



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, DC 20460

OFFICE OF AIR AND RADIATION

SEPTEMBER 27, 2023

Mr. Jeff Shanahan
Lon D. Wright Power Plant Superintendent
City of Fremont, Nebraska / Department of Utilities
2701 E. 1st Street
Fremont, Nebraska 68025

Re: Petition for a waiver of the 50-ton ozone-season NO_x limit for Unit 50T at the Lon D. Wright Power Plant (Facility ID (ORISPL) 2240)

Dear Mr. Shanahan:

The United States Environmental Protection Agency (EPA) has reviewed the August 28, 2023, petition submitted under 40 CFR 75.66 by the Fremont Department of Utilities (FDU) in which FDU requests a waiver of the 50-ton ozone-season nitrogen oxides (NO_x) limit for ozone seasons after 2016 as a qualifying condition for continued use of the low mass emissions (LME) methodology in § 75.19 for Unit 50T at the Lon D. Wright Power Plant (Wright). EPA approves the petition, as discussed below.

Background

FDU previously submitted a petition dated June 22, 2017, requesting a waiver of the 50-ton ozone-season NO_x limit with respect to the 2016 ozone season as a qualifying condition for continued use of the LME methodology in § 75.19 for Wright Unit 50T. EPA approved that petition in a letter dated August 4, 2022.¹ FDU's August 28, 2023, petition requests that the waiver approved in response to the previous petition be extended to apply with respect to ozone seasons after 2016 due to the possibility that Unit 50T could exceed 50 tons of ozone-season NO_x emissions again in ozone seasons in 2023 or later years.

EPA's Determination

For the same reasons discussed in the August 4, 2022, petition response, EPA approves, with conditions, FDU's petition for a waiver of the 50-ton ozone-season NO_x mass emission limit under § 75.19(a)(1)(i)(A)(I) with respect to ozone seasons after 2016 for Wright Unit 50T for purposes of the required annual demonstrations under § 75.19(a)(1)(i)(B). EPA's previous

¹ The August 4, 2022, response can be found at www.epa.gov/system/files/documents/2022-08/Lon_D_Wright_petition_response.pdf.

approval did not rely on any facts specific to the 2016 ozone season, and the scope of the previous approval was limited to the 2016 ozone season solely because in the previous petition FDU requested relief only with respect to the 2016 ozone season. Although FDU suggested in the previous petition that EPA should approve that petition in part based on FDU's belief at the time that utilization and emissions for Wright Unit 50T in the 2016 ozone season had been atypically high, EPA expressly declined to rely on any assessment of whether the 2016 ozone season was atypical as part of the basis for approving that petition.

EPA notes that this waiver of the 50-ton ozone-season NO_x emission limit under § 75.19(a)(1)(i)(A)(I) with respect to ozone seasons after 2016 for Wright Unit 50T is not a general authorization for FDU to use the LME methodology for Unit 50T in future years, for example, if the unit's emissions exceed the annual NO_x emission limit under § 75.19(a)(1)(i)(A)(I), if the unit were to become subject to additional part 75 requirements with respect to ozone-season NO_x emissions, or if EPA were to revise part 75 so as to change the qualification requirements for use of the LME methodology.

EPA's determination is conditioned and relies on the accuracy and completeness of FDU's August 28, 2023, petition and is appealable under 40 CFR part 78. If you have any questions regarding this determination, please contact Ron Sobocinski at (202) 343-9722 or by e-mail at sobocinski.ron@epa.gov.

Sincerely,

Rona Birnbaum, Director
Clean Air Markets Division

cc: Scott Postma, EPA Region VII
Brad Pracheil, Nebraska DEE
Matt Turco, Nebraska DEE
Ron Sobocinski, CAMD