From: Huey, Joel
Sent: Wednesday, May 18, 2016 10:12 AM
To: Sutton, Lisa
Cc: Wilcox, Geoffrey
Subject: FW: preview of Georgia's draft SSM SIP Call fix
Attachments: SSM draft clean april 20 EC_EPA comments.docx

FYI, our additional comment to GA regarding the provision of AELs for NSR permit limits.

From: Benjamin, Lynorae
Sent: Tuesday, May 17, 2016 1:43 PM
To: Cornwell, Eric <Eric.Cornwell@dnr.ga.gov>
Cc: Hays, Karen <Karen.Hays@dnr.ga.gov>; Boylan, James <James.Boylan@dnr.ga.gov>; Mueller, Chuck <Chuck.Mueller@dnr.ga.gov>; Wong, Richard <Wong.Richard@epa.gov>; Huey, Joel <Huey.Joel@epa.gov>; Kemker, Carol <Kemker.Carol@epa.gov>; Davis, Scott <Davis.ScottR@epa.gov>; Powell, Keri <Powell.Keri@epa.gov>
Subject: RE: preview of Georgia's draft SSM SIP Call fix

Hello Eric,

When we reviewed the comments we sent you previously, we noticed one comment that we inadvertently left out. Please see below for this comment and let us know if you would like to have a call to discuss this. Also, for your quick reference we have reattached the comments that we previously sent you.

I hope your day is going well.

Lynorae

Additiomment

The last phrase of draft provision **391-3-1-.02(2)(a)7(i)** states that the provisions of paragraph 7. shall apply to all sources subject to "emission limitations established in accordance with the new source review requirements in 391-3-1-.02(7)(b) and/or 391-3-1-.03(8)" (i.e., the State's PSD and nonattainment NSR rules). Draft provision 391-3-1-.02(2)(a)7(ii)(I)II provides that compliance with those emission limitations may be achieved by one of the alternative work practice standards during startup and shutdown. In addition to the other concerns noted, EPA is concerned that the alternative compliance options for startup and shutdown would be available for limits established for a source through the State's NSR program without ensuring compliance with that program. A fully approvable SIP emission limitation, including periods of startup and shutdown, must meet all substantive requirements of the CAA applicable to such a SIP provision. For purposes of nonattainment NSR and PSD permitting, any alternative emission limit applicable to startup and shutdown periods must constitute the "lowest achievable emissions rate" (for nonattainment NSR) or must reflect the use of "best available control technology" (for PSD). To satisfy CAA requirements, such alternative emission limits must be established on a source-specific basis through the PSD and nonattainment NSR permitting process, not in a static rule.

Comments on Georgia EPD's draft SIP revision to address the SSM SIP call.

Minor comments

1. The draft revision would move existing paragraph **391-3-1-.02(2)(a)7 "Excess Emissions"** to a new paragraph 9 and modify it to apply as a non-SIP approved rule. EPA supports this proposal and believes that retention of the existing provisions as state-only would not inappropriately interfere with requirements for a sufficient state enforcement program.

2. Draft provision **391-3-1-.02(2)(a)7(ii)(I)** provides that "[c]ompliance with the emission limitations and standards identified in paragraph 391-3-1-.02(2)(a)7.(i) shall be achieved by either Option I or II below:" Use of the term "option" is also used in the later provisions regarding alternative work practice standards. To reduce possible confusion, EPA recommends striking the phrase "Option I or II below" from the text of provision 391-3-1-.02(2)(a)7(ii)(I).

3. Draft provision **391-3-1-.02(2)(a)7(ii)(II)** requires the owner or operator of a source that chooses to comply with alternative work practice standards for startup and shutdown to maintain documentation regarding the details of such events. While these generic requirements are not emission limitations, EPA agrees they are important and necessary documentation requirements.

4. The first paragraph of draft provision **391-3-1-.02(2)(a)7(ii)(III) (General Alternative Work Practice Standards Option)** contains generic regulatory requirements to operate in a manner consistent with good air pollution control practice for minimizing emissions and to operate air pollution control devices to the maximum extent practicable, considering process and control device limitations and safety constraints. While these "general duty" requirements cannot alone be alternative emission limitations for startup and shutdown, EPA agrees they are appropriate SIP requirements to impose upon sources. EPA recommends making the requirements of this paragraph apply to all sources, not just those using option (ii)(III).

5. Draft provision **391-3-1-.02(2)(a)7(ii)(II)I.B.** requires the owner or operator to document which option ((ii)(III), (ii)(IV), or (ii)(V)) is followed during each period of startup and shutdown. Please note that the State should ensure that the requirements applicable to a source are established up front, before a startup or shutdown event occurs.

Significant comments

6. Draft provision **391-3-1-.02(2)(a)7(ii)(I)II** allows a source to comply with applicable emission limitations and standards "during normal operation" and to comply with alternative work practice standards "during periods of startup and shutdown." As described in the SSM SIP call, EPA considers periods of startup and shutdown as part of the normal operation of a source. (See Final SSM SIP Call notice (6/12/15), footnote 2 on p. 33843.) In addition, this approach raises the question of what is expected of a source during periods of malfunction,

which are not "normal operation." EPA recommends revising draft provision 391-3-1-.02(2)(a)7(ii)(I)II to eliminate the reference to "normal operations" and instead state that compliance shall be achieved by complying with the applicable emission limitations and standards at all times other than startup and shutdown, during which the source will comply with the specified alternative work practice standards.

7. The second paragraph of draft provision **391-3-1-.02(2)(a)7(ii)(III)** provides that, during periods of startup and shutdown, sources subject to any of the SIP emission limitations identified in paragraph 391-3-1-.02(2)(a)7(i) may choose to comply with alternative work practice standards I through XI for fuel burning sources and pollution control devices installed to meet applicable emission limitations, as applicable. These standards do not appear to reflect consideration of the seven specific criteria EPA recommends for developing alternative emission limitations that apply during startup and shutdown. (See Final SSM SIP Call notice (6/12/15), p. 33980, col. 2.). Specific concerns EPA has with this provision include:

    a. These requirements seem to have been developed without consideration of whether sources are capable of complying with otherwise applicable numeric pollutant emission limits. EPA does not recommend establishing alternative emission limitations for sources that are capable of meeting their existing emission limitations at all times.

    b. These requirements have not been tailored for specific sources or source categories. Control requirements that apply during startup and shutdown must be clearly stated as components of the emission limitation and must meet the applicable level of control required for the type of SIP provision (*e.g.*, be RACT for sources located in nonattainment areas). A generically applicable requirement to operate control equipment to the maximum extent possible is not a component of an emission limitation for a specific source category. The EPA recommends that, in order to be approvable (*i.e.*, meet CAA requirements), alternative requirements applicable to a source during startup and shutdown should be narrowly tailored and take into account considerations such as the technological limitations of the specific source category and the control technology that is feasible during startup and shutdown.

8. Related to the comment above, EPA notes that all of the listed Alternative Work Practice Standards in **391-3-1-.02(2)(a)7(ii)(III)** except for II, III and VI appear to contain exempt periods, presumably due to technological limitations of the control equipment. Some of the standards also require operation "as specified by the manufacturer," which makes these standards difficult or impractical to enforce and may also result in exempt periods. For example, for units using baghouses, no emission limitation would apply whenever "the inlet gas temperature is below the dew point or the manufacturer's recommended minimum operating temperature." As discussed in the Final SIP Call notice, in accordance with the CAA, some emission limitation must apply at all times. Examples of potential alternative emission limitations that may be applied include use of additional emission controls, use of cleaner burning fuels, and establishment of higher numerical emission limits. (Note that establishment of higher numerical emission limits that are reasonable, appropriate and

practically enforceable likely would not be considered SIP backsliding under CAA sections 193 and 110(l) when they are replacing an exemption from existing SIP emission limitations.)

9. Draft provision **391-3-1-.02(2)(a)7(ii)(IV) (Similar Process Equipment Alternative Work Practice Standards Option)** provides that in lieu of the General Alternative Work Practice Standards Option the owner or operator of a source may follow the startup and shutdown work practice standards in Federal rules included in 40 CFR Part 60 or 40 CFR Part 63, provided that the rule contains specific work practice standards for startup and shutdown periods. The provision also notes that those federal rules are adopted by Georgia as 391-3-1-.02(8) and (9).

   While EPA has recommended that certain Federal rules may provide good examples of approaches for appropriate and feasible alternative emission limitations for states to apply during startup and shutdown in a SIP provision (in particular those federal rules that have been revised or newly promulgated since 2008), the SIP must be clear as to what the applicable limitations are for each source at all times. Therefore, this provision should specify which sources or source categories will comply with the startup/shutdown procedures contained in Federal rules and which provisions from those federal rules are applicable. The State should also not automatically assume that emission limitation requirements in recent NESHAP and NSPS are appropriate for all sources regulated by the SIP. The universe of sources regulated under the federal NSPS and NESHAP programs is not identical to the universe of sources regulated by states for purposes of the NAAQS. Moreover, the pollutants regulated under the NESHAP (*i.e.*, HAPs) are in many cases different than those that would be regulated for purposes of attaining and maintaining the NAAQS, protecting PSD increments, improving visibility and meeting other CAA requirements. (See Final SSM SIP Call notice (6/12/15), p. 33916, cols. 2-3.) EPA also recommends giving consideration to the seven specific criteria as appropriate considerations for developing emission limitations in SIP provisions that apply during startup and shutdown. (See Final SSM SIP Call notice (6/12/15), p. 33980, col. 2.)

   To adopt federal rule SSM provisions into the SIP, EPA suggests that a state's rule include in the SIP provision the relevant language from the federal rule that serves as the applicable limitation during startup/shutdown. Alternatively, the SIP could include reference to the specific applicable provisions. For example, the rule might provide that steam generating units subject to GA Rule 391-3-1-.02(2)(b), (d) and (g) shall, during periods of startup and shutdown, comply with the applicable work practice standards specified in Table 3 to 40 CFR 63 Subpart UUUUU. Such provision should also specify the version of the CFR (i.e., the "as of" date).

10. Draft provision **391-3-1-.02(2)(a)7(ii)(V)** provides that in lieu of options (ii)(III) and (ii)(IV), the owner or operator of a source may comply with a source-specific alternative work practice standard for startup and shutdown periods that has been incorporated into a federally enforceable permit. EPA notes, however, that emission limits that are specified only in a permit are not in the SIP unless and until they are submitted for approval into the SIP. For example, unless the permit (or its contents) is approved into the SIP, the emission reductions

attributable to those limits that are only in the permit cannot be counted towards attainment plan requirements (e.g., RFP). The fact that EPA approved the permitting program itself does not mean that EPA has approved the actual content of each permit or made it an approved part of the SIP. (See Final SSM SIP Call notice (6/12/15), p. 33915, col. 3 and p. 33922, col. 3).

In the context of emission limits contained in a state's SIP, EPA views the approach of establishing alternative emission limitations through a permit as a form of "director's discretion" problem addressed in the SIP call notice because it would allow the state to create alternatives to SIP emission limits without complying with the CAA's SIP revision requirements. Among other things, a permit-based approach to establishing an alternative emission limitation (that does not involve submitting the permit requirement to EPA for inclusion in the SIP) eliminates EPA's role in reviewing and approving emission limitations to ensure that they are "enforceable" as required by CAA section 110(a)(2)(A), i.e., that they are sufficiently specific regarding the source's obligations and they include adequate monitoring, recordkeeping, and reporting requirements.

Accordingly, a permitting process cannot be used to create alternatives to SIP emission limitations for sources during startup and shutdown in lieu of a SIP revision. However, a state may elect to use the permit development process as a means to evaluate and establish alternative emission limits for startup and shutdown for a specific source, but then submit that information to support a source-specific SIP revision. The State may be able to use the permit development process at the same time with the development of the SIP revision for efficiency. Alternative emission limitations established in this way would have to meet the necessary level of stringency for both purposes and be legally and practically enforceable.