Tally of Comments on NGS BART Rulemaking Received As of January 7, 2014

Type	Commenter	Approx. Number
Mass Mail/Email	Sierra Club	38,368
	National Parks Conservation Association	35,293
	Wild Earth Guardians	1,226
	Care 2	1,111
	Environment Arizona	728
	"Do Not Delay" – Indigenous grassroots	114
	"Taxpayer from Arizona"	26
Tribal Governments	Navajo Nation (President Shelly) Hopi Tribe (preliminary) Gila River Indian Community Tohono O'odham Nation Ak-Chin Indian Community Kaibab Band of Paiute Indians Tonto Apache and San Carlos Apache White Mountain Apache Tribe (request for extension) Resolutions from several Navajo Nation Chapters Navajo Nation Council Delegate Dwight Witherspoon Navajo Nation Speaker, Johnny Naize	11
Other	Technical Work Group	1
Federal Government	Department of the Interior 10 Members of the AZ Congressional Delegation	2
State Government	Including Governor Jan Brewer; Arizona Department of Water Resources; Arizona Corporation Commission; Members of AZ House and Senate	14
Local Government	Individual letters from Cities/Towns including Gilbert, Glendale, Scottsdale, Maricopa, Oro Valley, Sahuarita, Tempe, Phoenix, Goodyear, Eagar, Chandler, El Mirage, Litchfield Park	15
Indigenous Groups	Black Mesa Trust (Vernon Masayesva) Black Mesa Water Coalition (Jihan Gearon and Wahleah Johns) Forgotten People (Alternative Plan from Don Yellowman)	3
Industry Groups	Salt River Project Arizona Public Service Chambers of Commerce: Greater Oro Valley, Peoria, Flagstaff Arizona Power Authority Peabody Energy Arizona Coalition for Water, Energy and Jobs Arizona Mining Association Tucson Electric Company	10
Water Groups	Including Central Arizona Water Conservation District; Irrigation and Electrical District of Arizona; CAP Ag NGS Task Force; Water Resources Institute (Mark Lewis)	8
Environmental Groups	Environmental Defense Fund and Western Resource Advocates San Juan Citizens Alliance EarthJustice (representing Sierra Club, NPCA, Grand Canyon Trust, NRDC, and Dine CARE)	3
Additional Individuals	Various individuals or businesses	Approx. 150
	Total	**Approx. 77,000**

Summary of Most Substantive Comments from Selected Stakeholders

Commenter	Comment
Earthjustice	EPA should have conducted a BART analysis for PM at NGS and determined baghouses as BART for PM
	BART limit should have been 0.04 lb/MMBtu
	EPA's cost estimate for SCR was overly conservative – should have used 30 year life, lower catalyst cost, lower interest rate (2.9 – 4.9%)
	EPA overestimated potential increase in sulfuric acid emissions from SCR (should have used 0.5%), assumed S content of coal was too high (0.593% instead of 0.772%)
	"As expeditiously as practicable" means full implementation within 3.5 years – EPA did not offer a technical basis for 5 years
	Alternative 1 and TWG Alternative are not Better than BART
	EPA's use of the TAR to delay installation of controls is arbitrary and capricious and contrary to EPA's EJ obligations
	EPA did not provide modeling to demonstrate visibility impacts from the alternatives. EPA did not show that either alternative will result in greater visibility improvement to the 11 class I areas within the first RH planning period (in 2018)
	EPA did not make a showing that the distribution of emissions is better or similar to BART and has not shown that either alternative will result in greater emission reductions that BART
	Total emissions cap is not lawful absent proper modeling and other technical evidence
	Credit for early installation of LNB/SOFA runs counter to the RHR, EPA's longstanding policies, and specific statements regarding haze determination for NGS (related to PSD permit docs)
	EPA artificially inflated the NOx cap: EPA underestimated SCR performance, EPA should use updated emissions data, annual emission rates rather than 30 day rates, heat input from baseline period, and shortened timeline for installation of SCR (26% too high or 100,000 tons, accounting for all corrections EarthJustice recommends)
	EarthJustice recommended the following Alternative as meeting better than BART: Shut down one unit by 2019, install SCR to meet a NOx limit on two remaining units by the beginning of 2020
Black Mesa Water Coalition + Synapse report (renewable energy and jobs)	Supports original BART proposal
	Installation of SCR is critical to protect public health
	TWG Alternative does not reflect environmental justice interest of tribal communities affected by pollution from NGS
	EPA's calculations for LNB credit are confusing and double counts the benefits of LNB installation
	Peabody's use of water from N-Aquifer should be considered under Factor 2 – uses 1,400 AF/year, for Mohave had used 4,000 AF/year
	Coal Combustion waste should also be considered under Factor 2
	Health studies have yet to be conducted on Navajo Nation limiting ability to evaluate how NGS affects human health
	Disparity in water rates: Kaibeto (Navajo community) residents pay over $13k/AF water, Glendale residents pay $551/AF, Tempe Farmers pay $41/AF of CAP water
	NGS emits 19 million tons of CO2 per year – prioritize just transition towards renewable energy
	Included some results stating that a requirement that NGS pay for carbon emissions would make it more economical to purchase power from an existing gas plant than it would be to run NGS

Salt River Project on Supplemental Proposal	Requests that EPA acknowledge that the TWG Alternative satisfies both BART and Reasonable Progress requirements (requests addition of specific language in preamble)
	Requests that we delete requirement to keep records of all major maintenance activities conducted on emission units, air pollution control equipment, and CEMS
	Requests that EPA include a statement in preamble that nothing in final rule precludes NGS participants from seeking GHG reduction credits (or other commodities) associated with TWG activities in TWG Agreement
SRP on BART Proposal	Requests we add a statement in preamble about PM and that separately, implementation of MATS would satisfy any PM BART requirement, so not necessary or appropriate to establish PM limits for BART
	EPA should consider emission reductions required in AZ RH Plan and other surrounding states in EPA's BART determination process for NGS (EPA's current process is at odds with the goals EPA established for the GCVTC and WRAP)
	NOx emissions play a small role in visibility impairment and power plant emissions only account for a fraction of that small contribution. Cites to analysis from GCVTC that shows nitrate aerosols are a small contributor. EPA's BART determination fails to consider the bigger picture – whether there will be any appreciable visibility benefits
	Compliance with a limit of 0.055 lb/MMBtu is not achievable. Cites to CSAPR rule concludes that a NOx limit below 0.06 lb/MMBtu is not achievable through retrofit of SCR on coal-fired electric generating units, and to ND and SD BART rulemakings, and to Sargent and Lundy performance modeling starting with a design basis of 0.03 lb/MMBtu showing that various low load scenarios would cause NGS to exceed limit of 0.055. SRP recommends limit of 0.07 to 0.08 lb/MMBtu
	Methodology for demonstrating compliance with 30-day rolling average limit on a plant-wide basis is impractical – difficult to manage from operating perspective and meaningless in terms of actual emissions (because each unit's 30-day BOD may be different days)
	Disagree with EPA's removal of certain line items costs: Owner's construction and management costs, O&M support and contracted services, AFUDC – all are real costs to NGS participants, SRP disagrees with use of 7% interest rate in lieu of the 9.8% used in their analysis. Provided an updated (2013) cost estimate ($650M for all 3 units, compared to $544M in 2010)
	SRP disagrees that cost of baghouses should not be considered (2013 updated cost of SCR + baghouses on all 3 units is $1.3B)
	Provided a figure with $/ton (x-axis) and $/dv (y-axis) to suggest that NGS is an outlier compared to other BART determinations. Their figure probably relies on their visibility modeling results for NGS, and EPA visibility modeling results for other facilities. Does not appear they provided the underlying data for the figure.
	Economic Analysis – comparing NGS to spot market purchases does not accurately reflect the way electric utilities must plan for long-term needs of customers. Instead of the limited economic assessment, EPA should recognize there is a real risk that one more NGS Participants could decide not to invest in SCR, which could force NGS to close
	Coal supply agreement is currently being renegotiated to extend beyond 2019. Costs are likely to be higher, affecting overall economics of NGS.
	Visibility modeling incorporates overly conservative assumptions. Cumulative visibility metric is flawed with no connection with physical reality. EPA fails to view modeling results in context of evidence that NOx emissions are not a significant contributor to haze in Colorado Plateau region.
	EPA has no basis for claiming that NOx reductions from NGS for BART would lead to a public health benefit (RHR is not a health based regulation and EPA did not conduct a health risk evaluation to support a claim for public health benefits)

Environmental Defense Fund and Western Resource Advocates	EPA should provide a complete analysis of the emission streams for NOx and other pollutants in evaluating the TWG Alternative, including year-by-year emission changes, including considerations of PM, SO2, Hg, and CO2
	Urge EPA to work with other experts/agencies to address public health concerns associated with NGS and Kayenta Mine Complex and the protection of N Aquifer by conducting a rigorous impact assessment and taking corrective action. Conduct a transparent and inclusive process for evaluating and forging solutions for wise stewardship of water
	In the preamble to final rule, urge EPA to recognize the suite of measures reflected in the TWG Agreement
	Regulatory text requires maintenance of records for at least 5 years – urge EPA to require records be maintained 2009 through remaining operating life of plant
Navajo Nation	BART should be LNB/SOFA based on proper examination of Factor 2, and idea that emission controls should be phased-in with glide path approach
	EPA properly relied on TAR to provide flexibility
	EPA should involve consultation – consult at earliest opportunity – EPA did not consult with Navajo Nation in development of ANPR
Gila River Indian Community	EPA should consider the non-BART components of the TWG Agreement in selecting BART, in particular, as positive environmental impacts under Factor 2
	EPA should either include the cost of baghouses with cost of SCR, or assure baghouses would not be required for PSD
	EPA's analysis for BART does not give serious consideration or weight to indirect cost impacts of BART proposal
	Water cost increases are much more important that electricity rate increases, especially in agricultural context
	From EJ standpoint, tribes are disproportionately affected by the proposed rule from the socioeconomic standpoint (which is often a major consideration in environmental justice because of the social and economic conditions among Indian populations).
	Cost effectiveness of SCR is substantially higher than SNCR
	EPA incorrectly assumes that NGS will not close because power supplies are always available from the wholesale power market
	EPA presumption that NGS will not close ignores a host of factors that suggest risk of closure is very real
	Unfounded presumption that the federal share of costs can be creatively financed or resolved to mitigate costs
	NREL concluded that reduction in NOx would result in no perceptible improvement in visibility
	Finalizing anything other than TWG alternative would be inconsistent with EPA's trust obligations
Central Arizona Water Conservation District	LNB/SOFA should be BART, but supports the TWG Alternative
	Provides timing diagram and states final installation of SCR, at best, in 2026 is possible
	Although CAWCD has no financial obligation with respect to NGS other than its annual repayment obligation, in the face of losing NGS power, it would have to look to obtain financing for Reclamation's share of SCR costs ($125 – 275 million)
	CAWCD says congressional appropriations or low cost 50-year loan are not available. Other alternatives – general obligation or revenue bonds (via property taxes or increased CAP water deliver rates). The ability of CAWCD to issue $125-275M in bonds is untested (unlikely) – CAWCD never independently established credit rating (issued bonds before that were tied to SRP), amount is large for a special purpose district; CAWCD may not be able to amortize bonds over 20 years (citing NEPA, etc uncertainty).
	If CAP water costs increase substantially, NIA users within CAP's service area would pump groundwater (to which they retain legal rights)
	CAP provided a Figure where they project water costs for BART and TWG Alternative – they did not provide their calculations or explain the basis for those estimates

Technical Work Group	Request that the regulatory language clarify the required scope and content of the title V permit revisions necessary to incorporate elements of the BART Alternative
	Requests that the preamble to the final rule expand EPA's description of the other non-BART elements of the TWG Agreement. TWG suggests specific language that includes the ability to obtain GHG reduction credits for the activities committed to in the TWG Agreement.
Peabody Energy	LNB/SOFA should be BART
	Early retirement of one unit will have significant adverse effects on Navajo, Hopi, and state of Arizona
	Further reductions in NOx at NGS will not improve visibility at any Class I area
	EPA failed to consider the existing controls at NGS, presumptive BART limits
	EPA relies on invalid definition of "natural visibility" to mean the best 20% of days – should be based on 5-year average of best and worst day conditions. EPA essentially changed the requirement to improve the worst 20% of days to improve the best 20% of days
	The degree of improvement required to be shown by BART under Factor 5 is one of humanly perceptible improvement
	NREL concludes there will be no visibility improvement, closure of Mohave Generating Station did not improve visibility, SRP modeling
	EPA's values for background ammonia were too high, inappropriate to rely on default value when specific data was available
	Use of CALPUFF 5.8 is not consistent with BART Rules – 2005 BART rules did not require CALPUFF. EPA should be using the best available model version – CALPUFF 6.4
	EPA should have evaluated $/dv
	EPA failed to account for costs of future regulatory requirements that, combined with SCR, increase risk of closure of NGS
	Economic modeling assumed increase in site lease of $15M/year – final lease calls for increase of $40M/year – significantly increases BAU case resulting in replacement energy cost falling below cost of SCR case for more market scenarios
	EPA cannot disregard cost items simply because they are not in the cost manual
	Latest EIA forecast has the price advantage of coal over natural gas continuing to widen for the next 3 decades. Additional comments on assumptions in economic model re: natural gas, provided its own economic report
	EPA did not consider the history of groundwater in AZ as a non-air environmental impact
	EPA's analysis incorrectly assumes CAP water will not be available to agricultural water users
	EPA did not assess the impact of control options on the Development Fund. Peabody estimates SCR will reduce value of Development Fund by $6.6M per year, or 25 year NPV of $82.5M
	Ultimately, supports TWG Alternative
CAP Agricultural Water Users – NGS Task Force	EPA improperly concluded that 0.055 lb/MMBtu is achievable at NGS does not adequately justify departing from presumptive BART
	EPA fails to follow the BART guidelines in calculating incremental costs associated with SCR and SNCR and fails to conclude that SNCR is incrementally more cost effective than SCR. EPA also fails to evaluate cost effectiveness in terms of visibility improvement ($/dv)
	EPA failed to accurately evaluate high cost of SCR to CAP Ag water users, including how long Ag users will continue to use CAP water, whether and when they will return to groundwater, and if they will be driven out of business. Ag users use more water than EPA estimated, and intend to continue to use CAP water depending on the economics, in lieu of groundwater
	Under Factor 2, EPA failed to evaluate impacts to groundwater
	EPA failed to rebut ample evidence that there will be no perceptible impact on visibility

	Does not support TWG Alternative because it still uses 0.055 limit as a benchmark.
	EPA must evaluate the presumptive limit of 0.28 in the 5-factor analysis
	A limit of 0.055 is unprecedented. To date 0.07 lb/MMBtu is the lowest BART limit
	Small incremental visibility improvement between SCR and SNCR does not justify SCR
	TWG Alternative has substantial unused "headroom" to comply with the BART benchmark that could be used to extend the date for SCR installation even later (2032 – 2035)
Arizona Mining Association	EPA failed to estimate or consider costs, under Factor 2, to industrial consumers of electricity and CAP water, especially mining companies. EPA should also consider cumulative impacts of existing regulatory cost burden (e.g., Asarco and FMI and SO2 BART)