
On behalf of:

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LAKE COUNTY CONSERVATION ALLIANCE

Date: November 28, 2005
Pursuant to Clean Air Act § 505(b)(2) and 40 C.F.R. § 70.8(d), the Lake County Conservation Alliance hereby petitions the Administrator ("the Administrator") of the United States Environmental Protection Agency ("U.S. EPA") to object to the final Title V Operating Permits for the following facilities, all coal-fired power plants:

Ameren Energy Generating Company:
- Coffeen 95090009 135803AAA
- Hutsonville 95080105 033801AAA
- Meredosia 95090010 137805AAA
- Newton 95090066 079808AAA

Ameren Energy Resources Generating Company:
- Bartonville 95070026 143805AAG
- Canton 95070025 057801AAA

Dynegy Midwest Generation:
- Alton 95090096 119020AAE
- Baldwin 95090026 157851AAA
- Havana 95090053 125804AAB
- Hennepin 95090052 155010AAA
- Oak Wood 95090050 183814AAA

Electric Energy:
- Joppa 95090120 127855AAC

Kincaid:
- Kincaid 95090078 127855AAC
Midwest Generation:

Chicago-Crawford  95090076  031600AIN
Chicago-Fisk  95090081  031600AMI
Joliet  95090046  197809AAO
Pekin  95090074  179801AAA
Will County  95090080  197810AAK

City of Springfield

Springfield  95090091  167120AAO

The petitioning organization provided comments to the Illinois Environmental Protection Agency on the draft permits for these facilities (collectively, the “Illinois facilities”). A true and accurate copy of those comments is attached. At the time of submitting these comments, the Petitioner indicated that “We submit these comments with the understanding that they will be considered for all the recently issued CAAPP permits for Illinois coal plants…”, and listed 21 specific facilities, including their operators and permit numbers. In the comments, the Petitioner specifically questioned the practical enforceability of particulate matter emission limits in these permits because of deficiencies in monitoring, and requested “…that Midwest Generation and all other companies that operate coal fired power plants in Illinois, have to install PM Continuous Emission Monitors (CEMs) on all plants.”

The permits for twenty-two coal-fired power plants were proposed to U.S. EPA by the Illinois Environmental Protection Agency for a 45-day review period that concluded on September 29, 2005. This petition is filed within the sixty-day period following the end of U.S. EPA's 45-day review period as required by Clean Air Act §
505(b)(2). The Administrator must grant or deny this petition within sixty days after it is filed.

If the U.S. EPA Administrator determines that these permits do not comply with the requirements of the Clean Air Act ("CAA") or 40 C.F.R. Part 70, he must object to issuance of the permits. See 40 C.F.R. § 70.8(c)(1) ("The [U.S. EPA] Administrator will object to the issuance of any permit determined by the Administrator not to be in compliance with applicable requirements or requirements of this part.").

LCCA asserts these permits do not contain legally adequate provisions to ensure compliance with all periodic monitoring requirements. The permits should, but do not, require stack testing if electrostatic precipitators (ESPs) fail to operate within established parameters. The permits should, but do not, require at least annual stack and parametric monitoring testing to ensure there is an ongoing correlation between parametric monitoring and actual emissions. The first post-permit stack testing should be completed as soon as possible for all facilities. The permits should require ESP-performance record keeping on a greater than once per day or once per shift basis, and all permits should impose reporting requirements that are not discretionary with the permittee.

In making these assertions, LCCA notes the Administrator addressed the critical importance of a credible monitoring protocol in the July 31, 2003 responses to Petitions by the New York Public Interest Research group on Title V Permits issued to Dunkirk Power LLC and Huntley Generating Station. The Administrator also addressed this issue in the September 22, 2005 response to the Lake County Conservation Alliance Petition regarding the Waukegan Generating Station. In these responses, the Administrator remanded the permits to the permitting authority in part because they did not include
proper operating ranges for each of the ESP parameters and therefore did not provide the means to determine compliance.

Two provisions of Part 70 require that Title V permits contain monitoring requirements. The “periodic monitoring rule,” 40 CFR 70.69(a)(3)(i)(B), requires that “where the applicable requirements does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of record keeping designed to serve as monitoring), [each Title V permit must contain] periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source’s compliance with the permit...Such monitoring requirements shall assure use of terms, test methods, averaging periods, and other statistical conventions consistent with the applicable requirement. Record keeping provisions may be sufficient to meet the requirements of [40 C.F.R 70.69a)(3)(i)(B)].” The “umbrella monitoring” rule, 40 C.F.R 70.6(c)(1), requires that each Title V permit contain, “consistent with [section 70.6(a)(3)], monitoring...requirements sufficient to assure compliance with the terms and conditions of the permit.” EPA has interpreted section 70.6(c)(1) as requiring that Title V permits contain monitoring required by applicable requirements under the Act (e.g. monitoring required under federal rules required under 40 C.F.R. 70.6(a)(3)(i)(B). 69 Fed. Reg. At 3202, 3204 (January 22, 2004); see also Appalachian Power Co. v. EPA, 208 F. 3d 1015 (D.C. Cir. 2000).

The Illinois permits rely on a combination of initial stack tests, continuous opacity monitors (COMs) and ESP monitors to determine compliance with PM emission limitations. Consequently, these testing and monitoring systems must operate according to a credible, legally adequate protocol to serve as meaningful indicators of PM
emissions. Moreover, through testing, these indicators must be demonstrated in combination to correlate to PM emissions. The appropriate operating ranges, correlated with emissions, are particularly important to determine proper ESP operation. Because of this, the Petitioner contends the Illinois permits must be altered in the following, specific ways:

1. The Petitioner contends there is need for a more targeted, rigorous stack testing protocol than in the existing Illinois permits. While all of the permits require some stack testing for particulate matter, it appears none of the permits require stack testing if ESP operations fall out of range. This is true even if ESP operations experience recurrent, chronic problems. Because ESP performance is being used to correlate to PM emissions, it is entirely appropriate to establish a threshold for ESP "out-of-range" operations that will trigger PM stack testing. In the absence of such a trigger and subsequent stack testing, it will be difficult if not impossible to detect the nature and extent of PM exceedances, and to develop appropriately scaled corrective actions.

2. The permits should include a defined schedule for regular stack and parametric monitoring testing. Under the present permits, Illinois facilities are given discretion based "on prior performance" to schedule subsequent stack testing. There are no provisions related to ongoing testing of parametric monitors. Notably, following remand, the Dunkirk Power LLC permit was revised to include annual stack testing. The Petitioner in the present case contends that because PM emissions will be determined through the correlation of ESP performance, CO M and stack testing, it is entirely appropriate to require targeted stack and parametric monitoring testing to demonstrate (and, if necessary, correct) this correlation on a regular basis, no less than annually. In
the absence of ongoing, targeted testing, it will be difficult if not impossible to determine if the initial correlation between systems that established PM compliance remains valid over time.

3. The Petitioner contends that in order to demonstrate the necessary correlation between opacity monitoring, ESP parametric measures and PM emissions, the permits should impose the earliest, specific time period for stack testing to acquire “reliable data from the relevant time period that are representative of the source’s compliance with the permit.” This is consistent with the Administrator’s remand in the Waukegan Petition. The Administrator stated in the Waukegan decision that “…the permit relies on PM testing for establishing opacity monitoring and ESP parametric measures to assure compliance with PM emissions limitations. The PM testing will not be sufficient to assure compliance until such testing occurs.” The Petitioner contends all permits should require initial, post-permit testing within six months.

4. The Illinois permits should be remanded and revised to require more frequent record keeping for ESP performance. Again, this is necessary because ESP performance, correlated with COM and stack testing, is being used as a surrogate for actual, ongoing PM monitoring and compliance. Under the existing Illinois permits, ESP performance is recorded on a once-per-shift or once-per-day basis. Permittees are required to record ESP fields that are in service, the primary voltages and currents, the secondary voltages and currents as parametric measurements for the operating condition of the ESP. However, the permits do not include an adequate protocol to ensure that these once-per-shift snapshots of parametric measurements are representative of the full range of ESP operations during the shift. The Dunkirk permit, issued after remand, resolved this issue
by requiring twice-per-shift record keeping. While still imperfect, this protocol is more likely to represent actual ESP operations over a range of conditions, to identify any out-of-range operations, and to enable a credible correlation with PM emissions. The twice-per-shift protocol should be required in Illinois permits.

By way of conclusion, in order to establish that the listed facilities operate in compliance with PM emission limitations, the Petitioner respectfully requests the Administrator to grant this Petition and to remand the listed permits to address the deficiencies described in this Petition.

Respectfully Submitted,

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