BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

PARTNERSHIP FOR POLICY INTEGRITY, 
Petitioner,

v.

GINA MCCARTHY, ADMINISTRATOR,
United States Environmental Protection Agency, 
Respondent.

APPLICATION FOR PERMIT 4911-171-0014-V-02-0

PETITION TO OBJECT TO THE PROPOSED TITLE V PERMIT FOR PIEDMONT GREEN POWER, LLC ISSUED BY THE GEORGIA ENVIRONMENTAL PROTECTION DIVISION.

I. Introduction

Pursuant to Section 505(b)(2) of the Clean Air Act (“CAA” or “Act”), 40 C.F.R. § 70.8(d), and applicable Federal and State regulations, Partnership for Policy Integrity (“Petitioner” or “PFPI”) hereby petitions the Administrator of the U.S. Environmental Protection Agency (“EPA”) to object to Part 70 Permit No. 4911-171-0014-V-02-0 (“ Permit” herein, included as Exhibit I Permit No. 4911-171-0014-V-02-0), issued by the Environmental Protection Division (“EPD”, “Georgia”, or the “State” herein) of the Air Protection Branch of Georgia’s Department of Natural Resources for the operation of a 60.5 megawatt (MW) steam-turbine generator powered by a 700 MM/Btu/hr biomass boiler owned by
operated by Piedmont Green Power, LLC Facility (“PGP” or “Facility”) in the City of Barnesville, Lamar County, State of Georgia.

All major stationary sources of air pollution and certain other sources are required to apply for permits to construct and to operate, consolidated as Title V operating permits that include emission limitations and other conditions necessary to assure compliance with applicable requirements of the Act. CAA §§ 502(a), and 504(a), 42 U.S.C. §§ 7661a(a) and 7661c(a). The Title V program does not generally impose new substantive air quality control requirements, but is intended to comprehensively assure compliance with and enforceability of substantive requirements found elsewhere in the Act. 57 Fed Reg. 32250, 32251 (July 21, 1992). As such, the permit must contain sufficiently detailed monitoring, record keeping, reporting and other requirements to ensure compliance with applicable requirements. Id. Under 40 C.F.R. § 70.1(b), “[a]ll sources subject to [the Title V regulations] shall have a permit to operate that assures compliance by the source will all applicable requirements” (emphasis added). The program is designed to “enable the source, States, EPA and the public to understand better requirements to which the source is subject, and whether the source is meeting those requirements. 57 Fed Reg. 32250, 32251 (July 21, 1992) (emphasis added). EPA explains that the Title V operating permit program is “a vehicle for ensuring that air quality control requirements are appropriately applied to facility emissions and for assuring compliance with such requirements.” Order Granting in Party and Denying in Part Petition for Objection to Permit for Petition No. IX-2011-1 p. 2 (emphasis added) (“Hu Honua Order”).

As detailed below, PGP’s Permit fails to assure compliance with the Act and conflicts with the letter and spirit of the Title V program. The Permit suffers from various legal deficiencies, including significant omissions attributed to EPD. Because the Permit is not in compliance with applicable requirements, the EPA is under a duty to object to this Permit, and should direct that this project undergo Prevention of Significant Deterioration permitting process as a Major Source. 40 C.F.R. § 70.8(c)(1); see also 42 U.S.C. § 7661d(b)(1) and New York Public Interest Research Group, Inc. (NYPIRG) v. Whitman, 321 F.3d 316; 333 n.11 (2nd Cir. 2003). Petitioners request that the Administrator of the EPA object to the Permit on each of the specific objections detailed below, and order EPD to commence permitting processes for PGP as a Major Source.

This petition is timely filed within sixty days following the end of U.S. EPA’s 45-day review period as required by Clean Air Act § 505(b)(2) and 40 C.F.R. § 70.8 (d). In compliance with section 505(b)(2) of the Act, 42 U.S.C. § 7661d(b)(2), this petition is based on objections to the various
iterations of the proposed permit that were raised with reasonable specificity during the public comment period provided by the Act, or on issues that could not have been raised previously.

Petitioner is the Partnership for Policy Integrity (“PFPI”) is a non-profit corporation that provides scientific and legal support so that citizen groups, environmental organizations, and policymakers can better understand energy development impacts on air quality, ecosystems, and the climate.

II. Facility and Permit Background

On June 28, 2013 (and May 15, 2014) PGP applied for a Title V permit renewal for the operation of a 60.5 MW steam turbine generator powered by a 700 MMBtu/hr circulating fluidized bed boiler, which fires a combination of biomass and small quantities of biodiesel during startup, shutdown and bed stabilization only. The original permit and four (4) amendments include various iterations of output and capacity, including the following combinations—49.8 MW generator and 719 MMBtu/hr boiler (4911-171-0014-E-01-0); 54.5 MW generator and 657 MMBtu/hr boiler (4911-171-0014-E-01-1); 53.5 MW generator and 684 MMBtu/hr (4911-171-0014-E-01-4). Exhibit 2 Statement of Basis 4911-171-0014-V-02-0 (“SOB”). The SOB indicates that in all circumstances the Facility is a major source under PSD for both NOx and CO emissions in the absence of operational limits on its Potential to Emit (“PTE”). Nevertheless, PGP asserts and the State concurs that the PGP facility can operate the facility using a synthetic minor permit, and cap emissions at the facility at 249 tons per year (TYP) for criteria pollutants and not more than 10 and 25 TPY for HAPs, individually and collectively.

By all measures the Facility owners and operators have struggled both to keep the facility online, and to maintain operational pollution monitoring equipment. In 2012 the Facility experienced a major failure that required the plant to go off-line for as many as three weeks (perhaps longer) to allow Siemens to replace the Facility’s virtually new turbine. Exhibit 3 e.mail re Damage to Turbine. On February 27, 2014, the Company reported that the Facility had experienced 91 operating upset conditions since May, 2013. Exhibit 4 Atlantic Power presentation to EPD. Further, the facility’s testing data during 2013 includes widely differing operating conditions; at the same time the emissions monitoring equipment frequently recorded “zero” values when the boiler was operating (these “zero” values are subsequently averaged into the testing data, thereby causing actual emissions to be

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1 The permit repeats the expectation that biodiesel will be burned for bed stabilization. However, the Permit provides no definition for the term, which is not defined in statute or regulation. The permit also fails to provide any assessment of likely frequency (or quantity of fuel) the facility will require burning biodiesel for “bed stabilization.”
underestimated, an issue we explain more detail below). PGP has also sent various reports to EPD regarding NOx and/or CO exceedances. Given all of these problems, it is not surprising that the Facility has caused extensive community tumult due to noise, odor and fuel pile combustion. Exhibit 5 (audio file) Testimony of Gary Larkey, Barnesville resident, before the Barnesville City Council (“PGP is and has been a nuisance to me and my family and at least an additional one hundred residents”).

Two factors require EPA to apply the equivalent of “strict scrutiny” to all assumptions, underlying data and conditions in the Permit, and to affirmatively assure that the PSD-avoidance emissions limits are legally and practically enforceable. First, the Facility is permitted at only 1 tpy below the New Source Review threshold of 250 tpy (for both NOx and CO), and only 0.1 tpy and 0.5 tpy below the Hazardous Air Pollutant (“HAP”) thresholds of 10 tpy for any individual pollutant, and 25 tpy from all HAPs combined. PGP seeks authorization to operate this facility as a minor source. Any emissions above those acknowledged and predicted during the permit process have material legal significance as the source may not operate as a minor source. PGP’s decision to “cut it close” to the maximum allowable emissions thus triggers the need for careful and complete review of the practical and legal enforceability of the emissions limits that are relied on to ensure minor source status. Further, PGP’s operations in the last three years, and nuisance to city residents through actions that do not comport with the Permit’s operations and emissions limitations, also speak to the need for careful review. Anything short of the highest level of scrutiny will fail to protect public health and welfare and cannot assure compliance with the Act. As shown herein, the PGP permit relies on numerous untenable and unsupported technical assumptions and fails to include adequate real time monitoring to ensure that emissions caps will not be exceeded at any time. As such, EPA must object to this permit.

III. Petition Summary

PGP was originally permitted as a synthetic minor source while still under construction, but during the last three years of actual operation the Facility has demonstrated that it is a major source that must be subject to PSD review as a major source. The Georgia EPD supports its decision to treat PGP as a synthetic minor source with data that has serious methodological flaws, while largely ignoring data that indicate the Facility has not been able, and likely will not be able, to meet the synthetic minor emissions limits in the Permit. In fact, careful analysis of the data upon which EPD relies reveals that

the facility can not meet the synthetic minor emissions limits included in the Permit. EPA must be especially probing in cases like this where large facility with numerous peculiar incidents is proposing to avoid PSD by such a small margin—only 1 tpy.

Petitioners have sought and reviewed some records from the State, and the proposed permit with its explanation and statement of basis, and compared this to other comparable biomass power plants around the United States. This analysis concludes that the PGP Title V operating permit is fundamentally flawed and lacks adequate conditions and controls to ensure that emissions will remain below Major Source thresholds, and further that exceedances of the emissions rates projected for the facility will go undetected. Other Permit defects include the omissions of significant portions of the facility’s emissions, such as emissions increases associated with startup, shutdown and malfunction conditions, and the failure to quantify HAP emissions. The facility has caused numerous emissions episodes that have disproportionally impacted the surrounding low income community of color. The State must ensure that this Title V Permit meets all of the Act’s requirements, but the record contains substantial evidence that compliance with the Act’s emissions limits is unlikely. As such, the petition must be granted and an Objection to the Permit be registered.

IV. The PGP Permit Relies on “Don't Ask, Don’t Tell” For Fuel Contamination Testing and Verification

Federal regulation requires that records of the type and amount of all fuels burned in a boiler at all times during the reporting permit must be maintained. 40 CFR 63.11222(a)(2). This rule is premised on the fundamental chemical-physical relationship between fuel burned and pollutants emitted. Indeed, the chemical makeup of the fuel is the primary determinant of which pollutants will be emitted in what quantities. Because of this physical and chemical reality, the Permit must include clear and strict rules with respect to fuel testing, monitoring and reporting. This is especially true for facilities, like PGP, where the permitted fuel stock is composed of materials with varying chemical constituents. In review

3 As defined by the permit at 3.4.6, permitted fuels include “clean cellulosic biomass.” “Clean cellulosic biomass means those residuals that are akin to traditional cellulosic biomass, including, but not limited to: Agricultural and forest-derived biomass (e.g., green wood, forest thinnings, clean and unadulterated bark, sawdust, trim, tree harvesting residuals from logging and sawmill materials, hogged fuel, wood pellets, untreated wood pallets); urban wood (e.g., tree trimmings, stumps, and related forest-derived biomass from urban settings); corn stover and other biomass crops used specifically for the production of cellulosic biofuels (e.g., energy cane, other fast growing grasses, byproducts of ethanol natural fermentation processes); bagasse and other crop residues (e.g., peanut shells, vines, orchard trees, hulls, seeds, spent grains, cotton byproducts, corn and peanut production residues, rice milling and grain elevator operation residues); wood collected from forest fire clearance activities, trees and clean wood found in disaster debris, clean biomass from land clearing operations, and clean construction and demolition wood.”
of 88 permits for biomass power plants proposed around the country, Petitioners have rarely seen a permit that allows such a wide variety of fuels to be burned.

In this context, Petitioners are concerned about Condition 6.2.13 and what it indicates about the ability of this permit to protect the public’s health and welfare in compliance with the Act. The Permit places virtually no responsibility on PGP for assuring that the fuel burned at the Facility meets the definition of clean cellulosic biomass, and contains no means for EPD to verify contamination levels in fuels. The condition reads:

The Permittee shall keep records verifying that each shipment of biomass fuel received for combustion in the boiler (Source Code: B1) meets the definition of clean cellulosic biomass in Condition 3.4.6. The Permittee shall retain the records for a period of at least five (5) years in a format suitable for inspection.

[391-3-1-.02(6)(b)1]

While this provision is written to appear compliant with 40 CFR § 63.11222(a)(2), the following e-mail thread from February 10, 2015 between PGP staff person Olin Hicks and EPD staff members Neal Ritchey, James Eason and David Sheffield reveal a different and disturbing story about both entities' commitment to monitoring the chemical makeup of fuel burned at the Facility. Exhibit 6 EPD Don't Ask, Don't Tell Policy. The first e-mail from PGP’s Olin Hicks to EPD’s Neal Ritchey reads:

“Per our phone conversation...PGP had concerns with section 6.2.13...I am requesting your approval that the third attached document, “PGP Biomass Fuel Specification”, suffice as supplier verification of each load...This is signed with each new purchase order which will occur at least annually.”

The second e-mail from EPD’s Neal Ritchey to colleagues James Eason and David Sheffield reads:

“Their method of showing compliance...is proposed to be the third attachment. Basically the wood supplier signs a document stating that what they will deliver meets the specifications of biomass fuel. To me, it is similar to a combustion source keeping the invoices of diesel shipments meets the Ultra low sulfur diesel requirements except that this is in the contract instead of the bill. Your thoughts?”

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The last e-mail provided by EPD to Petitioners on this topic is from EPD’s David Sheffield to Neal Ritchey and James Eason. It reads:

“I am trying to figure out how PG is going to determine if fuel shipments meet the criteria. In this fuel specification, they say that fuel that contains chromate, etc. will not be accepted. The fuel supplier will sign the form in any event. Is PG going to test any shipments? People who sell fuel oil probably have a way to get something from a refinery. Forest thinings from Nick and Eddy’s tree service won’t come with that data. It also says no more than 50% moisture and 5% ash. That sounds like a lab report. I expect that they have a bunch of suppliers, not one or two. It sounds good on paper, but maybe don’t ask don’t tell would work better.” (emphasis added)

As the e-mail thread demonstrates, neither EPD nor PGP appear be aware of what is required for compliance under the Act. Condition 6.2.13 suffers from two fatal deficiencies. First, it does not require PGP to conduct any fuel sampling or testing, ever. The only requirement imposed by this condition is that PGP maintain records of a one-page contract that its suppliers must sign. Exhibit 7 Fuel Verification Contract. As the State noted, the supplier will sign the form in any event. The suppliers’ interest in the transaction is in disposing of waste wood; they have no interest or motivation to independently test or factually verify the composition of the fuel. Second, Condition 6.2.13 places the compliance burden on PGPs suppliers, thereby shielding PGP in many ways from any penalties and other enforcement actions under the Act.5

The definition of clean cellulosic biomass contained in the permit allows this facility to burn a wide variety of biomass fuels. The variety and quantity of pollutants that can be emitted from these fuels is similarly broad. Absent substantial changes in the way the Permit addresses the physical and chemical impact of such a varied fuel stock, the requirements to report the type and amount of fuel burned during a reporting period in Conditions 5.2.5(b), 6.2.2(f) and 6.2.3(b) will not be practically enforceable.

EPD’s failure to ensure accurate fuel characterization defeats the basis for a synthetic minor permit. The record contains evidence that PGP has experienced highly variable operating conditions according to the fuel it is burning at any given time. Persistent, systematic and verifiable fuel stock

5 If the facility intended to burn waste fuels that are potentially contaminated, the permit could not be more accommodating. In fact, two community members in Barnesville independently recounted to Petitioners how they asked the PGP developer to put in writing the Company’s assertion that they would not burn contaminated fuels. The Company refused.
testing is a core requirement of an adequate synthetic minor operating permit, particularly for a source like this that utilizes various fuel types. Further, the absence of any means of determining fuel contamination is exacerbated by the lack of any requirements in the Permit to monitor hazardous air pollutant (HAP) emissions, and the treatment of the facility as a synthetic minor source for HAPs (as discussed in more detail below). This facility could be burning demolition or construction waste containing highly contaminated materials leading to emissions of lead, mercury, arsenic, chromium, dioxins, and numerous organic HAPs like benzene and formaldehyde (both carcinogens) - but no one would ever know, because neither the fuel nor the emissions are tested for toxics. Deficient biomass fuel testing protocols have led to excessive levels of air and other forms of pollution at other facilities that endangered public health and welfare. The PGP permit must be rejected and revised requirements to mandate sampling and laboratory testing for every fuel shipment used by PGP. If testing is infeasible, then given the wide variety of materials that are allowed to be burned as fuel, the facility should be regulated as a Commercial and Industrial Solid Waste Incineration (CISWI) unit, and held to the more rigorous emissions standards required under that rule.

V. Permit’s HAP Rules Are Not Enforceable as Practical Matter and Endanger Public Safety

Hazardous air pollutants (“HAPs”) are regulated under section 112 of the CAA. 42 U.S.C. § 7412. The purpose of the Act’s NESHAP program is to ensure the rigorous control of these highly toxic and harmful air pollutants because of their potential to “cause, or contribute to, an increase in mortality or an increase in serious irreversible[,] or incapacitating reversible[,] illness.” New Jersey v. EPA, 517 F.3d 574, 578 (D.C. Cir. 2008) (quoting legislative history of section 112). A “major source” of HAPs is subject to maximum achievable control technology (“MACT”) standards that require the maximum degree of emission reduction that the EPA determines to be achievable by each particular source category. 42 U.S.C. § 7412(d)(2). Pursuant to section 112(a)(1), a “major source” is one that “emits or has the potential to emit…10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants.” Id. § 7412(a)(1). Due to the importance of controlling HAPs, it is crucial that sources accurately identify and control potential HAP emissions.

6 See e.g. Chico News & Review article, “Settlement Reached in POPI Case.” This Covanta plant in California burned waste wood and relied on suppliers to test fuels. The County DA’s independent tests of facility ash, which was being distributed as an agricultural soil amendment, revealed high concentrations of heavy metals, and dioxins at concentrations as high as 2,200 parts per trillion. (http://www.newsreview.com/chico/settlement-reached-in-popi-case/content?oid=15836324)
“Biomass” includes a wide variety of materials that can contain highly variable concentrations of HAPs and their precursors. Natural cellulose contains chlorine, which is emitted as gaseous hydrochloric acid (HCl) at a relatively high rate. Processed and treated wood often contains paint residue, arsenic, chromium, and other chemicals that result in HAP emissions. Since the PGP boiler is sized large enough to easily exceed the HAP Major Source triggers, these fuels must be accurately characterized. To fully ensure that the public is protected, the emissions of HAPs should be monitored continuously, because grab sample testing cannot assure that the Major Source triggers are not exceeded with such a variable fuel stock.

The narrative to the 2010 construction permit, which limited total HAP emissions to 24.9 tpy, acknowledged that “potential rates exceed this rate” at a time when boiler capacity was approximately 6% lower than the current Permit allows—657 MMBtu then, versus 700 MMBtu now. Exhibit 8 2010 Permit SOB Narrative. Importantly, the emissions of HAPs that were estimated for the construction permit were based on emissions factors from the National Council on Air and Stream Improvement (NCASI), rather than EPA-sanctioned AP-42 emissions factors. Since the NCASI emissions factors are lower than the EPA factors for nearly every HAP emitted in significant amounts by a biomass facility, use of these factors has a high potential to substantially underestimate emissions. Actual HAPs emissions at PGP are likely substantially greater than the Company predicted.

Below, we demonstrate why provisions in the permit for limiting the Facility’s annual mass emissions of any individual HAP to 10 tons, and total HAPs to 25 tons, are unenforceable as a practical matter, do not comply with the Act, and thus and require EPA to object to the Permit.

A. Absence of Emissions Limits for HAPs Beyond HCl is a Violation of the Act and Title V

The EPD stated that the facility was a major source for HAPs in the 2010 Construction Permit. Calculating HAP emissions using EPA’s AP-42 emissions factors shows the Facility is a Major Source; a 700 MMBtu boiler is projected to emit numerous HAPs at a rate of approximately 116 tpy based on AP-42 emissions factors. Exhibit 9 HAPs emissions AP-42 v NCASI. HAPs reasonably anticipated to

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7 See comparison of AP-42 and NCASI emissions factors at page 46 of Exhibit 10 PFPI Trees Trash and Toxics Report (2014). Exhibit 9 uses these factors to calculate PGP’s emissions under the two schemes.
8 Referencing the 2010 construction permit’s 24.9 tpy emission limit for HAPs and 9.9 tpy limit for HCl, a footnote at page 2 of the permit narrative (Exhibit 8) states, “The potential rates exceed this rate. However actual emission are limited to this rate.”
be emitted from PGP include various volatile organic compounds (e.g. benzene and formaldehyde\textsuperscript{9}); numerous semi-volatile compounds (e.g. PAHs such as benzo(a)pyrene\textsuperscript{10}); acrolein, HCl and trace metals\textsuperscript{11}. EPD provides no justification for its apparent conclusion that HCl is the only HAP likely to be emitted from this facility. As defined by the permit, the facility is allowed to burn a wide variety of fuels with varying HAP-precursor content, which dramatically influences emissions characteristics. As evidence of how materially incorrect the PTE is for the facility, even using the industry-friendly NCASI emissions factors, PGP would be expected to emit at least 23 tpy of total HAPs. Exhibit 9.

Following Petitioner’s inquiry, it appears that the facility has never completed performance stack tests for HAPs in accordance with federal regulations, which require that tests be conducted at the representative operating load conditions while burning the type of fuel or mixture of fuels that have the highest emissions potential for each regulated pollutant, and require the facility to demonstrate initial compliance and establish its operating limits based on these performance stack tests. 40 C.F.R § 63.11212(c), emphasis added.

Of particular concern to Petitioners is that the Permit fails to even reference, let alone include, legally adequate emissions limitations, monitoring, recordkeeping and reporting requirements for Volatile Organic Compounds (VOCs), many of which are HAPs. The Permit must either provide a reasoned and data-supported explanation for why VOCs are not emitted in sufficient quantities to warrant specific terms and conditions, or alternatively, to set VOC PTE limits and include terms and conditions sufficient to assure compliance with those limits. The absence of a reasoned explanation for why VOC emissions limits were omitted is on its own grounds for granting Petitioner’s request. 54 FR 27283. This violates the core function of the Title V permitting program, which is to provide for all federal and state regulations in one legally-enforceable document that will assure that all CAA requirements are applied to the facility and that the facility is compliance with those requirements. See 42 U.S.C. §§ 7661a(a) and 7661c(a); see also 40 C.F.R. §70.6(a)(1).

\textsuperscript{9} See AP-42, Section 1.6, Wood Residue Combustion in Boilers, Table 1.6-3, available at http://www.epa.gov/ttn/chief/ap42/ch01final/c01s06.pdf
\textsuperscript{10}Id.
\textsuperscript{11} Id., Table 1.6-4.
B. HCl Monitoring, Recordkeeping and Reporting Provisions Are Legally Inadequate to Assure Compliance with the Act

The HCl-specific permit conditions suffer from at least two serious deficiencies. First, the data on which EPD relies to establish PGP’s synthetic minor status are suspect. Second, the monitoring and reporting requirements postpone the first required HCl test for more than three years from permit issuance, depriving the public of any assurances whatsoever that the emissions limits are being met in the meantime and that the Facility is not a Major Source.

If limitations are incomplete, vague, or unsupported by appropriate data, enforcement by the States, citizens and EPA would not be effective. Consequently, in all cases, limitations and restrictions must be of sufficient quality, specificity and quantity to ensure accountability (see 54 FR 27283). The HCl provisions fail to meet this basic standard, making the permit unenforceable as a practical matter.

First, the quality of the data supplied by PGP—and then relied upon by EPD in crafting the Permit—is inadequate and potentially flawed. PGP attempts to demonstrate its HCl emissions limit compliance with two tests conducted in 2013 three months apart, both of which are based on short-duration stack tests. However, the veracity of these tests is undermined by the untenable conclusion that the Facility is able to emit fewer HCl emissions without controls in June of 2013 than were emitted with air pollution controls in place in March of 2013.12

In March 2013, PGP conducted HCl emissions stack testing consisting of three runs with the benefit of limestone sorbent controls. Exhibit 11 3/13 HCl Data w Limestone. The average emissions rate of the three runs was 0.000107 lb/MMBtu; however, there was significant variability between the three runs: 0.000046, 0.000055, and 0.00022, with the last run being over 400% of the average of the first two runs. Later, in June, PGP conducted another HCl emissions stack test, this time without limestone sorbent addition. These June tests form the technical basis for EPD’s HCl regulatory scheme. EPD explains in the SOB that the stack test performed on the Boiler without controls on June 26, 2013 “shows that the average site-specific emissions factor (0.00006 lb/MMBtu) for uncontrolled HCl emissions at the facility is lower than the NCASI or AP-42 emissions factors. The site-specific emissions rate for uncontrolled HCl from the boiler is 0.043 lb/hr or 0.188 tpy. So based on site-specific data,

12 Petitioners recognize that it is possible that these low emissions rate could have resulted from the refractory in the furnace/boiler, which was relatively new in 2013, being constructed of and absorbing some Cl. However, if that is the case, then the Facility will not be able to maintain the low level of emissions as the refractory is less able to absorb Cl over time, and must be required to conduct new baseline testing for development of the Permit conditions using a “seasoned” furnace/boiler, and then be required to perform regular (at least semi-annual) testing thereafter.
PGP claims that the boiler can only emit less than a ton of HCl per year; far less than the permit limit of 10 tons per year."

The results of these two tests, taken together, strain credulity. If the data produced by these tests are authentic, the average emissions rate with sorbent injection is 178% of the value of the 0.00006 lb/MMBtu reported in June without sorbent injection. The implied removal rate of HCl for the test without sorbent is extremely high, as demonstrated by the following calculation. Assume the average dry weight of unadulterated wood fuel is ~0.009% chlorine (average based on boiler fuel testing data from EPA; values for glued and treated wood are much higher). Given that PGP reports burning approximately 67 tons of fuel an hour at 45% moisture content, the dry weight of the material burned in an hour is 36.85 tons, therefore containing and potentially emitting 6.63 pounds of chlorine (as Cl) and just over this amount (6.82 lb) as HCl. If the Facility is only emitting 0.043 lbs/hr of HCl as reported by the June 26, 2013 emissions test, the HCl removal rate without the benefit of a sorbent system is (1 – 0.043/6.82), or 99.37%, an extraordinarily high value even compared to values for boilers using sorbent injection. Further, the emissions factor of 0.00006 lb/MMBtu reported by the June 26, 2013 emissions test is a mere 37.5% of the value at the tenth percentile of the HCl emissions data collected by EPA in support of the boiler rule (see Figure 1 below), and lower than any of the measurements for the valid data points in the EPA database.

The technical accuracy of these figures is highly suspect, and, at the very least, requires additional justification, particularly since the facility is permitted to burn a wide variety of fuels with potentially varying chlorine content.

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Figure 1

Distribution of HCl emission rates for 46 bioenergy facilities in EPA’s emissions database.\(^\text{15}\)

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<td><strong>Average</strong></td>
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The second significant defect with the HCl permit provisions is that the frequency of HCl testing does not match the time period over which the emission limitations are measured, meaning the related recordkeeping and reporting conditions cannot be met. The Permit requires PGP conduct a performance test of the Boiler for HCl emission by June 26, 2018, and then thereafter “no later than [5 years] after the previous test” (Condition 4.2.3). Permit page 9 of 47. The required tests are far too infrequent to ensure ongoing compliance with the Act. Federal regulations make clear that monitoring and reporting requirements must match the time period over which an emission limitation is measured. See 40 C.F.R. § 70.6(a)(3)(i)(B); 40 C.F.R. § 70.6(c)(I). The D.C. Circuit Court of Appeals has explicitly stated that "a monitoring requirement insufficient 'to assure compliance' with emission limits has no place in a [Title V] permit unless and until it is supplemented by more rigorous standards." See Sierra Club v. EPA, 536 F.3d 673, 677 (D.C. Cir. 2008). As further explained by the Court, even annual testing is cannot assure compliance with a daily emission limit. *id.* at 675.

The paucity of monitoring requirements for HAPs renders the Permit’s recordkeeping and reporting requirements impotent. The Permit conditions require PGP to calculate and track *monthly* total HAP emissions and notify EPD when individual HAP emissions exceed 0.83 tons per year or when

\(^{15}\) Reproduced from Exhibit 10 at page 49.
total HAP emissions exceed 2.08 tons per year, at 6.2.14 and 6.2.15 respectively. Permit pages 24-25 of 47. Since PGP is not required to test for any HAPs other than HCl, this permit condition simply can not be met. Further, for the one HAP that PGP is required to assess (HCl), as many as 5 years will likely pass before PGP tests for HCl again (recall that the HCl test on which EPD relies was conducted in June of 2013), and then as many as 59 months until the next. Thus, it is virtually impossible for PGP to track HAPs emissions as “required” by Condition 6.2.14 or inform EPD when the Facility reaches the specific thresholds as required by Condition 6.2.15.

C. Recommendations

As seen in the previous discussion, there are significant problems with properly quantifying HCl emissions from the boiler. The data collected from the March and June 2013 tests show significant variability (for example, Run 3 from the March 2013 test). These test results raise significant questions regarding the fuel(s) that were used during testing, since no fuel chlorine characterization data are available in the record. As shown earlier, reasonable assumptions on the chlorine content of wood lead to unrealistically high removal efficiencies of HCl (without sorbent injection) based on the June 2013 test results. Given these uncertainties, there is little reason to believe that the tests conducted to date are representative of actual facility emissions.

i. EPA Should Require Testing for All HAPs

At minimum, EPA should require PGP to conduct an “initial” source test for HAPs while burning fuels with the highest potential HAPs content per federal regulation, or at least while burning fuels that are representative, to determine facility-specific emissions factors. EPA should also consider requiring testing for all HAP compounds typical of biomass emissions at least one per permit term, employing EPA-approved test methods for the specific HAP compounds. Region IX has required comparable testing rules for a biomass facility in Hawai‘i where there was similar uncertainty about HAPs emissions (that facility will not burn nearly the wide range of fuels that PGP potentially burns). Exhibit 12 EPA 2011 Comments on Hu Honua 2011.

ii. EPA Should Require HCl CEMS

Given the history of uncertainty around HCl emissions at the facility, EPA and EPD should require the facility to install a HCl Continuous Emissions Monitoring System (CEMS) at the boiler
Various vendors have commercially available HCl CEMS currently in the market. These include Thermoscientific,\textsuperscript{16} Altech,\textsuperscript{17} Cemtek,\textsuperscript{18} and others. EPA has required other industries (e.g. cement kilns) to install such CEMS and many have tested and installed such CEMS.\textsuperscript{19} EPA recommends the use of Performance Specification 18 for HCl CEMS users.\textsuperscript{20} The Facility must have the ability (and duty) to quantify the mass of HCl emissions under all operating conditions, and being able to sum mass emissions over desired time periods when plant operations, and thus emissions, are variable.

VI. PGP Is a Major Source for NOx and CO, and the Permit’s Minor Source NOx and CO Conditions Are Not Practically Enforceable

As detailed below, the Facility has a history of emitting above the minor source limits. Despite this, the Permit asserts that the Facility can achieve minor source emissions limits of CO and NOx. In light of the Facility’s operating history, this determination is technically unsubstantiated. Independent of the lack of an accurate and lawful basis on the Plant’s “potential to emit” (“PTE”)\textsuperscript{21} NOx and CO, the Permit’s regulation of NOx and CO are not practically enforceable. The Administrator must therefore object to the Permit and require that EPD reopen and revise the Permit.

A. Historical Operating Data Demonstrate PGP Facility Is a Major Source for Both CO and NOx

Since PGP has a 700 MMBtu boiler, hourly emissions of NOx and CO cannot exceed 56.849 lb per hour if the unit is to maintain a PTE below 249 tons. This translates to an emission rate of 0.0812 lb/MMBtu if the boiler is the only source of CO and NOx at the Facility. In practice, the boiler will have to achieve rates lower than this if “the entire facility” is to legally avoid PSD. However, emissions from the boiler have been quite variable historically, indicating the facility’s PTE has been in excess of 249 tons per year for both NOx and CO. For instance, monitoring data from June 2013 to April 2014

\textsuperscript{16} http://www.thermoscientific.com/content/tfs/en/product/continuous-emissions-monitoring-systems-cems.html
\textsuperscript{17} http://www.altechusa.com/hydrochloric.html
\textsuperscript{18} http://www.cemteks.com/images/Cemtek_TDL_based_HCl_CEMS_to_Meet_EPA_s_Draft_PS18_.pdf
\textsuperscript{19} See, for example, http://www.cemteks.com/images/HCI_CEMS_Report_-_Holcim.pdf
\textsuperscript{20} http://www.epa.gov/ttnemc01/prelim.html.
\textsuperscript{21} The federal regulations define "potential to emit" as: the maximum capacity of a stationary 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 restrictions on hours of operation or on the type or amount of fuel combusted, stored or processed, shall be treated as part of its design if the limitation or the effect it would have on emissions is federally and practically enforceable. 40 C.F.R. Sections 52.21(b)(4), 51.165(a)(1)(iii), 51.166(b)(4).
(Exhibit 13 PGP NOx-CO 5 '13 to 4 '14 from heat input$^{22}$) shows hourly emission rates for NOx up to 136.5 lb/hr, and for CO up to 624.9 lb/hr (Figure 2).

Figure 2: All emissions monitoring data for NOx and CO collected 6-1-2013 to 4-1-2014

Monthly summed emission rates for this period (Exhibit 13, columns I and J) would be even higher than they are, except that the hourly emissions data include many “zero” readings, even when the data on steam production shows the boiler was operating (see Figure 1). The facility cannot create

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$^{22}$ This file came to us labeled as containing May 2013 to March 2014 data, but actually contains June 2013 to April 2014 data.
sustained steam production without fuel input, unless the boiler is capable of immaculate combustion. Data in the record strongly suggest that the boiler was emitting more than 249 tons (per 12-month period) of NOx and CO as recently as 2014.

Further, individual stack tests in 2014 and 2015 also indicate emissions exceed the Permit’s allowable emissions rates. The NOx and CO CERMS went through a Relative Accuracy Test Audit (RATA) on February 27, 2014, which, as EPD notes in the SOB, determined emissions of NOx were 0.08744 lb/MMBtu NOx and emissions of CO were 0.09244 lb/MMBtu. These rates are higher than the rate that would be necessary for the Facility to meet synthetic minor emissions limits if the boiler were the only source of CO and NOx emissions.

The Facility’s difficulties in meeting emissions limits are known to EPD. During the February 27, 2014 testing, the engineer’s notes (Exhibit 14 Feb 27 2014 Source Test Report) state that the Facility acknowledges that “project 12-month rolling emissions (of CO) will be close to the 249 tpy limit in March, April and May of this year,” anticipating, months ahead, that the Facility would not be able to meet its limits. Indeed, the Facility self-reported exceedances of its monthly limits in May and August of 2014. Exhibit 15 5.01.14 Notice of NOx Exceedance; Exhibit 16 8.08.14 Notice of NOx Exceedance. Apparently, PGP was near or exceeding its monthly synthetic minor emissions limits for 4 out of 8 months (50%) of 2014.

A full year later, when RATA tests were conducted on February 25, 2015 (Exhibit 17 Feb 25 2015 Source Test Report), data show the facility’s hourly NOx emissions rates as measured by the reference method range from about 62 lb/hr to 73.5 lb/hr, well in excess of the rate required to justify PSD avoidance. Further, the RATA tests show that the Facility’s CERMS consistently underestimate the reference method readings. A rating of 20% or lower is required to pass; the Facility’s rating for NOx is 19.711%, which was only achieved by excluding the results of two reference method tests that had relatively high values. The rating for CO is 18.529%; again, the rate estimated by the Facility’s CERMS consistently underestimates the reference method rate.

B. Criteria Pollutant Limitations in the Permit are Not Practically Enforceable

EPD may not issue a Title V permit if it lacks the data necessary to accurately evaluate an air permit application and to determine compliance with all applicable requirements pursuant to Title V. Federal and state regulations are clear regarding an applicant’s duty to provide information and the State’s obligation to demand sufficient data to prepare reasonably enforceable permit conditions. The
information “must be sufficient to evaluate the subject source and its application and to determine all applicable requirements.” 40 C.F.R. § 70.5(a)(2) see also id. § 71.5(a)(2). The Administrator has previously granted petitions to object when she was unable to “ensure that the record contains sufficient information to evaluate the source and determine all applicable requirements.” See, e.g., In re Murphy Oil USA, Inc., Meraux Refinery, St. Bernand Parish, La, Order Granting in Part and Denying in Part Petition for Objection to Permit, Pet. No. VI-2011-02 at 6 (EPA Sept. 21, 2011).

Similarly, EPA’s longstanding guidance requires technical accuracy as a concept in “practical enforceability.” EPA informs permitting authorities and the regulated community that to effectively limit a source’s PTE, permit conditions must be practically enforceable. EPA suggests that “practical enforceability of a permit should be reviewed to assure the public’s and EPA’s ability to enforce the Title V permit is maintained, and to clarify for the Title V source its obligations under the permit.” EPA Region IX “Guidelines: Practical Enforceability,” Sept. 9, 1999 (“Practical Enforceability Guidelines”). Practicable enforceability for a source-specific permit means that the permit's provisions must specify technically accurate emission limitations. Here, the State lacks the information necessary to render a technically accurate determination as to whether the source can meet synthetic minor emissions limits for NOx and CO, and has not crafted practically enforceable permit conditions.

i. **PGP Has Not Yet Conducted Stack Tests in Accordance with Federal Regulations**

Petitioner’s best information indicates that the facility has never completed performance stack tests for NOx and CO in accordance with federal regulations, which require the facility demonstrate initial compliance and establish its operating limits under representative operating load conditions while burning the type of fuel(s) with the highest emissions potential for each regulated pollutant. 40 C.F.R § 63.11212(c). Indeed, the various testing performed by PGP has been conducted at varying operating load conditions, and without assuring that fuel used during those tests represents the highest emission potential for each pollutant. Without such tests, neither PGP nor EPD can assert to have a realistic assessment of the Facility’s PTE for NOx and CO.
ii. The Assertion That PGP Meets NOx Limit is Based on Faulty Data

As Petitioners commented on the draft permit, “to constrain potential to emit (PTE) of...NOx below 249 tons per year at a 700 MMBtu/hr boiler, the facility must emit on average less than 0.0812 pounds...per MMBtu of boiler capacity at all times, including during startup and shutdown.” Exhibit 18 PFPI Comment letter on PGP Title V Permit. (This also assumes that there are zero NOx emissions from any source at the facility except the boiler).

PGP’s response to Petitioner’s letter (Exhibit 19 PGP Response to PFPI Comment Ltr) asserts that the Facility will be able to comply with this NOx limit. PGP claims that testing from the third quarter of 2014 demonstrates that the Facility’s average NOx emission rate is 0.075 lb/MMBtu (and therefore the Facility can stay with its synthetic minor limits). The monitoring data are included as an appendix to the Company’s response letter (Exhibit 19 at page 12), allowing examination.

Petitioners transferred these data to a spreadsheet so we could analyze them, and in doing so, concluded that the data lack technical veracity. Exhibit 20 PFPI calcs Q3 NOx-CO data. First, as occurred in the earlier data record referenced above (Exhibit 13) there are gaps in these data, i.e. periods during which the boiler appears to be operating but the NOx emissions rate is recorded as zero. There are also periods where the daily NOx mass is recorded as zero, and the rate is recorded at about one-tenth of the normal emissions rate. To arrive at the 0.075 lb/MMBtu figure, PGP averages all the data, including these minimal rates (which appear to be marked as invalid) and the zero readings.25

While the data and their analysis are clearly flawed, the SOB repeats PGP’s claim that the Facility has demonstrated the ability to meet synthetic minor limits by referencing, almost verbatim, PGP’s response to Petitioner’s comment letter. The SOB reads “[i]n the third quarter of 2014, the CERMS at the Piedmont facility recorded an average NOx emission rate of 0.075 lb/MMBtu.” Exhibit 2 at page 25. Apparently EPD did not review the underlying data before making them a foundational element in the Facility’s synthetic minor source designation. Calculated accurately, i.e. without the “zero” readings and only using valid data points, the data demonstrate that the Facility is likely to exceed 250 tpy for NOx.26

25 The February 2014 RATA testing suggests that the Facility was experiencing significant problems with its monitoring equipment, but the Permit does not discuss the issue.
26 The average for the valid data points from the third quarter 2014 data yields an emissions rate for NOx that is higher than 0.0817 lb/MMBtu, which is higher than the rate required to stay within synthetic minor limits. Further, it does not account for 1) high SSM emissions rates, 2) the fact that the boiler was operating well below capacity, and 3) emissions from other sources of NOx at the facility.
Practicable enforceability for a source-specific permit requires that the permit's provisions must be based on a technically accurate and verifiable limitation. Gaps in the data and obvious calculation errors undermine the technical competency of any emissions limit that depends, in whole or in part, on defective data. It nonetheless appears EPD did in fact rely on these incomplete data to justify the potential for the Facility to achieve the 249 tpy limit for NOx.

iii. The Assertion That PGP Meets CO Limits is Not Supported by Testing Data

Although earlier data indicate that PGP has routinely emitted CO above the rates required to maintain synthetic minor status, EPD has accepted testing data from the third quarter of 2014 to justify the Facility’s synthetic minor status for CO. PGP claimed, and EPD apparently accepted, that the Facility can meet synthetic minor emissions limits, but the frequent gaps in monitoring data, the failure to test with a representative variety of fuels, the failure to assess emissions during startup/shutdown suggest this is improbable. As noted above, the data on which these figures rely is seriously flawed and does not provide a defensible technical baseline from which EPD can legally determine that the Facility will meet the synthetic minor emissions limits. Petitioners wish to emphasize the importance of EPA having confidence in the accuracy of the CO emissions limit, and urge EPA to require that EPD document why it believes this source can consistently achieve the rates it reports and stay within the 249 tpy synthetic minor source limit.

Petitioners believe, based on a thorough review of this and comparable facilities, that the implied emissions rates set for PGP are unrealistically low, and further that the Permit fails to provide sufficient monitoring, reporting and independent oversight to assure compliance with synthetic minor emissions limits.

iv. Emissions Data on CO and NOx Are Incomplete and Technically Flawed

The data from the third quarter of 2014 suffers from several additional, general inadequacies. First, the data do not explicitly include or account for boiler start-up and shutdown emissions, which are likely be higher than average emissions rates by significant amounts. See startup, shutdown and malfunction comments at Section IX, infra.

http://www.epa.gov/region9/air/permit/Titlev-guidelines/practical-enforceability.pdf. See also Region V guidance which suggests that “[f]or any permit term that requires a calculation to determine compliance, make sure that the equation and all assumptions are written into the permit.”
Second, it is not clear how PGP calculated flow rates for any of their testing. The permit states that Method 2 is used to estimate stack flow. Apparently, the Facility does not use a flow rate monitor and instead relied on CERMS concentration data and multiplies those by F-Factors to determine NOx and CO emissions. The use of F-Factors for a source that burns such highly variable fuels is entirely inappropriate, and legally indefensible absent additional information.

Lastly, data on which EPD relies was collected at operating capacities below the boiler operational capacity of 700 MMBtu. These three additional considerations further undermine the reliability of the data that serves as EPD’s foundation for allowing PGP to avoid PSD review and BACT analysis through synthetic minor status.

v. **Recommendations**

The boiler at the facility appears to have a CEMS system as well as a CERMS for NOx and CO – although the components of either of these two systems have not been fully described in the public record. It appears from correspondence between the facility and the EPD that the Facility would prefer to use the CERMS as the compliance tool for these two pollutants. The CERMS does not appear to be coupled with a flow meter in addition to the NOx and CO analyzers (Petitioners saw no RATA testing for any flow CEMS, for example). Instead, the flow of stack gas appears to be estimated by assuming an F-Factor for the underlying fuel. The absence of a flow meter calls into question the accuracy of the CERMS data. Given the wide variability of the fuel composition that can occur at this facility, the F-Factor approach cannot provide accurate estimates of stack gas flow. We urge EPA to require that the CERMS be equipped with a continuous stack gas flow meter and that the quantification of mass of NOx and CO be based on the NOx and CO concentrations (as measured by their respective continuous analyzers) in combination with the flow data from a flow monitor. Without a direct flow reading, there is no reason to believe that the F-factor based flow is accurate.

VII. **Specific Permit Conditions That Are Not Practically Enforceable**

The following provisions demonstrate that EPD has not prepared a legal adequate Permit. EPA is under a legal obligation to object to permit deficiencies once it finds that the Title V permit does not comply with the Act, even if the alleged deficiencies are arguably “harmless.” *New York Public Interest Research Group v Whitman*, 321 F.3d 316 (2d Cir. 2003).
A. Condition 3.2.2
Condition 3.2.2 is not federally or practically enforceable because the associated testing monitoring requirements do not include any testing for HAPS other than HCl. It is not possible for the EPD to determine compliance without adequate testing and monitoring.

B. Condition 3.2.3
Condition 3.2.3 is not practically enforceable because a central term—“bed stabilization”—is not defined. This condition is not saved by the inclusion of Condition 8.1 which suggests that where terms are not defined in the Permit, they shall be given the meaning assigned to them in the referenced regulation. “Bed stabilization” is not defined by statute or regulation, and is not defined in the Permit.

C. Condition 3.3.2
Condition 3.3.2 subparagraphs (a) and (b) is not practically enforceable because it improperly excludes emissions during SSM condition. See Section IX, infra.

D. Condition 4.1.3
Condition 4.1.3, in the final paragraph, impermissibly grants complete discretion to the Director. The condition, as currently constructed, allows changes in methodology when the Director, “in his opinion” believes the modification will make the methodology “more reliable.” This provision must include i) objective guidelines regarding what factors the Director will consider; ii) in the event he approves such changes, the director must publish an opinion outlining his reasoning; and iii) an opportunity for public comment the proposed changes.

E. Conditions 5.2.5(b), 6.2.2(f) and 6.2.3(b)
EPD cannot assure compliance with Conditions 5.2.5(b), 6.2.2(f) or 6.2.3(b) unless PGP samples and tests each shipment of fuel to ensure that the fuel being burned on a daily and monthly basis actually meets the Permit’s definition of clean cellulosic biomass.
F. Condition 6.1.2
EPD failed to include any deadline for submittal of the written report outlined in Condition 6.1.2, and therefore cannot take corrective action if/when the facility fails to comply with the requirement, thus rendering this provision unenforceable as a practical matter.

G. Conditions 6.2.14 and 6.2.15
Condition 6.2.14 is not practically enforceable because it uses an HCl emissions factor—0.00006 lb/MMBtu from the June 26, 2013 stack test—that is highly improbable on its face and lacks sufficient technical justification. See Section V.B, supra.

H. Condition 8.14.4
As noted above, the language Condition 8.14.4 is impermissibly vague with respect to which “excess emissions” are “allowed,” and renders the condition unenforceable as a practical matter.

VIII. GHG Emissions
The Facility’s PTE for carbon dioxide is over 590,000 tons per year, making it a major source for greenhouse gases. We believe the evidence we have presented indicate that this facility is a major source for criteria pollutants, and as such, it should go through Prevention of Significant Deterioration permitting, including a best available control technology (BACT) analysis for greenhouse gases.

IX. Startup, Shutdown And Malfunction Emissions Must Be Added To The PTE
The Facility’s PTE must include emissions associated with all phases of facility operation, including startup, shutdown and malfunction emissions. EPA recently adopted rulemaking delineating this requirement in greater detail, notwithstanding the legal obligation that has existed from the Act’s passage. See http://www.epa.gov/air/urbanair/sipstatus/emissions.html

Georgia state rules generally require that startup, shutdown and malfunction emissions be included in a project baseline and Potential to Emit, but then improperly allows the operator to elect to exclude startup, shutdown and malfunction emissions that are “not quantifiable.” Rule 391-3-1-02 (7)(a). Further, Georgia purports to allow any “non-compliant” emissions to be excluded from a facility’s average emissions. Rule 391-3-1-02 (7)(a)(i)(l)(II). The PTE for this facility does not include quantified emissions associated with startup, shutdown and malfunction conditions, and the State’s rules
allowing the exclusion of “non-quantifiable” emissions or “non-compliant” emissions are patently illegal, based both on long-standing Clean Air Act jurisprudence and recently on EPA’s startup, shutdown and malfunction emissions rulemaking.

These exemptions result in a reduced PTE that understates actual emissions, and as such, the permit issued in reliance upon these rules fails to provide an enforceable emissions limit generally, and further provides no enforceability of a synthetic minor emissions limit. EPA must object to this permit.

X. CONCLUSION

The Title V permit issued by the State to allow operation of the facility subject to this petition contains numerous omissions, flaws and defects, based in part on incomplete, biased and erroneous data. The facility’s PTE is not defensible to assure operation as a minor source – there are extensive data supporting the conclusion that this facility cannot comply with a 249 tpy PTE for criteria pollutants nor the 10 tpy HCL/25 tpy total HAP limits. As such, the permit does not comply with the Act, since it may not be practically enforced. Inadequate oversight and enforcement makes this facility a nuisance in its community, disproportionally exposing surrounding low income and African American residents to unhealthful air pollution.

Administrator McCarthy has a duty to object to this permit for all of the above reasons, and further to direct an audit of the permit actions approved by the State of Georgia in concluding this facility could be regulated as a synthetic minor source. Title V Operating permits should ensure full compliance with the Clean Air Act’s clear and specific mandates of clean air for all, and the practical and legal enforceability of all facility emissions limits.

Respectfully submitted on this 26th day of May, 2015.

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EXHIBITS

Exhibit 1  Permit No. 4911-171-0014-V-02-0
Exhibit 2  Statement of Basis 4911-171-0014-V-02-0
Exhibit 3  e.mail re Damage to Turbine
Exhibit 4  Atlantic Power presentation to EPD
Exhibit 5  Testimony of Gary Larkey (audio file)
Exhibit 6  EPD Don't Ask, Don't Tell Policy
Exhibit 7  Fuel Verification Contract
Exhibit 8  2010 Permit SOB Narrative
Exhibit 9  HAPs emissions AP-42 v NCASI
Exhibit 11 3/13 HCl Data w Limestone
Exhibit 12 EPA 2011 Comments on Hu Honua 2011
Exhibit 13 PGP NOx-CO 5'13 to 4'14 from heat input
Exhibit 14 Feb 27 2014 Source Test Report
Exhibit 15 5.01.14 Notice of NOx Exceedance
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