Message

From: Dain, Gregory [Dain.Greg@epa.gov]
Sent: 1/6/2022 9:04:38 PM
To: Bird, Patrick [Bird.Patrick@epa.gov]
CC: Howlett, Careyanne [Howlett.Careyanne@epa.gov]; Wortman, Eric [Wortman.Eric@epa.gov]
Subject: RE: FOR HQ REVIEW: South Fork RTC & Final Permit

Ex. 5 Attorney Client (AC)

From: Bird, Patrick <Bird.Patrick@epa.gov>
Sent: Thursday, January 6, 2022 3:53 PM
To: Dain, Gregory <Dain.Greg@epa.gov>
Cc: Howlett, Careyanne <Howlett.Careyanne@epa.gov>; Wortman, Eric <Wortman.Eric@epa.gov>
Subject: RE: FOR HQ REVIEW: South Fork RTC & Final Permit

Hi Greg,

Ex. 5 Attorney Client (AC) The spot I found was here: 40 CFR 51.165(a)(3)(ii)(G). I pasted paragraph ii below and highlighted G.

(3)(i)

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(ii) The plan shall further provide that:

(A) Where the emissions limit under the applicable State Implementation Plan allows greater emissions than the potential to emit of the source, emissions offset credit will be allowed only for control below this potential;

(B) For an existing fuel combustion source, credit shall be based on the allowable emissions under the applicable State Implementation Plan for the type of fuel being burned at the time the application to construct is filed. If the existing source commits to switch to a cleaner fuel at some future date, emissions offset credit based on the allowable (or actual) emissions for the fuels involved is not acceptable, unless the permit is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to a dirtier fuel at some later date. The reviewing authority should ensure that adequate long-term supplies of the new fuel are available before granting emissions offset credit for fuel switches,

(C)

(*1*) Emissions reductions achieved by shutting down an existing emission unit or curtailing production or operating hours may be generally credited for offsets if they meet the requirements in paragraphs (a)(3)(ii)(C)(*1*)(*i*) through (*ii*) of this section.

(*i*) Such reductions are surplus, permanent, quantifiable, and federally enforceable.

(*ii*) The shutdown or curtailment occurred after the last day of the base year for the SIP planning process. For purposes of this paragraph, a reviewing authority may choose to consider a prior shutdown or curtailment to have occurred after the last day of the base year if the projected emissions inventory used to

develop the attainment demonstration explicitly includes the emissions from such previously shutdown or curtailed emission units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.

(*2*) Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours and that do not meet the requirements in paragraph (a)(3)(ii)(C)(*1*)(*ii*) of this section may be generally credited only if:

(*i*) The shutdown or curtailment occurred on or after the date the construction permit application is filed; or

(*ii*) The applicant can establish that the proposed new emissions unit is a replacement for the shutdown or curtailed emissions unit, and the emissions reductions achieved by the shutdown or curtailment met the requirements of paragraph (a)(3)(ii)(C)(*1*)(*i*) of this section.

(D) No emissions credit may be allowed for replacing one hydrocarbon compound with another of lesser reactivity, except that emissions credit may be allowed for the replacement with those compounds listed as having negligible photochemical reactivity in § 51.100(s).

(E) All emission reductions claimed as offset credit shall be federally enforceable;

(F) Procedures relating to the permissible location of offsetting emissions shall be followed which are at least as stringent as those set out in 40 CFR part 51 appendix S section IV.D.

(G) Credit for an emissions reduction can be claimed to the extent that the reviewing authority has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR part 51 subpart I or the State has not relied on it in demonstration attainment or reasonable further progress.

(H) [Reserved]

(I) [Reserved]

(J) The total tonnage of increased emissions, in tons per year, resulting from a major modification that must be offset in accordance with section 173 of the Act shall be determined by summing the difference between the allowable emissions after the modification (as defined by paragraph (a)(1)(xi) of this section) and the actual emissions before the modification (as defined in paragraph (a)(1)(xii) of this section) for each emissions unit.

From: Dain, Gregory <Dain.Greg@epa.gov>
Sent: Thursday, January 6, 2022 3:39 PM
To: Bird, Patrick <Bird.Patrick@epa.gov>
Cc: Howlett, Careyanne <Howlett.Careyanne@epa.gov>; Wortman, Eric <Wortman.Eric@epa.gov>
Subject: RE: FOR HQ REVIEW: South Fork RTC & Final Permit

Hi Pat,

Ex. 5 Attorney Client (AC)

Greg

(E) A decrease in actual emissions is creditable only to the extent that:

(*1*) The old level of actual emission or the old level of allowable emissions whichever is lower, exceeds the new level of actual emissions;

(*2*) It is enforceable as a practical matter at and after the time that actual construction on the particular change begins; and

(*3*) The reviewing authority has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR part 51 subpart I or the State has not relied on it in demonstrating attainment or reasonable further progress;

From: Bird, Patrick <Bird.Patrick@epa.gov>
Sent: Thursday, January 6, 2022 3:27 PM
To: Dain, Gregory <Dain.Greg@epa.gov>
Cc: Howlett, Careyanne <Howlett.Careyanne@epa.gov>; Wortman, Eric <Wortman.Eric@epa.gov>
Subject: RE: FOR HQ REVIEW: South Fork RTC & Final Permit

Hi Greg,

Here's the provision Lynne was referencing.

40 CFR 51.165(a)(3)(ii)(G)
Credit for an emissions reduction can be claimed to the extent that the reviewing authority has not relied on it in issuing any permit under regulations approved pursuant to 40 CFR part 51 subpart I or the State has not relied on it in demonstration attainment or reasonable further progress.

https://www.ecfr.gov/current/title-40/chapter-I/subchapter-C/part-51/subpart-I/section-51.165

Ex. 5 Attorney Client (AC)

Thanks,

Pat

From: Hamjian, Lynne <Hamjian.Lynne@epa.gov>
Sent: Thursday, January 6, 2022 9:42 AM
To: Wortman, Eric <Wortman.Eric@epa.gov>; Bird, Patrick <Bird.Patrick@epa.gov>
Cc: Greene, Cynthia <Greene.Cynthia@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Howlett, Careyanne <Howlett.Careyanne@epa.gov>
Subject: RE: FOR HQ REVIEW: South Fork RTC & Final Permit

☺I must have heard you!

From: Wortman, Eric <Wortman.Eric@epa.gov>
Sent: Thursday, January 6, 2022 9:40 AM
To: Hamjian, Lynne <Hamjian.Lynne@epa.gov>; Bird, Patrick <Bird.Patrick@epa.gov>

Cc: Greene, Cynthia <Greene.Cynthia@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Howlett, Careyanne <Howlett.Careyanne@epa.gov>
Subject: RE: FOR HQ REVIEW: South Fork RTC & Final Permit

Thanks Lynne. It's funny because we actually discussed this exact point and ultimately came to the conclusion that the highlighted text is relative to the comment and left it in. We can discuss it at our meeting today. - Eric

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From: Hamjian, Lynne <Hamjian.Lynne@epa.gov>
Sent: Thursday, January 6, 2022 8:11 AM
To: Bird, Patrick <Bird.Patrick@epa.gov>; Wortman, Eric <Wortman.Eric@epa.gov>
Cc: Greene, Cynthia <Greene.Cynthia@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Howlett, Careyanne <Howlett.Careyanne@epa.gov>
Subject: RE: FOR HQ REVIEW: South Fork RTC & Final Permit

Pat & Eric,

I reread the portions of the RTC and figured out most of my questions (except for the one below). It would be good to briefly review the places that you flagged for HQ and whether you anticipate any concerns. I am comfortable with the way you drafted those. I do have questions about the yellow language and whether that goes beyond the scope of the comment and complicates things. I don't feel strongly about this but I'd like to hear your thoughts. I just wanted to flag this while I was reading so I don't forget. Thanks.

Lynne

Comment I.A.15: SFW commented that Condition V.B.2 of the initial draft permit proposed on June 24, 2021 be revised to allow for the use of alternative regulatory mechanisms to generate continuous emission reduction credits (CERCs) that satisfy the requirements of the Clean Air Act. SFW requested that Condition V.B.2 include the following provision: "d. Any other regulatory mechanism that the permitting authority determines meets that [the] requirements of the Clean Air Act for generating creditable emission reductions that can be used for meeting the reasonable further progress goals under the State Implementation Plan."

Ex. 5 Deliberative Process (DP)

From: Bird, Patrick <Bird.Patrick@epa.gov>
Sent: Wednesday, January 5, 2022 4:58 PM
To: Hamjian, Lynne <Hamjian.Lynne@epa.gov>
Subject: RE: FOR HQ REVIEW: South Fork RTC & Final Permit

No worries at all.

I'd prefer to meet briefly. We can at least start the conversation. I'll take a look at the comment you made on the docs tomorrow morning.

Thanks,

Pat

From: Hamjian, Lynne <Hamjian.Lynne@epa.gov>
Sent: Wednesday, January 5, 2022 4:07 PM
To: Bird, Patrick <Bird.Patrick@epa.gov>
Subject: RE: FOR HQ REVIEW: South Fork RTC & Final Permit

Reading backwards so if meeting tomorrow keeps Eric in the mix, let's do it. Sorry about my backwards habits – most of the time it works and saves me time if I read the whole exchange. Thanks.

From: Bird, Patrick <Bird.Patrick@epa.gov>
Sent: Wednesday, January 5, 2022 3:48 PM
To: Hamjian, Lynne <Hamjian.Lynne@epa.gov>; Greene, Cynthia <Greene.Cynthia@epa.gov>
Subject: RE: FOR HQ REVIEW: South Fork RTC & Final Permit

Fantastic. Thank you, Lynne. Eric is out starting tomorrow afternoon and Friday, so I'll shoot for a check in with you on Monday. And I'll be sure to let you know once HQ is clear of the specific sections we've ID'd for them to review. That will clear the way for you to review the remainder of the document.

I'll schedule something with you for Monday.

Pat

From: Hamjian, Lynne <Hamjian.Lynne@epa.gov>
Sent: Wednesday, January 5, 2022 3:28 PM
To: Bird, Patrick <Bird.Patrick@epa.gov>; Greene, Cynthia <Greene.Cynthia@epa.gov>
Subject: RE: FOR HQ REVIEW: South Fork RTC & Final Permit

Pat,

Thanks for sending this to me early. I completed most of my review today. I only had a couple of comments. I plan to look at the sections flagged for HQ once you let me know when they are done. I may want to briefly speak to you and Eric to get the gist of any of their concerns and comments and to ask one or two questions. We can do that next week. I am leaving the finer cross-checking of the track changes against the RTC to you, although I did read through them all briefly and they seemed to follow the RTC. Thanks much for all you work on this.

Lynne

From: Bird, Patrick <Bird.Patrick@epa.gov>
Sent: Tuesday, January 4, 2022 9:15 AM
To: Hamjian, Lynne <Hamjian.Lynne@epa.gov>; Greene, Cynthia <Greene.Cynthia@epa.gov>
Subject: RE: FOR HQ REVIEW: South Fork RTC & Final Permit

Hi Lynne and Cynthia,

Can you check whether Deb wants a briefing on this? I'm working under the assumption of 'no,' but I also don't know whether I've asked you this question head on.

Thank you,

Pat

From: Bird, Patrick
Sent: Tuesday, January 4, 2022 7:02 AM
To: Hamjian, Lynne <Hamjian.Lynne@epa.gov>; Greene, Cynthia <Greene.Cynthia@epa.gov>
Cc: Wortman, Eric <Wortman.Eric@epa.gov>
Subject: RE: FOR HQ REVIEW: South Fork RTC & Final Permit

Hi Lynne and Cynthia,

As I mentioned yesterday, we circulated the South Fork permit and RTC to HQ for review. Below is Eric's message to the HQ reviewer where he IDs the specific sections we're seeking their review. If you could begin your review on other portions of the RTC and permit this week, we should be in good shape to send you a final version early next week and then circulate to Deb late next week. As an FYI, Jessica Montanez is out this week so our request for HQ review to be completed by COB Thursday will be bumped a little by at least one reviewer.

We have a meeting with OPA scheduled with OPA on Jan 10th, and we have already shared with them a draft PR and comms plan.

Thanks,

Pat

From: Wortman, Eric <Wortman.Eric@epa.gov>
Sent: Monday, January 3, 2022 1:27 PM
To: Doster, Brian <Doster.Brian@epa.gov>; Montanez, Jessica <Montanez.Jessica@epa.gov>
Cc: Putney, David <putney.david@epa.gov>; Brachtl, Megan <Brachtl.Megan@epa.gov>; Boyd, Rochelle <Boyd.Rochelle@epa.gov>; Bird, Patrick <Bird.Patrick@epa.gov>; Dain, Gregory <Dain.Greg@epa.gov>; Kipka, Undine <kipka.undine@epa.gov>; Howlett, Careyanne <Howlett.Careyanne@epa.gov>; Curley, Michael <Curley.Michael@epa.gov>
Subject: FOR HQ REVIEW: South Fork RTC & Final Permit

Brian and Jessica,

Happy New Year!

Ex. 5 Deliberative Process (DP)

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Here are the links to the RTC document and the RLSO of the final permit.

South Fork Final RTC_OCS-R1-04.docx

Redline-Strikeout_SFW_Final_Permit_OCS-R1-04.docx

If needed for reference, other permit documents can be found online at: https://www.epa.gov/caa-permitting/south-fork-wind-llcs-south-fork-windfarm-draft-outer-continental-shelf-air-permit

In order to stay on target for internal routing and permit issuance on 1/18, **we are requesting your comments by COB Thursday, 1/6.**

Thanks,

Eric

Eric Wortman
U.S. EPA Region 1
5 Post Office Square, Suite 100
Boston, Massachusetts 02109
Telephone: (617) 918-1624 | Email: wortman.eric@epa.gov