



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101
APR 06 2011

Marian Massoth, Air Permitting Chief
Kansas Department of Health and Environment
Bureau of Air
1000 SW Jackson, Suite 310
Topeka, KS 66612-1366

RE: Kansas City, Kansas Board of Public Utilities Nearman Creek Power Station Prevention of Significant Deterioration permitting comments

Dear Ms. Massoth:

On March 7, 2011, the United States Environmental Protection Agency (EPA) Region 7 received notification of the Kansas Department of Health and Environment's (KDHE) intent to issue a Prevention of Significant Deterioration (PSD) construction permit for the Kansas City, Kansas Board of Public Utilities Nearman Creek Power Station (Nearman) to install emission control technologies on Unit 1 of its facility located in Wyandotte County, Kansas City, Kansas. We have completed our review of the draft permit and have the following comments.

Comment 1.

Page 4, Section - Air Emission Limitations. The permit needs to clearly state that the source must comply with requirements in the permit. The draft permit currently states, "The exceedance of any emission limitation established by or referenced in this permit may constitute a violation of the permit . . ." We suggest that the permit state that all requirements and conditions included in or referenced in the permit must be met, and the exceedance of any emission limitations established by or referenced in this permit will constitute a violation of the permit and may be subject to an enforcement action.

Comment 2.

Page 4, Section - Monitoring, Recordkeeping and Reporting, Item 3. In addition to requiring Nearman to submit semi-annual excess emissions reports, we recommend that KDHE requires the facility to submit a summary report form, such as the one defined in 60.7(d), semi-annually to assure KDHE that the CO CEMS is properly functioning.

Comment 3.

Page 5, Section - Notification, Item 2, Paragraph c. makes reference to the throughput capacity of the elevator. Most likely, this paragraph should make reference to the production capacity of Unit 1.



As always, we appreciate the opportunity to provide what we hope you will find to be constructive comments. Please contact Patricia Scott at (913) 551-7312 if you have any questions or comments regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Smith". The signature is fluid and cursive, with a prominent "M" and "S".

Mark A. Smith, Chief
Air Permitting and Compliance Branch
Air and Waste Management Division