

Summary of Pertinent Comments

The USEPA has reviewed the proposed Renewable Operating Permit modification for TES Filer City Station, State Registration Number N1685, located in Filer City, 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, The UEPA has provided the following on May 24, 2017 on the proposed ROP Modification. The comments are as follows:

Comment 1:

In Source wide conditions. In order to clearly identify the origin and authority and permanency of the permit to install conditions that originated from the federal Administrative Consent Order, please include the following information in the permit for conditions IX.1. and IX.2. In other permitting actions, MDEQ included this information by creating a footnote 3.

“This condition is federally enforceable and was originally established in the TES Filer City Station Agreed Administrative Consent Order and Information Request Effective November 23, 2015 and also pursuant to Act 451 324.5503(b), and will remain in effect after termination of the administrative consent order.”

Response:

AQD agrees with the comment and added “footnote 3” designations for Special Conditions IX.1 and IX.2 in Source-Wide Conditons, and clarified the footnote 3 designation at the end of the Source-Wide Table.

Comment 2:

In FGBOILERS. The design/equipment parameters in section IV.6 through IV.10 do not include a footnote 2 designation. Please verify whether these are Title I conditions pursuant to Rule 201(1)(a) and include footnote 2 as appropriate. See Michigan Rule 214a(3).

Response:

AQD verified that Conditions IV.6, and IV.8 through IV.10 originated during the ROP Renewal process. However, these Conditions are from the New Source Performance Standards (NSPS) 40 CFR Part 60, Subpart Da, and the Conditions went through the permitting process. Therefore, a footnote 2 was added to these Conditions, and UAR R 336.1213(3)(b) was removed.

With regards to SC IV.7, this Condition contained the wrong UAR, and through research it was determined that the Condition was derived in a PTI, and therefore the UAR was updated appropriately and a footnote 2 was added. With regards to IV.10, AQD verified that this Condition was added during the ROP process, and the Condition did not go through New Source Review during the permit process, therefore a footnote 2 was not added.

Comment 3:

In Appendix 3. In order to clearly identify the origin and authority and permanency of the permit to install conditions that originated from the federal Administrative Consent Order, please include the following information in the permit for all conditions in Appendix 3:

“This condition is federally enforceable and was originally established in the TES Filer City Station Agreed Administrative Consent Order and Information Request Effective November 23, 2015 and also pursuant to Act 451 324.5503(b), and will remain in effect after termination of the administrative consent order.”

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 apply to these requirements.

"This Appendix was originally established in the TES Filer City Station Agreed Administrative Consent Order and Information Request Effective November 23, 2015 and also pursuant to Act 451 Section 324.5503(b), and will remain in effect after termination of the administrative consent order."

Comment 4:

In Appendix 3. 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” (or equivalent) designations for all permit conditions in Appendix 3 that are also Title I conditions pursuant to Rule 201(1)(a). See Michigan Rule 214a(3).

Response:

AQD agrees with the comment and added the following paragraph below to the title of Appendix 3 to ensure to identify the provisions in the appendix that are part of the source-wide permit to install apply to these requirements.

“This Appendix is federally enforceable and was established pursuant to Rule 201(1)(a) and Rule 214a.”

Comment 5:

In Appendix 3, conditions 5 and 7 of Permit to Install 110-14B, pertaining to continuous opacity monitoring system span value and excess emission reporting requirements, do not appear to be included in the proposed ROP. Please revise the permit as necessary to include the applicable Title 1 and New Source Performance Standard requirements from the Permit to Install.

Response:

AQD disagrees with the comment. Condition number 5 was purposefully removed because it is not an accurate Condition. The Condition stated "The span value shall be 2.0 times the lowest emission standard or as specified in the federal regulations". There isn't a span value associated with COMS in the federal regulations, so this is considered an obsolete Condition, and therefore removed.

Additionally, Condition number 7 in Appendix 3 of PTI 11-14B was included in the body of the proposed ROP as Special Conditions V.3 and VII.14 in FGBOILERS and the Conditions were updated to the current federal COMS procedures. The Condition referenced in the PTI Appendix 3 states "The permittee shall perform an annual audit of the COMS using the procedures set forth in USEPA Publication 450/4-92-010, "Performance Audits Procedures for Opacity Monitors", or a procedure acceptable to AQD. Within 30 days after the completion of the audit, the results of the annual audit shall be submitted to the AQD". This is an outdated Condition, and references a procedure that is no longer acceptable to use. Instead of an annual audit of COMS, the current procedure requires a quarterly audit of COMS. Special Condition V.3 states "The permittee shall perform the Quality Assurance Procedures of the COMS set forth in 40 CFR Part 60, Appendix F, Procedure 3", and Special Condition VII.14 in FGBOILERS states "The permittee shall submit the results of the quality assurance procedures of the COMS set forth in 40 CFR Part 60, Appendix F, Procedure 3 to the AQD District Supervisor within the quarterly EER for the quarter in which the audit is conducted". Therefore, AQD has addressed the Excess Emission Reporting of the COMS in the ROP.

Changes to the April 10, 2017 Proposed ROP Minor Modification

1. Page 12 – Special Condition (SC) II.1: AQD noticed the UAR for Act 451 324.5524 was referenced inconsistently, so MCL was removed and ACT 451 was added.
2. Page 12 – SC VI.2: moved the “R” reference to the ACT 451 324.5524 because 324.45524 is considered a Section and not a Rule, and AQD wanted the UAR consistent with the other UAR references.
3. Page 12 – SC IX.1: added “footnote 3” designation indicating the special condition originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install. Also in this special condition AQD removed “TES Filer City Station Agreed Administrative Consent Order and Information Request Effective November 23, 2015,

Paragraphs 18 and 19” because this appears the Consent Order is still in effect, when it actually has been terminated.

4. Page 12 – SC IX.2: added “footnote 3” designation indicating the special condition originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install. Also in this special condition AQD removed “TES Filer City Station Agreed Administrative Consent Order and Information Request Effective November 23, 2015, Paragraphs 18 and 19” because this appears the Consent Order is still in effect, when it actually has been terminated.
5. Page 32 – SC IV.4: removed UAR R 336.1213(3)(b) because the Condition was reviewed during the permit to install process, and has a footnote 2 designation.
6. Page 32 – SC IV.5: removed UAR R 336.1213(3)(b) because the Condition was reviewed during the permit to install process, and has a footnote 2 designation.
7. Page 32 – SC IV.6: added “footnote 2” designation indicating the Condition was reviewed during the permit process, and UAR R 336.1213(3)(b) was removed.
8. Page 32 – SC IV.7: added “footnote 2” designation indicating the Condition came from an Appendix in a permit to install. Updated the UAR, since the original PTI indicated the UAR for this Condition was R 336.2810, which agrees with the emission limit and reporting requirement this Condition is associated with.
9. Page 32 – SC IV.8 added “footnote 2” designation indicating the Condition was reviewed during the permit process, and UAR R 336.1213(3)(b) was removed.
10. Page 32 – SC IV.9 added “footnote 2” designation indicating the Condition was reviewed during the permit process, and UAR R 336.1213(3)(b) was removed.
11. Page 44 – Added the following paragraph to the title in Appendix 3: This Appendix is federally enforceable and was established pursuant to Rule 201(1)(a) and Rule 214a. This Appendix was originally established in the TES Filer City Station Agreed Administrative Consent Order and Information Request Effective November 23, 2015 and also pursuant to Act 451 Section 324.5503(b), and will remain in effect after termination of the administrative consent order. **(Act 451 324.5503(b))**