



# United States Department of the Interior



**FISH AND WILDLIFE SERVICE**  
National Wildlife Refuge System  
Branch of Air Quality  
7333 W. Jefferson Ave., Suite 375  
Lakewood, CO 80235-2017

IN REPLY REFER TO:  
FWS/ANWS-AR-AQ

April 15, 2013

Ms. Cheryl E. Bradley  
Oklahoma Department of Environmental Quality  
Air Quality Division  
P. O. Box 1677  
Oklahoma City, Oklahoma 73101-1677

Dear Ms. Bradley:

The U. S. Fish and Wildlife Service (FWS) appreciates the opportunity to review and comment on the Oklahoma Department of Environmental Quality (ODEQ) Proposed Best Available Retrofit Technology (BART) Determinations for American Electric Power/Public Service Company of Oklahoma (AEP/PSO) Northeastern Power Station Units 3 and 4. The proposal would include retiring Northeastern Unit 4, and installing dry sorbent injection, a fabric filter baghouse and other controls at Northeastern Unit 3, by April 16, 2016.

We would be glad to discuss the comments provided and are willing to work with ODEQ to address any of the issues discussed in this letter. We compliment you on your hard work and dedication to the significant improvement in our nation's air quality related values and visibility.

Sincerely,

Sandra V. Silva  
Chief, Branch of Air Quality

Enclosure (1)



## **Comments on the Revised Best Available Retrofit Technology Determination for American Electric Power/Public Service Company of Oklahoma Northeastern Power Station Units 3 and 4**

The U. S. Fish and Wildlife Service (FWS) appreciates the opportunity to review and comment on the Oklahoma Department of Environmental Quality (ODEQ) Proposed Best Available Retrofit Technology (BART) Determinations for American Electric Power/Public Service Company of Oklahoma (AEP/PSO) Northeastern Power Station Units 3 and 4. The proposal would include retiring Northeastern Unit 4, and installing dry sorbent injection, a fabric filter baghouse and other controls at Northeastern Unit 3, by April 16, 2016.

Reference to the relevant authority within the U. S. Environmental Protection Agency (EPA) regulations that provide for this BART action should be included in the Proposed BART documentation.<sup>1</sup> 40 CFR Part 51, Appendix Y, section V states, “You should consider allowing sources to “average” emissions across any set of BART-eligible emission units within a fence line, so long as the emission reductions from each pollutant being controlled for BART would be equal to those reductions that would be obtained by simply controlling each of the BART-eligible units that constitute BART-eligible source.”<sup>2</sup> This may be the regulatory citation that could provide for the BART action that is being taken.

On Page 6 of the Revised BART Determination it states that all cost analyses were based on an 85% capacity factor. Appendix Y states, “When you project that future operating parameters (e.g., limited hours of operation or capacity utilization, type of fuel, raw materials or product mix or type) will differ from past practice, and if the projection has a deciding effect on the BART determination, then you must make these parameters or assumptions into enforceable limitations. In the absence of enforceable limitations, you calculate baseline emissions based upon continuation of past practice.”<sup>3</sup> This would indicate that an 85% capacity limitation should be placed in the permits of the units operating under the proposed BART. It is clear that ODEQ is

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<sup>1</sup> 40 CFR Part 51, Appendix Y provides the federal regulations required to be met by sources that have been determined to be subject to BART. PSO Northeastern Units No. 3 and No. 4 have been determined to be subject to BART. Further, 750 MW power plants are required, “. . . to meet specific control levels for SO<sub>2</sub> of either 95 percent control or 0.15 lbs/MMBtu, for each EGU greater than 200 MW that is currently uncontrolled unless you determine that an alternative control level is justified based on a careful consideration of the statutory factors.” (40 CFR Part 51, Appendix Y, Section IV.E.4). Units No. 3 and No. 4 are required to meet the presumptive levels of control described above, since even if one is shut down, the other will be part of a power plant that generates greater than 750 MW due to Units No. 1 and No. 2 making the power plant generate greater than 750 MW. Appendix Y, Section I.E.3., requires that sources meet BART as expeditiously as possible, but not later than five years after EPA approves the Oklahoma Regional Haze State Implementation Plan (SIP). This could presumably be a date in 2018. The unit that continues to operate after 2018 will still have a 0.4 lbs/MMBtu emission rate and will not meet the presumptive control level for SO<sub>2</sub>, thus not complying with BART. There is some question as to whether an Alternative to BART is available in this instance, since 40 CFR 308(e)(2)(ii) states that an, “. . . alternative measure will apply, at a minimum, to all BART-eligible sources in the State.”

<sup>2</sup> See 40 CFR Part 51, Appendix Y, section V.

<sup>3</sup> Ibid., See section IV.D.STEP 4.d.2.

fully cognizant that BART emission limits must be reflected in the sources' operating permits. The Settlement Agreement also can serve to meet this requirement. All of the permits or other enforceable commitments should be posted as an appendix to the BART section of the Regional Haze State Implementation Plan (SIP). This should include emission limitations of zero on the unit that is will be closed.

The fourth paragraph of page 11 in the Revised BART Determination justifies selection of a dry sorbent injection (DSI) system for SO<sub>2</sub> control over the Dry Flue Gas Desulfurization/Spray Dry Absorber (DFGD/SDA) solution by asserting that the latter solution provides only incremental reductions in emissions of SO<sub>2</sub> that do not result in a "perceptible improvement" in visibility. It is incorrect to dismiss a control strategy on the basis that the resulting improvement is not perceptible or significant. EPA states in the preamble to its BART Guidelines that:

"Even though the visibility improvement from an individual source may not be perceptible, it should still be considered in setting BART because the contribution to haze may be significant relative to other source contributions in the Class I areas. Thus, we disagree that the degree of impairment should be contingent upon perceptibility. Failing to consider less-than-perceptible contributions to visibility impairment would ignore the Clean Air Act's (CAA) intent to have BART requirements apply to sources that contribute to, as well as cause, such impairment."<sup>4</sup>

The erroneous imperceptibility discussion should be removed since the last sentence of the paragraph correctly provides a cost per deciview improvement analysis for each control alternative. It should be noted that the cost per deciview of visibility improvement that is stated for *each* control alternative is consistent with other states' determinations of reasonable cost per deciview.

It should be further noted that the \$1,544 cost per ton of SO<sub>2</sub> control for the DFGD/SDA control option is considered reasonable, since several other BART determinations in the nation have proposed costs greater than \$1,544 per ton of SO<sub>2</sub> control. It is acknowledged that costs related to non-air quality environmental impacts are a relevant factor to consider as pointed out in the ODEQ analysis. The point that both cost per ton and cost per deciview are reasonable for *each* control alternative is brought up only to confirm that the DFGD/SDA alternative should not have been dismissed on the basis of excessive cost under BART, but because DSI was chosen on the basis of lower cost. Either control alternative seemed to meet the constraints of the five-factor BART analysis.

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<sup>4</sup> See Federal Register, July 6, 2005, 70FR30129, middle column.