT 06461

Re: Petition to use the low mass emissions (LME) methodology in 40 CFR 75.19 for Units 11, 12, 13, and 14 at the Devon generating station (ORISPL 544) beginning on July 1, 2016.

Dear Mr. Guzzetta:

The United States Environmental Protection Agency (EPA) has reviewed the May 12, 2016 petition and the August 2, 2016 revised petition submitted by Devon Power LLC (Devon Power) under 40 CFR 75.66 requesting authorization to use the low mass emissions (LME) methodology in § 75.19 to determine reported emissions for Units 11, 12, 13, and 14 at the Devon generating station beginning on July 1, 2016. EPA approves the request, with conditions, as further described below.

Background

Devon Power owns and operates four identical General Electric LM6000PA combustion turbines (Units 11, 12, 13, and 14) at the Devon generating station located in Milford, Connecticut. Each of the four units can combust either natural gas or ultra-low sulfur distillate oil and has a nominal capacity rating of approximately 40 MW. Each unit is equipped with water injection for nitrogen oxide (NO_x) control.

According to Devon Power, Units 11, 12, 13, and 14 are subject to the Acid Rain Program and a state implementation plan requiring NO_x reporting under subpart H of 40 CFR part 75. Devon Power is therefore required to continuously monitor and report sulfur dioxide (SO₂), NO_x, and carbon dioxide (CO₂) emissions and heat input for these units in accordance with part 75. Devon Power has historically met the monitoring and reporting requirements for SO₂, NO_x, and heat input using the excepted methodologies in appendices D and E to part 75. In the March 12, 2016 petition and the August 2, 2016 revised petition, Devon Power seeks authorization to instead use the LME methodology in § 75.19 beginning on July 1, 2016.¹

¹ In the May 12, 2016 petition, Devon Power proposed to use fuel- and unit-specific default values for the units' NO_x emission rates. In the August 2, 2016 revised petition, Devon Power withdrew this element of its initial request and indicated that it instead would use the default NO_x emission rates listed in Table LM-2 of § 75.19.

Under part 75, a unit that qualifies as gas-fired or oil-fired under 40 CFR 72.2 and that has emissions below specified maximum levels may elect to use the LME methodology in § 75.19 to determine reported SO₂, NO_x, CO₂, and heat input values as an alternative to using continuous emission monitoring systems (CEMS) or the methodologies in appendices D, E, and G to part 75. Where a unit is required to report under subpart H of part 75 as well as the Acid Rain Program, in order to qualify to use the LME methodology, an initial demonstration must be provided that the unit emits no more than 25 tons of SO₂ annually, less than 100 tons of NO_x annually, and no more than 50 tons of NO_x during the ozone season.² The possible bases for such a demonstration include emissions data reported under part 75 for the previous three years.³ Based on the information provided by Devon Power, Units 11, 12, 13, and 14 meet these substantive qualification requirements. Because the units combust only natural gas or distillate oil, they would qualify as either gas-fired or oil-fired under the § 72.2 definitions of these terms (depending on the proportions of natural gas and distillate oil that are actually combusted).⁴ Further, as noted in the initial and revised petitions, for the years 2013 through 2015 Devon Power reported SO₂ emissions of 0.0 tons and NO_x emissions of no more than 1.5 tons for each of the units, well below the LME qualification limits.

Where a unit that reports emissions data on a year-round basis will be using the LME methodology, part 75 requires that the unit must begin using the LME methodology in the “first unit operating hour in the calendar year designated in the certification application as the first year in which the methodology will be used.”⁵ Part 75 also requires the certification application to be submitted at least 45 days prior to the date on which use of the LME methodology is expected to commence.⁶ Devon Power’s certification application for the LME methodology for Devon Units 11, 12, 13, and 14 was submitted electronically to EPA on April 26, 2016. However, these units operated in 2016 as early as January 12, 2016. In order for Devon to have met the timing requirements just described related to the commencement of use of the LME methodology and the submittal of the certification application, Devon Power would have had to submit an LME certification application no later than November 2015 designating the year 2016 as the first calendar year in which the LME methodology would be used. Absent EPA’s approval of an exception to the timing requirements, based on the initial LME certification application submittal date of April 26, 2016, the earliest that Devon Power would be able to begin using the LME methodology for Units 11, 12, 13, and 14 would be the first unit operating hour in 2017.

In the May 12, 2016 petition and the August 2, 2016 revised petition, Devon Power requests relief from the requirement to start using the LME methodology on the first unit operating hour in the calendar year designated in the certification application as the first year in which the methodology will be used, and instead requests authorization to begin using the LME methodology on July 1, 2016, which is the start of the first quarterly reporting period that is more

² § 75.19(a)(1)(i)(A)(1)-(2). Part 75 also requires continuing annual demonstrations that these emission limits have not been exceeded. § 75.19(b).

³ § 75.19(a)(2)(ii)(A).

⁴ See § 72.2.

⁵ § 75.19(a)(1)(ii)(A).

⁶ § 75.19(a)(2).

than 45 days after the date of the initial petition. In support of this request, Devon Power points out that the units meet the substantive qualification requirements to use the LME methodology. Devon Power also notes that the units have operated very infrequently in recent years and that approval of the request will enable Devon Power to avoid the emissions that would result from operating the units solely for the purpose of conducting emission rate tests that would otherwise be required if the units continued to report emissions under appendices D and E of part 75 for the remainder of 2016.

EPA's Determination

EPA has reviewed the information provided by Devon Power in the May 12, 2016 petition and the August 2, 2016 revision requesting authorization to begin reporting using an LME methodology for Devon Units 11, 12, 13, and 14 beginning on July 1, 2016 instead of January 1, 2017. As discussed above, historical reported emissions data for the units support qualification of the units to use the LME methodology. EPA also notes that enhancements to the Agency's data systems have removed technical limitations that in the past limited the ability to accept quarterly emissions data reports for a unit reflecting different part 75 methodologies for different quarterly reporting periods in a single calendar year, and that the Agency consequently expects to propose to amend § 75.19 in the future to allow qualifying units to commence use of the LME methodology at the beginning of any calendar quarter.

EPA approves the request to authorize Devon Units 11, 12, 13, and 14 to begin using the LME methodology on July 1, 2016. The basis for the approval is as follows:

- a. The LME qualification records submitted by Devon Power in the certification application are based on three years of emissions data monitored and reported in accordance with appendices D and E to 40 CFR part 75. These reported data have been electronically verified by the Agency's Emissions Collection and Monitoring Plan System software reporting tool.
- b. Devon Power submitted the certification application more than 45 days prior to the date on which use of the LME methodology is expected to commence, and the application contained the information required by § 75.19(a)(2)(i)-(iv).

As a condition of this approval, Devon Power must meet the requirements of § 75.19(b) for an annual demonstration that annual and ozone season emissions for 2016 from each of the four Devon units are below the limits necessary for the units to continue to qualify to use the LME methodology. Devon Power must make that demonstration including all unit operating hours for the 2016 calendar year or the 2016 ozone season, as applicable – i.e., not just the unit operating hours on and after July 1, 2016 – as though the units had begun using the LME methodology as of January 1, 2016.

EPA's determination relies on the accuracy and completeness of the information provided by Devon Power in the May 12, 2016 petition and the August 2, 2016 revision and is appealable under 40 CFR part 78. If you have any questions regarding this determination, please contact Jenny Jachim at 202-343-9590. Thank you for your continued cooperation.

Sincerely,

/s/

Reid P. Harvey, Director
Clean Air Markets Division

cc: Susan Lancey, U.S. EPA, Region 1
John DeGirolamo, Connecticut DEEP
Cinda Lautenschlegar, Connecticut DEEP