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**Message Information**

**Date** 03/12/2007 01:01 AM  
**From** Don't Waste Arizona <dwaz@fastq.com>  
**To** Stephen Johnson/DC/USEPA/US@EPA  
**cc**  
**Subject** Appeal of Air Permit V99015, New Harquahala Generating Company LLC, 2530 N. 491 Ave Tonopah, AZ

**Message Body**

Mr. Stephen L. Johnson

Administrator  
United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Re: Appeal of Air Permit V99015, New Harquahala Generating Company LLC, 2530 N. 491 Ave Tonopah, AZ

Don't Waste Arizona, Inc. (DWA) is a non-profit environmental organization dedicated to the protection and preservation of the Arizona environment. DWA is especially concerned about environmental justice issues, air pollution, and toxics issues. DWA is headquartered at 6205 South 12th Street, Phoenix, AZ 85042, and may be reached at (602) 268-6110. DWA has members in the affected area by the air pollution from the subject facility.

The Maricopa County (Arizona) Air Quality Department has issued a Title V permit to the New Harquahala Generating Company LLC, Title V Permit V99015.

DWAZ appeals the permit administratively to the Administrator, for the following reasons:

- 1) The record keeping provisions in the permit constitute a lack of public access that makes the permit unenforceable by the public, as a practical matter, which is a violation of Title V requirements.
- 2) The facility is not required to use BACT for its cooling tower emissions
- 3) The public hearing for this Title V facility was held 40 miles and/or three hours away from the affected community.

DWAZ filed comments on the proposed permit, and the basis for the appeal arises from DWAZ's comments (Also attached.) made during the public comment period for this permit. DWAZ's comments may also be referenced for more details about the basis for the appeal.

Sincerely,

Stephen M. Brittle

President

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Don't Waste Arizona, Inc.

6205 South 12th Street

Phoenix, AZ 85042



Harquahala appeal.doc harquahala new comments.doc

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### OEX Processing Information

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VIA EMAIL and US MAIL

Mr. Stephen L. Johnson  
Administrator  
United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Re: Appeal of Air Permit V99015, New Harquahala Generating Company LLC, 2530 N.  
491 Ave Tonopah, AZ

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Sincerely,

Stephen M. Brittle  
President  
Don't Waste Arizona, Inc.  
6205 South 12th Street  
Phoenix, AZ 85042

November 30, 2006

Control/Hearing Officer  
Maricopa County Air Quality Department (MCAQD)  
1001 North Central Avenue  
Suite 200  
Phoenix, AZ 85004

Re: Comments on Proposed Air Permit V99015, New Harquahala Generating Company LLC, 2530 N. 491 Ave Tonopah, AZ

Don't Waste Arizona, Inc. (DWAZ) is a non-profit environmental organization dedicated to the protection and preservation of the Arizona environment. DWAZ is especially concerned about environmental justice issues, air pollution, and toxics issues. DWAZ is headquartered at 6205 South 12th Street, Phoenix, AZ 85042, and may be reached at (602) 268-6110. DWAZ has members in the affected area:

On behalf of itself and its affected members, Don't Waste Arizona, Inc. (DWAZ) makes the following comments regarding this proposed permit:

The applicant requested, and is evidently being granted, an increase in allowable cooling water total dissolved solids at almost double the previous limit as a "water conservation motive." However, how this saves water is not explained in any materials provided, nor is such a consideration within the scope and purview of the MCAQD. The applicant will be also using a new drift eliminator with a stated improved performance of 0.0003%, which ostensibly would help reduce the extra PM emissions. However, I was unable to locate in the public record any record of modeling conducted for a drift eliminator performance of 0.0003% with a TDS at the previously-required level. Why is this scenario not modeled? Why is this scenario not BACT?

Also, the "modeling" for the new levels of TDS and using the new drift eliminators indicated that the PM emissions were 1.23 tons/year/cooling tower and "well below the 3.1 tons/year per cooling tower the permit allows." This shows that the permit does not actually use BACT as a standard. The proper permit level for the PM emissions from the cooling towers should be 1.23 tons/year and not the 3.1 tons/year per cooling tower the permit allows. The permit should require the previously-required levels of TDS in the cooling tower water and the new drift eliminators.

Ammonia slip and ammonia emissions in the SCR NOx control technology create PM, but these extra PM emissions aren't measured or part of the total PM permitted and allowed from the facility. They should be.

Similarly, the proposed permit conditions contain dust control measures, but PM emissions from dust-generating activities on-site are not reported, quantified, or limited in permit conditions, but should be. Also, the dust control plan and records associated with that are kept on-site and not available for public review and/or inspection.

In fact, many or most of the records that the public would use to enforce this permit are kept at the facility and not available to the public. As this is a Title V permit, this makes the permit illegal.

### **Record Keeping/Lack of Public Access Violation of Title V**

A Title V permit must have provisions that allow the public sufficient information to determine whether the facility is in compliance. The record keeping requirements in the proposed permit are such that the records are kept at the facility and there is no provision for public access or inspection. Therefore, unless the facility is required to file its records with the custodian of records so that the public may have access to the reports, the permit must be denied.

### **Public Participation Issues**

The last public hearing conducted for this facility was actually conducted on November 28, 2000, near the facility, at the Harquahala Irrigation District headquarters in Tonopah. The people who attended the last public hearing would now have to drive about 160 miles roundtrip to participate. In order to attend the 9:00 AM public hearing that is scheduled, they would have to leave their community about three (3) hours ahead of time. The public hearing scheduled for December 5, 2006, is at the MCAQD's headquarters at 1001 North Central in Phoenix. **This is patently discriminatory, and virtually eliminates the public's ability to participate, certainly contrary to the intent of Title V statutes.** Further, the public hearing is scheduled less than 30 days after the actual public notice for the proposed facility, which further limits the public's ability to participate. If a person requested to see the public file regarding the proposed permit and reviewed it on December 6, 2006, a day after the public hearing but within the 30-day notice, the person would still be within the 30-day time to review and comment on a proposed permit, but would have missed the public hearing.

Clearly, the MCAQD is not interested in public participation and has intentionally and deliberately put up obstacles to effective public participation in the Title V program. When EPA Region 9 audited the previous agency and issued a notice of deficiency, which prompted a regime change, one wonders if anyone could have contemplated a new regime so hostile to the public. Ironically, the new regime will fail to control PM and the exceedances will result in sanctions and a loss of highway funds.

Sincerely,

Stephen M. Brittle  
President  
Don't Waste Arizona, Inc.

6205 South 12th Street.  
Phoenix, AZ 85042