

**Purpose**

A Staff Report dated March 27, 2017, was developed in order to set forth the applicable requirements and factual basis for the proposed Minor Modification to the Renewable Operating Permit's (ROP) terms and conditions as required by R 336.1216(2)(c). The purpose of this Staff Report Addendum is to summarize any significant comments received on the proposed ROP modification during the U.S. Environmental Protection Agency's (USEPA) 45-day comment period as described in R 336.1216(2)(c). In addition, this addendum describes any changes to the proposed ROP Minor Modification resulting from these pertinent comments.

**General Information**

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| Responsible Official: | Leslie D. Kowalski, Asset Manager<br>Presque Isle Power Plant<br>906-226-5757 |
| AQD Contact:          | Caryn E. Owens, Environmental Quality Analyst<br>231-876-4414                 |

**Summary of Pertinent Comments**

**The US Environmental Protection Agency has made the following comments.**

The U.S. Environmental Protection Agency has reviewed the proposed Renewable Operating Permit modification for WE Energies Presque Isle Power Plant, State Registration Number B4261, located in Marquette, Michigan. To ensure that the source meets Federal Clean Air Act requirements, that the permit will provide necessary information so that the basis of the permit decision is transparent and readily accessible to the public, and that the permit record provides adequate support for the decision, EPA has the following comments:

**Comment 1:** In order to clearly identify all conditions of the source-wide permit to install that are included within the title V permit, please also include "footnote 2" designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install. See Michigan Rule 214a(3).

**Response:** AQD agrees with the comment and added "footnote 2" designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.

**Comment 2:** EUBOILER7 footnote designations 2, 3, 4 are missing for the PM limit of 0.030 lb/MMBTU. Please add the footnotes.

**Response:** AQD agrees with the comment and added the footnote designations 2, 3, 4 for the PM limit of 0.030 lb/MMBTU of EUBOILER7.

**Comment 3:** Please revise the title of Appendix 1-B, "Definitions Pursuant to the Consent Decree, U.S. and MDEQ v Wisconsin Electric Power Company, Enforced through ACT 451 324.5503(b)" to make it clear that 1) the definitions apply to specific permit conditions (Footnote 3 and Footnote 4 designations

and certain other appendices), 2) the underlying applicable requirement (UAR) for the definitions is pursuant to Act 451 324.5503(b), not the terminated Consent Decree, and 3) the definitions are part of the source-wide permit to install (i.e., footnote 2 designation).

Example language: "Appendix 1-B, Definitions Applicable to Specified Permit Conditions. The following definitions apply to permit conditions originally established in the consent decree settling, "U.S. and MDEQ v Wisconsin Electric Power Company, Civil Action No. 03-C-0371." 2 (Act 451 324.5503(b))"

**Response:** AQD agrees with the comment and added the paragraph below to the title of Appendix 1-B to clarify this portion of the Appendix applies to specific permit conditions, the underlying applicable requirement (UAR) for the definitions is pursuant to Act 451 324.5503(b) (not the terminated Consent Decree), and the definitions are part of the source-wide permit to install:

#### **Definitions Applicable to Specified Permit Conditions.**

The following definitions apply to permit conditions originally established in the consent decree settling, "U.S. and MDEQ v Wisconsin Electric Power Company, Civil Action No. 03-C-0371." This Appendix is also federally enforceable pursuant to Section 324.5503(b) of the Natural Resources and Environmental Protection Act, 1994 Act 451, as amended, Rule 201(1)(a), and Rule 214a, and will remain in effect after termination of the consent decree. **(Act 451 324.5503(b))**

**Comment 4:** In Appendix 3, Monitoring Requirements, please add the Act 451 324.5503(b) UAR as well as the information included in footnotes 2, 3, and 4 to the requirements that originated from the Consent Decree. This will help ensure the permanency of the Consent Decree provisions as established in PTI 3-15A, identify the provisions in the appendix that are part of the source-wide permit to install, and clarify that the definitions in Appendix 1-B apply to these requirements.

**Response:** AQD agrees with the comment and added the paragraph below to the title of Appendix 3 to ensure the permanency of the Consent Decree provisions, identify the provisions in the appendix that are part of the source-wide permit to install, and clarify that the definitions in Appendix 1-B apply to these requirements.

"This Appendix is federally enforceable and was established pursuant to Rule 201(1)(a). This Appendix was originally established in the consent decree settling, "U.S. and MDEQ v Wisconsin Electric Power Company, Civil Action No. 03-C-0371" and also pursuant to Section 324.5503(b) of the Natural Resources and Environmental Protection Act, 1994 Act 451, as amended, and will remain in effect after termination of the consent decree. **(Act 451 324.5503(b))**"

**Comment 5:** In Appendix 9-B, Allowance Provisions, please add the Act 451 324.5503(b) UAR as well as the information included in footnotes 2, 3, and 4 to the requirements that originated from the Consent Decree. This will help ensure the permanency of the Consent Decree provisions as established in PTI 3-15A, identify the provisions in the appendix that are part of the source-wide permit to install, and clarify that the definitions in Appendix 1-B apply to these requirements.

**Response:** AQD agrees with the comment and added the paragraph below to the title of Appendix 9-B to ensure the permanency of the Consent Decree provisions, identify the provisions in the appendix that are part of the source-wide permit to install, and clarify that the definitions in Appendix 1-B apply to these requirements.

"This Appendix is federally enforceable and was established pursuant to Rule 201(1)(a). This Appendix was originally established in the consent decree settling, "U.S. and MDEQ v Wisconsin Electric Power Company, Civil Action No. 03-C-0371" and also pursuant to Section 324.5503(b) of the Natural Resources and Environmental Protection Act, 1994 Act 451, as amended, and will remain in effect after termination of the consent decree. **(Act 451 324.5503(b))**"

#### **Changes to the March 27, 2017 Proposed ROP Minor Modification**

1. Page 15 – SC I.2: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
2. Page 15 – SC III.2: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
3. Page 15 – SC III.3 and SCIII.4: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
4. Page 16 – SC IV.1: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
5. Page 16 – SC V.2 and V.3: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
6. Page 17 – SC VI.12: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
7. Page 21 – SC I.2: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
8. Page 21 – SC III.2: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
9. Page 22 – SC III.3 and SCIII.4: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
10. Page 22 – SC IV.1: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
11. Page 22 – SC V.2 and V.3: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
12. Page 23 – SC VI.12: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
13. Page 27 – EUBOILER7 SC I.3: added “footnotes 2, 3, and 4” designations.
14. Page 27 – SC II.2: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.

15. Page 28 – SC III.3, III.4, and III.5: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
16. Page 28 – SC IV.1: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
17. Page 28 – SC V.2: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
18. Page 29 – SC V.3: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
19. Page 30 – SC VI.11: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
20. Page 31 – SC IX.1: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
21. Page 33 – SC I.3: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
22. Page 34 – SC II.2: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
23. Page 34 – SC III.3, III.4, and III.5: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
24. Page 34 – SC IV.1: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
25. Page 34 – SC V.2: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
26. Page 35 – SC V.3: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
27. Page 37 – SC IX.1: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.

28. Page 39 – SC I.3: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
29. Page 39 – SC II.2: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
30. Page 40 – SC III.3, III.4, and III.5: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
31. Page 40 – SC IV.2: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
32. Page 40 – SC V.2: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
33. Page 40-41 – SC V.3: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
34. Page 42 – SC V.2: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
35. Page 43 – SC IX.1: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
36. Page 53 – SC I.1 and SC I.2: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
37. Page 53 – SC IV.1: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
38. Page 54 – SC IV.2: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.
39. Page 54 – SC IX.1 and IX.2: added “footnote 2” designations for all permit conditions that originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install.

40. Page 60 – Added the following Title and paragraph to Appendix 1-B. **Definitions Applicable to Specified Permit Conditions.**

The following definitions apply to permit conditions originally established in the consent decree settling, “U.S. and MDEQ v Wisconsin Electric Power Company, Civil Action No. 03-C-0371.” This Appendix is also federally enforceable pursuant to Section 324.5503(b) of the Natural Resources and Environmental Protection Act, 1994 Act 451, as amended, Rule 201(1)(a), and

Rule 214a, and will remain in effect after termination of the consent decree. **(Act 451 324.5503(b))**

41. Page 61 – Added the following paragraph to the title in Appendix 3: This Appendix is federally enforceable and was established pursuant to Rule 201(1)(a). This Appendix was originally established in the consent decree settling, “U.S. and MDEQ v Wisconsin Electric Power Company, Civil Action No. 03-C-0371” and also pursuant to Section 324.5503(b) of the Natural Resources and Environmental Protection Act, 1994 Act 451, as amended, and will remain in effect after termination of the consent decree. Definitions specific to this Appendix may be found in Appendix 1-B: Definitions. **(Act 451 324.5503(b))**
42. Page 81 – Added the following paragraph to the title in Appendix 9-B: This Appendix is federally enforceable and was established pursuant to Rule 201(1)(a). This Appendix was originally established in the consent decree settling, “U.S. and MDEQ v Wisconsin Electric Power Company, Civil Action No. 03-C-0371” and also pursuant to Section 324.5503(b) of the Natural Resources and Environmental Protection Act, 1994 Act 451, as amended, and will remain in effect after termination of the consent decree. Definitions specific to this Appendix may be found in Appendix 1-B: Definitions. **(Act 451 324.5503(b))**