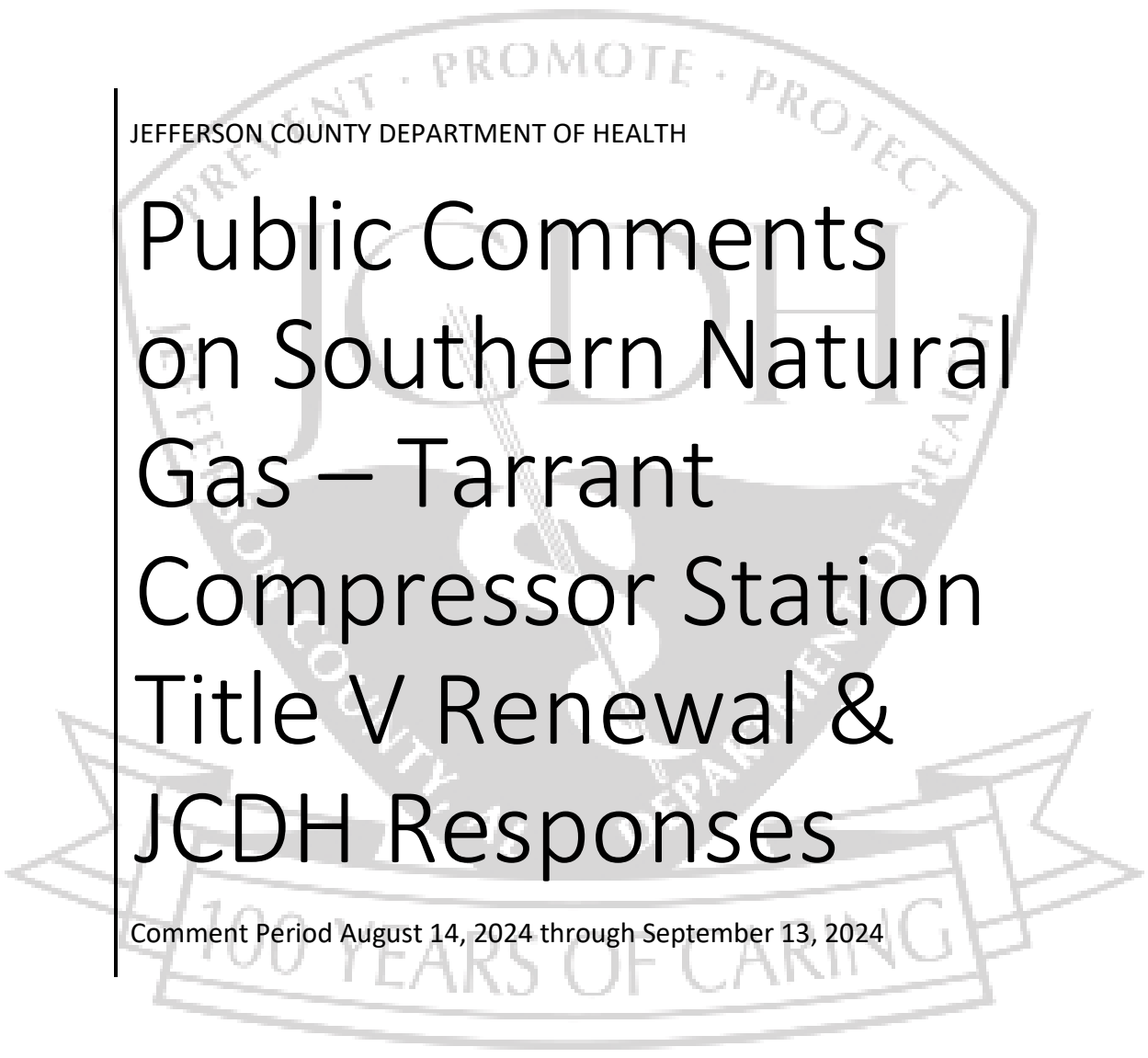




JEFFERSON COUNTY DEPARTMENT OF HEALTH

Public Comments on Southern Natural Gas – Tarrant Compressor Station Title V Renewal & JCDH Responses

Comment Period August 14, 2024 through September 13, 2024

Draft Permit 4-07-0267-07
10-31-2024

GASP and SELC Comment Document

The full text of comments submitted by GASP and SELC, herein referred to as commentors, on September 13, 2024, is not reproduced within this document. It is available from JCDH on request. The comments address the following areas of concern: sufficiency of monitoring, recordkeeping, and reporting, NSR/PSD requirements, sufficiency of environmental justice analysis, and malfunctions, deviations, emergencies, and violations.

I. Sufficiency of Monitoring, Recordkeeping, and Reporting

Commentors state that, “The Draft Permit includes a number of specific emission limitations and standards that are not accompanied by adequate monitoring, recordkeeping, and reporting requirements,” drawing specific attention to the opacity limit of Section 6.1.1 of the Rules and Regulations and the sulfur oxides limit of Part 7.1 of the Rules and Regulations.

Commentors state that records demonstrating that natural gas is the only fuel used is not sufficient for demonstrating compliance with either limit. Commentors state that the draft Permit is “not in compliance with the Alabama SIP and applicable JCDH rules, because it does [not] require monitoring of opacity [of] the Compressor Station using EPA Method 9,” and that the Permit must be revised to include Method 9.

Commentors state that “nothing in the Draft Permit or the SOB explains how use of natural gas shows compliance,” with Part 7.1 of the Rules and Regulations and appear to disagree that natural gas contains negligible sulfur content, referring to it as “certain assumptions about the composition of natural gas.” Commentors state that, “JCDH must revise the permit record to explain how the Draft Permit include monitoring, recordkeeping, and reporting adequate to ensure compliance with the SO₂ limits and revise the Draft Permit as needed to meet that requirement.”

Pipeline quality natural gas must have a negligible sulfur and ash content. Sulfur is corrosive, undesirable for the natural gas producer and end users, so it is removed at the processing plant. Natural gas sweetening is the process in which sulfur is removed by reacting the gas with an amine. After removal of sulfur, water vapor and condensate are removed from the gas, through processes like glycol dehydration. These processes occur at natural gas processing plants, prior to transfer to transmission or compression facilities. There is no cleaning or treating of raw natural gas that occurs at Southern Natural Gas’s (SONAT) Tarrant Compressor Station.

Factors from AP-42 Section 3.2 were used for estimating potential particulate matter and sulfur dioxide emissions, which were then used to determine compliance with emission limits. The background document entitled, “Emission Factor Documentation For AP-42 Section 3.2, Natural Gas-Fired Reciprocating Engines,” (located at <https://www.epa.gov/sites/default/files/2020-10/documents/b03s02.pdf>) contains the procedures and reasoning used to develop the factors. Discussion related to the development of PM and SO₂ factors begins on page 3.9 of the background document.

For PM, it was assumed PM₁₀ and PM_{2.5} are equal, on the basis that “natural gas does not contain ash and the nucleation of PM from combustion products will not yield particles larger than 1 to 2 μm.” It can then be reasonably assumed that a natural gas-fired engine would only have visible emissions when

experiencing mechanical issues, and thus, not combusting fuel efficiently. Inefficient or incomplete combustion results in additional carbon, yielding black emissions. Based off this rationale and the underlying assumptions of the AP-42 factor, it was determined that a restriction to combust only natural gas will ensure compliance with the opacity limit of Section 6.1.1 of the Rules and Regulations. Reporting of malfunctions is covered under Item F of General Permit Condition No. 48. Commentors' concerns with this item are addressed in Section IV.

For SO₂, it is stated that AP-42 emission factors were calculated by mass balance, since the "sulfur content in pipeline-quality natural gas is fairly consistent" and that a 100% conversion of fuel sulfur and sulfur concentration of 2,000 grains per million standard cubic feet was assumed.

The sulfur dioxide potential emissions for each engine were calculated based off the AP-42 Section 3.2 emissions factor (0.000588 lb/MMBTU for EU 001-008 and 0.03709 lb/MMBTU for EU 012) as follows.

$$1.2 \text{ (Safety Factor)} * \text{Emission Factor} \left(\frac{\text{lb}}{\text{MMBTU}} \right) * \text{Fuel Consumption} \left(\frac{\text{MMBTU}}{\text{hr}} \right) = \text{Potential SO}_2 \text{ Emission Rate} \left(\frac{\text{lb}}{\text{hr}} \right)$$

The sulfur dioxide emissions limit for each engine was calculated based off the Section 7.1 limit as follows.

$$1.8 \frac{\text{lb}}{\text{MMBTU}} * \text{Fuel Consumption} \left(\frac{\text{MMBTU}}{\text{hr}} \right) = \text{Allowable SO}_2 \text{ Emissions Rate} \left(\frac{\text{lb}}{\text{hr}} \right)$$

The potential emissions were compared to the allowable emission rate to determine if the combustion of natural gas would result in emissions above the limit. The potential emissions and allowable sulfur dioxide emissions from the Statement of Basis have been summarized below.

Emission Unit	Potential SO ₂ Emissions (lb/hr)	Allowable SO ₂ Emissions (lb/hr)
001	0.02	43.2
002	0.02	43.2
003	0.02	43.2
004	0.01	29.2
005	0.01	29.2
006	0.01	29.2
007	0.001	21.6
008	0.001	21.6
012	0.0003	14.3
Facility Wide	0.1	274.7

Based off these calculations and the underlying rationale of the AP-42 emission factors, it was determined that a restriction to combust only natural gas in the engines will ensure compliance with the sulfur dioxide emissions limit of Part 7.1 of the Rules and Regulations.

The quality of the natural gas that is shipped to the facility is set forth in a facility's tariff, which is under the authority of the Federal Energy Regulatory Commission (FERC). Natural gas is processed to achieve these standards prior to transfer to stations like the Tarrant Station, as stated previously. The quality standards for SONAT can be found starting on page 116 of its tariff, located at <https://pipeline2.kindermorgan.com/Tariff/SubIndex.aspx?code=SNG&category=TOC>. The relevant provisions for sulfur content and particulate matter are shown below.

- 3.1 The gas delivered for transportation under Rate Schedules FT, FT-NN and IT will be merchantable gas and will upon delivery by SHIPPER to COMPANY:
- (a) be free of objectionable liquids and solids and be commercially free from dust, gums, gum-forming constituents, or other liquid or solid matter which might become separated from the gas in the course of transportation through the pipeline or which could cause inaccurate measurement;
 - (b) not contain more than 200 grains of total sulfur or 3.0 grains of hydrogen sulfide per Mcf;

Since SONAT's natural gas is required to be free of any "objectionable liquids and solids" by FERC, it can be reasonably assumed that use of SONAT's natural gas results in negligible particulate matter emissions. The reasoning used by JCDH that a properly functioning unit only using natural gas will not produce visible emissions, is described above.

To address commentors' concerns, Condition No. 2 under Federally Enforceable Conditions for RICE has been revised to require visible emissions observations, according to the procedure as shown below.

For every week of operation of the source permitted herein, the permittee shall observe each emissions unit in operation for visible emissions at least once weekly. If no visible emissions are present, the permittee shall record the lack of visible emissions and the date of the observation. If an emissions unit is operating with visible emissions, the permittee shall determine compliance with the opacity limit, according to the following procedure:

- A. Conduct an EPA Method 22 observation or conduct an EPA approved alternative test method ALT-082 test.
- a. If the results of the Method 22 are that visible emissions are present for longer than 6-minutes, a Method 9 observation or ALT-082 must be conducted.
 - b. If the results of the ALT-082 and/or Method 9 observation are that opacity is above the limit of Section 6.1.1 of the Rules and Regulations, corrective action must be initiated.
- B. Records of any and all observations, testing, and/or corrective actions must be maintained, including the date of the action taken.

JCDH determined that requiring observations only once a week is sufficient for demonstrating compliance as there is a low associated risk for visible emissions for units only using natural gas, for reasoning as described throughout this section.

The SONAT Tarrant station is typically staffed with 5-6 people at a time, and not during the weekend or on holidays. In most cases, SONAT must bring contractors on-site in order to conduct Method 9

observations. At other SONAT facilities around the country, EPA Approved Alternative Test Method 082 has been used, as a more feasible means for determining opacity limits. ALT-082 involves the use of ASTM D 7520-09, with limitations as specified in the document located at <https://www.epa.gov/sites/default/files/2020-08/documents/alt082.pdf>. ALT-082 makes use of a digital camera and the application of Digital Camera Opacity Technique (DCOT). A digital camera captures a set of images of a plume against a contrasting background. The software compares each image against the background to determine opacity then averages the opacities determined for each image. The DCOT system and its operators must maintain certification and training, in accordance with the requirements of ASTM D 7520-09. The certification and training of the DCOT system and operators are the responsibility of the company that owns and provides the DCOT services, not SONAT. ALT-082 was approved by EPA for sources subject to opacity standards in 40 CFR 60, 61, and 63. Pursuant to §63.6600(c), EPA chose not to promulgate standards for large RICE at existing major sources of HAP under 40 CFR 63, Subpart ZZZZ, and Subpart ZZZZ does not include any opacity standards, regardless. Given that EPA approved ALT-082 for demonstrating compliance with, what are often more stringent requirements than Section 6.1.1, under 40 CFR 60, 61, and 63, JCDH has determined ALT-82 is sufficient for demonstrating compliance with Section 6.1.1 of the Rules and Regulations.

Potential sulfur dioxide emissions were calculated using the quality standard of 200 grains of total sulfur per MCF (1,000 cubic feet) and are presented in the table below, along with the relevant emission limit.

Emissions Unit	Potential SO ₂ Emissions (tpy)	Potential SO ₂ Emissions (lb/hr)	Allowable SO ₂ Emissions (lb/hr)
001	2.9	0.7	43.2
002	2.9	0.7	43.2
003	2.9	0.7	43.2
004	1.9	0.4	29.2
005	1.9	0.4	29.2
006	1.9	0.4	29.2
007	1.4	0.3	21.6
008	1.4	0.3	21.6
012	0.1	0.4	14.3
Facility-Wide	17.3	3.9	274.7

This further demonstrates that a restriction to only combust natural gas in the engines will ensure compliance with Part 7.1 of the Rules and Regulations. The difference in these calculations and calculations presented in the Statement of Basis does not call into question the applicability of any rule or regulation or the classification of the facility as a major or minor source.

To address commentors' concerns, Condition 2 has been further revised to state only natural gas that is in specification with the sulfur standard of the FERC tariff can be combusted, as shown below.

Compliance with these emission limitations shall be demonstrated by records indicating that natural gas meeting the sulfur content specification in the facility's Federal Energy Regulatory Commission (FERC) tariff is the only fuel combusted.

II. NSR/PSD Requirements

Commentors states the following in reference to the including of NSR/PSD permitting as it relates to the proposed permitting action:

"Accordingly, any NSR/PSD permitting requirements – as well as the requirements of any existing air permits for the Compressor Station – are applicable requirements that JCDH must include in the Draft Permit. The SOB for the Draft Permit includes a summary of the Title V permitting history for this Source and describes the types of future actions that may require NSR/PSD permitting, but it does not address whether the Compressor Station is already subject to NSR/PSD or any other air permits, and if so, how those requirements are adopted in the Draft Permit. The SOB clearly states that the Compressor Station 'is an actual major source for NOx and a potential major source of VOC and CO,' but the Draft Permit does not cite to the JCDH NSR/PSD permitting regulations in Parts 2.4 and 2.5 or any existing air permits for this Source. Commentors note that five of the Compressor Engines addressed in the Draft Permit (emission units 005, 006, 007, 008, and 009) were constructed between 1947 and 1950, before the existence of the CAA or the specific NSR and PSD permitting requirements. However, four other emission units at the Source were constructed after these CAA permitting requirements were established: three compressor engines (emission units 001, 002, and 003) were constructed in 1980, and one emergency generator (emission unit 012) was constructed in 2004."

Commentors draw attention to SONAT's application in which an Air Permit predating Title V is cited as basis for emissions calculations. Commentors assert that, "Historic documents in the online records make clear that this Source had emissions well above NSR/PSD permitting levels in 1999, and emission calculations provided right before issuance of the original Title V permit were based also on referenced "Permitted" conditions for the three compressor engines constructed in 1980." Commentors further assert the following:

"Based on the Draft Permit, SOB, and Application, it is not possible for the public to determine whether Air Permit No. 4-07-0267-1501 contains any NSR/PSD permitting requirements that are applicable requirements for the Compressor Station. In addition, since neither the Draft Permit nor the SOB reference this existing Air Permit, it is not clear that the Draft Permit contains all applicable requirements from that existing Air Permit. Accordingly, JCDH must: (1) revise the Draft Permit to incorporate and reference all applicable requirements from Air Permit No. 4-07-0267-1501, (2) revise the SOB to address this existing Air Permit and the applicable permitting requirements from it, including NSR/PSD, that apply to this Source, and (3) re-notice the Draft Permit and revised SOB so that the public can ensure the Draft Permit contains all applicable requirements of Air Permit No. 4-07-0267-1501 and adequate monitoring, recordkeeping, and reporting requirements to assure compliance with them."

SONAT was an existing source in 1999. NSR/PSD would have only been triggered if a modification had occurred at the facility that would cause a significant increase in potential to emit or cause the emission of a pollutant not previously emitted by the facility. JCDH is not aware of any operational modifications,

major or minor, that occurred at the facility in 1999. The Title V permit is assumed to be only a consolidation of the existing permits and there are no records to contradict this assumption.

JCDH would like to remind commentors that comments are to be limited to the permitting action currently being proposed, as has been previously advised to commentors in EPA’s denial of their petition to object against U.S. Steel’s Title V Permit in 2022 (located at https://www.epa.gov/system/files/documents/2022-06/US%20Steel%20Order_6-16-22.pdf). The public comment period is not an opportunity to reevaluate the entire permitting history of a facility. In the absence of an identified previous error, a request to change established limits or a request to make a modification to the facility, it is not necessary to revisit these applicability determinations during the Title V permit renewal process. As stated in the Statement of Basis on page 6, there is no modification associated with the current permit action. However, in the interest of thoroughness and transparency, JCDH has responded to commentors’ concerns below.

A. Any applicable requirements from the 1980 permit were due to be included in the initial Title V Permit in 1999.

Title V permitting does not trigger NSR/PSD requirements on its own. The intent of the Title V permit program was to roll whatever number of previous individual permits for a facility into one Title V permit, carrying over all applicable requirements as required by the Title V program. If a previous permit contained limits established under or to avoid major NSR, those conditions should have been included in the initial Title V permit. When the Title V permit program began, Paragraph 2.2.5 provided, “*Expiration of Air Permits. Air Permits shall expire immediately following: (a) the issuance of a Synthetic Minor Operating Permit required by Chapter 17 or an Operating Permit required by Chapter 18 which pertains to the article, machine, equipment, or other contrivance regulated by the Air Permit.*” In addition to the fact that Air Permit 4-07-0267-1501 expired on September 8, 1999 when the initial Title V permit was issued, the Department’s records retention policy requires them to be maintained for only 5 years in the office and another 5 years in archives before files are destroyed. Records pertaining to expired Air Permit 4-07-0267-1501 cannot be located. The permit writer would not have cited a permit that was due to expire when the Title V permit was issued as the source of a requirement that was carried into the Title V permit. It is unfortunate that the records which would demonstrate that the Department met its duty in issuing the initial Title V permit and the reasoning behind any conditions established for PSD or NSR do not exist. Likewise, commenters cannot prove that their allegation that any such conditions were omitted.

B. Potential to Emit Before the 1980 Engines Were Constructed

Assuming that in 1980 (prior to the installation of EU 001-003), the only engines SONAT had operating were EU 005-009, the facility-wide potential to emit would be as shown in the table below. The potential to emit for SO₂ based off the FERC tariff quality standard is used, as it is a more conservative value.

Pollutant	Potential to Emit (tpy)
CO	84.1
NO _x	1,620

SO ₂	8.67
PM ₁₀	18.4
PM _{2.5}	18.4
VOC	97.4

The major source threshold for SONAT, under NSR/PSD, is potential to emit of 250 tons per year of any NSR regulated pollutant. SONAT would have been a major source of only NO_x under NSR/PSD, prior to the addition of EU 001-003 in 1980. It is not known if there were other engines at the facility at that time that are no longer present that would be due to be included in the 1980 PTE.

C. NAAQS Attainment Status of Jefferson County in 1980

Initial designations for Jefferson County were issued by the EPA on March 3, 1978 at 43 FR 8965-8966. These can be summarized efficiently in a table (nonattainment areas outside Jefferson County are not included in this table):

1971 NAAQS	Does Not Meet Primary Standards	Does Not Meet Secondary Standards	Cannot Be Classified	Better Than National Standards
TSP	Those portions of Jefferson City within central Birmingham and the area surrounding the Universal Atlas Cement plant	-	-	Rest of State
SO ₂	-	-	-	Rest of State ¹
O _x	Jefferson County ²	-	-	-
CO	-	-	Statewide	Statewide
NO ₂	-	-	Statewide	Statewide

The facility was (and still is) a potential major source only for NO_x, which was an attainment pollutant and excluded from measurements of O₃ at the time.

D. The status of PSD permitting requirements in 1980.

The contents of Air Permit 4-07-0267-1501 cannot be accessed. However, it is certain that applying today's PSD and NSR rules retroactively will potentially produce a different result than the rules as the existed in and around 1980.

On March 8, 1981, the date Air Permit 4-07-0267-1501 was issued, three permitting programs existed under Title I of the Clean Air Act: PSD permitting under Part C, nonattainment NSR permitting under Part

¹ There were nonattainment areas outside of Jefferson County. This table presents designations of Jefferson County only.

² The regulated pollutant under 40 CFR §50.9 was "photochemical oxidants, measured and corrected for interferences due to nitrogen oxides and sulfur dioxide by the reference method described in Appendix D" of 40 CFR Part 50 (photometric method). The regulated pollutant under 40 CFR §50.10 was "hydrocarbons, measured and corrected for methane by the reference method described in Appendix E" of 40 CFR Part 50 (using a flame ionization detector and stripping column for methane from a portion of the sampled air). Four additional counties within Alabama were also designated nonattainment. In 1979, the indicator was changed to O₃.

D, and minor NSR under §110(a)(2)(C) of Part A. From the July 1, 1996 Annual Edition of 40 CFR §52.50(c), available at <https://www.govinfo.gov/content/pkg/CFR-1996-title40-vol2/pdf/CFR-1996-title40-vol2-sec52-50.pdf>, listing of revisions to the Alabama State Implementation Plan:

Control Commission.

(32) Regulations providing for prevention of significant deterioration (additions to Chapter 16 of the Alabama regulations), submitted on January 29, 1981, by the Alabama Air Pollution Control Commission.

(37) Provisions for new source review in nonattainment areas (changes in Chapter 16 of the regulations), submitted on March 31, 1981, by the Alabama Air Pollution Control Commission.

(20) 1979 implementation plan revisions for nonattainment areas (TSP and ozone), submitted on April 19, 1979, (as clarified by a letter of August 10, 1979), by the Alabama Air Pollution Control Commission.

(21) Revisions in permit regulations as follows: (i) Title of 16.3.2. is changed to "Permits to Construct in or near Nonattainment Areas;" (ii) a subparagraph (9), "Significant Impact," is added to paragraph 16.3.2.(b); (iii) paragraph 16.3.2.(c) is revised; and (iv) subparagraph 16.3.2.(d)(5) is deleted; these revisions were adopted on February 13, 1980, and submitted on February 20, 1980, by the Alabama Air Pollution Control Commission to correct deficiencies in the Part D revisions given conditional approval by EPA on November 26, 1979.

Jefferson County promulgated very similar, if not identical, regulations along a similar timeline. It is clear that PSD and NNSR were in their infancy at the time Air Permit 4-07-0267-1501 was issued. The baseline dates at Paragraph 2.4.2(n) of the Rules and Regulations for PM₁₀ (as TSP) and SO₂ had been established prior to 1980, but the baseline dates for NO_x were later established as February 8, 1988. This strongly suggests that the application for the three engines was not treated as a major modification of a major source. The most likely explanation for this treatment is that these were replacement engines for existing capacity rather than a significant increase in capacity. Unfortunately, reliable records on this matter do not appear to be available.

E. PTE of the Engines Added in 1980

The combined potential to emit for Emissions Units 001-003 (using the SO₂ values calculated based off the 200 gr/MCF standard and the NO_x values calculated based off AP-42 Table 3.2-1) and the PSD trigger dates, are included in the table below.

Pollutant	Potential to Emit (tpy)	PSD Status	PSD Trigger Date
CO	40.3	-	-
NO _x	1,200	Major	2/8/1988
SO ₂	8.9	Minor	8/7/1977
PM ₁₀	18.3	Minor	8/7/1977
PM _{2.5}	18.3	Minor	10/20/2011
VOC	70.2	Minor	-

The PSD baseline concentration is defined in §52.21(b)(13)(i) as the "ambient concentration level that exists in the baseline area at the time of the applicable minor source baseline date," and is used to determine the amount of available increment of a pollutant. The minor source baseline date is defined

in §52.21(b)(14)(ii) as the “earliest date after the trigger date on which a major stationary source or a major modification subject to 40 CFR 52.21 or to regulations approved pursuant to 40 CFR 51.166 submits a complete application under the relevant regulations.” Based on the trigger dates, NO_x and PM_{2.5} potential emissions would not have been considered as part of the NSR/PSD applicability determination, as the date occurred after the installation of the engines.

In 1980, if the significant increase thresholds under today’s Subparagraph 2.4.2(w) of the Rules and Regulations (40 tons/year of NO_x) were applied to NO_x emissions, the increase from the 1980 engines, if not offset by emissions from engines they were replacing, would certainly have been a major modification and would have triggered PSD, setting the major source baseline date for NO_x to the date the application was received.

The potential PM₁₀ emissions from the additions of Emissions Units No. 001-003 is above the significant increase thresholds under Subparagraph 2.4.2(w) of the Rules and Regulations. §50.21(14)(iv) states that “any minor source baseline date established originally for the TSP [total suspended particles] increments shall remain in effect and shall apply for purposes of determining the amount of available PM-10 increments.” EPA revised the NAAQS on July 1, 1987, replacing the TSP indicator with PM₁₀. In 1980, the relevant indicator would have been for TSP, which was set at 25 tons per year. Potential PM₁₀ emissions would not have constituted a significant increase in emissions, in 1980, and would not have triggered NSR/PSD.

The potential SO₂ emissions from the additions of Emissions Units No. 001-003 is below the significant increase thresholds under Subparagraph 2.4.2(w) of the Rules and Regulations (40 tons/year of SO₂).

There is no trigger date for VOC emissions and a significant impact level (SIL) was not promulgated for ozone (and precursors VOC and NO_x) until after 2010, in response to Sierra Club’s petition for EPA to begin a rulemaking process. EPA had refrained from establishing a SIL for ozone until that point, due to the chemical complexity of ozone formation and a lack of technology to properly model it in previous decades. SONAT was not a NSR/PSD major source of VOC in 1980; however, after 2010 SONAT would have been considered a NSR/PSD major source of ozone, due to its potential to emit NO_x and VOC in excess of 40 tons/year for each precursor. There is legal basis to apply these significance levels retroactively to decisions made 30 years prior.

F. PTE for Emergency Generator added in 2004

The potential to emit for Emissions Unit 012 (using the SO₂ value calculated off the 200 gr/MCF standard) is included in the table below.

Pollutant	Potential to Emit (tpy)
CO	8.9
NO _x	5.3
SO ₂	0.1
PM ₁₀	0.05
PM _{2.5}	0.05

VOC	0.1
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As the potential to emit for each pollutant is below the applicable thresholds, NSR/PSD would not have been triggered with the addition of the emergency engine in 2004.

G. PTE Calculation for the Statement of Basis

Permit No. 4-07-0267-1501 is cited as the source for the emissions factor for NO_x for Emissions Unit No. 001-003 in SONAT's application. Since record of Permit No. 4-07-0267-1501 could not be located, JCDH has recalculated the NO_x potential emissions for Emissions Units No. 001-003 using a factor of 3.17 lb/MMBTU from the current version (August 2000) of AP-42 Table 3.2-1. The results are shown in the table below, along with the facility-wide total, and the calculations presented in the Statement of Basis.

Emissions Unit	Recalculated NO _x Potential to Emit (tpy)	Statement of Basis NO _x Potential to Emit (tpy)
001	400	382
002	400	382
003	400	382
Facility-Wide	2,825	2,773

The difference in these calculations and calculations presented in the Statement of Basis is 1.8% and does not call into question the applicability of any rule or regulation or the classification of the facility as a major source of NO_x.

III. Sufficiency of Environmental Justice Analysis

Commentors state their dissatisfaction with JCDH's further review of the impacts of PM, ozone, and air toxic emissions, stating that it "simply provides general facts about the status of Jefferson County air quality and existing general emission requirements." Commentors state the draft Permit lacks "substantive permitting requirements to protect the surrounding community," and that, "JCDH has not taken any steps to revise or strengthen the Draft Permit terms to reduce the potential environmental and health burden borne by that community."

Environmental justice is a high aspiration as set forth in executive orders, but no firm rules have been established regarding how to implement it and no authority to remedy disparate impacts has been granted. JCDH follows a procedure for evaluating an area for EJ concerns using EJScreen, and uses the results to target public outreach measures to increase awareness that a draft permit is available. In addition to publishing the public notice in the Alabama Messenger, JCDH posts the draft permit with the engineering evaluation and the permit application on our website during the comment period. JCDH maintains and uses an email list to notify interested persons for all permit actions requiring a public comment period. JCDH has also worked to increase the availability of facility records on our website. But there is no law that authorizes JCDH (or ADEM or EPA) to do more than enforce lawful regulations. Each facility may choose how to achieve the applicable emission limits in compliance with the applicable

regulations. Specific emission limits can generally be set for an individual facility only in relation to the NAAQS and as part of the New Source Review/Prevention of Significant Deterioration permitting programs. The intersection of these programs requires JCDH to deny a permit where a facility will “cause or contribute to ambient air quality levels in excess of the national ambient air quality standards.” There is no modification associated with this Title V renewal.

Instructions on how to interpret EJScreen results state only that EJ Indexes that are at or above the 80th percentile nationally should be “considered as a candidate for further review” (located at <https://www.epa.gov/ejscreen/how-interpret-ejscreen-data>). That further review may include “considering other factors and other sources of information such as health-based information, local knowledge, proximity and exposure to environmental hazards, susceptible populations, unique exposure pathways, and other federal, regional, state, and local data.” The instructions further state that the “80th percentile filter in EJScreen is not intended to designate an area as an ‘EJ community’” and that “EJScreen provides screening level indicators, not a determination of the existence or absence of EJ concerns.”

JCDH considers discussion into the air quality of Jefferson County and the related rules and regulations, to identify where SONAT’s operations intersect to constitute the “considering of other factors and other sources of information.” Information on the ambient air monitoring conducted by JCDH in the area was provided. JCDH directed readers to the Birmingham Air Toxic Study for additional context on how MACT and GACT standards protect the public from health risks associated with air toxic emissions. JCDH also summarized and directed readers to EPA’s recent risk evaluation for formaldehyde.

Outreach letters were sent to the Jefferson County District 4 Commissioner and the Mayor and Mayor Pro Tempore of Tarrant, AL. The public notice was published in the Alabama Messenger and was sent to the email list used to notify interested persons for all permit actions requiring a public comment, including GASP and SELC.

JCDH has no authority to do more than enforce lawful regulations. Additional monitoring and recordkeeping requirements have been added to the draft Permit, as requested by commentors; however, there are no further regulations that can be lawfully imposed onto SONAT, at this time.

IV. Malfunctions, Deviations, Emergencies, and Violations

Commentors request that the requirement to report malfunctions, deviations, emergencies, and violations within two working days be changed to 48 hours. Commentors state that the current requirement, “is insufficient to protect the surrounding EJ community from the potential impacts of any significant failure of these old engines,” as requiring, “reporting on ‘working days’ could result in harmful emission releases for many days before JCDH was informed, and nothing in the permit term requires Southern Gas or JCDH to inform the surrounding public of such events when they occur.” Commentors further request that JCDH revise the draft Permit to require SONAT to report any malfunctions, deviations, and violations, “that results in fires or large releases of pollutants to the surrounding community also require public reporting through local news outlets, the internet, and other public forms.”

Commentors’ assertions are conclusory. The requirement in Item F of General Condition No. 48 to report deviations within 2 working days is in line with the wording of Subparagraph 18.5.3(c)(2) of the

Rules and Regulations. However, JCDH has determined the wording as it relates to reporting of malfunctions can be better aligned with Section 1.12.2. JCDH will also remove emergencies from the provision, for consistency with 88 FR 47029, July 21, 2023 and the removal of the emergency provision from the Rules and Regulation, as of August 14, 2024.

F. Episodic prompt reporting of malfunctions, deviations, ~~emergencies~~ and violations as follows:

F-1. Deviations and violations of any permit condition, including but not limited to emission limitations, ~~shall be reported~~ within 2 working days of the ~~malfunction~~, deviation, ~~emergency~~ or discovery of a violation at any source of air pollution. The report shall include the probable cause of any deviation and any corrective actions or preventative measures that were taken. Specific reporting requirements include:

a. Operation of the emergency generator for non-emergency purposes, except as allowed by 40 CFR 63, Subpart ZZZZ, is a deviation that must be reported according to 40 CFR §63.6650.

1-2. Malfunctions shall be reported within 24 hours and a statement shall be provided giving all pertinent facts, including the estimated duration of the breakdown. The permittee shall notify the Department when the condition causing failure or breakdown has been corrected, and such source, equipment, or facility is again in operation.

Reports of malfunctions, deviations, and violations received by JCDH are made public through the Public Records tab of JCDH's website. If a member of the public cannot locate a desired record online, they may inquire with JCDH if the document they are seeking exists and is available to view. There are no requirements in JCDH's Enhanced Public Participation Plan, any applicable part of the Rules or Regulations, or any applicable Code of Federal Regulations that requires SONAT to notify "new outlets, the internet, and other public forms," of any malfunctions, deviations, or violations or that gives JCDH the authority to require SONAT to do so.

VI. Conclusion

The draft renewal Title V Operating Permit for Southern Natural Gas – Tarrant Compressor Station will be re-submitted to EPA for its review with revisions as outlined in this document, along with a copy of this document and a revised Statement of Basis summarizing changes made.

The revisions do not require re-noticing, because the clarifications were made in response to comments made during the original comment period and are substantially similar to the changes requested by the commentors.

Thank you for your comments.