

**DOCKET NO. EPA-R09-OAR-2010-0683**  
**(Supplemental Proposed Rule of Source-Specific**  
**Federal Implementation Plan for Implementing Best Available Retrofit Technology**  
**for Four Corners Power Plant: Navajo Nation**

**COMMENTS FROM**  
**LEAGUE OF WOMEN VOTERS, MONTEZUMA COUNTY, CO**

**I. Background and Summary**

No Comment (N/C)

**II. Legal Background for Proposing to Approve an Alternative Emissions Control Strategy as Achieving Better Progress Toward the National Visibility Goal**

We support the EPA proposal to add regulatory language to the proposed BART rule for FCPP that allows Arizona Public Service the option to implement its alternative emissions control strategy (as proposed to EPA Region IX by letter of Nov. 24, 2010) in lieu of APS having to implement the EPA's BART determination.

We disagree with the EPA determination that sulfur dioxide emissions will not be addressed in the BART determination or in the alternative emissions control strategy, even though the current removal rate for SO<sub>2</sub> at FCPP is only 88 percent. The limits for SO<sub>2</sub> emission need to be tightened up, to further reduce visibility impairment, and to reduce the acidification of rainfall caused by the formation of sulfuric acid. Because the damaging effects of sulfuric acid in precipitation on ancestral Puebloan sandstone dwellings and pictographs are not fully understood, it is disappointing that EPA's proposals for FCPP do not address sulfur dioxide. To correct this deficiency, we ask that EPA require APS to perform a BART analysis for sulfur dioxide on all five generating units of the FCPP to be submitted to the EPA for public comment by a date established by the EPA.

We believe that the EPA needs to strongly assert with the management of the Arizona Public Service Company that the APS has a responsibility to improve on visibility impacts transported across state and sovereign boundaries by operations at the FCPP, and public health effects. The APS has been lobbying at public meetings and with the media since February, 2011 stating that the EPA proposals are only about visibility and have no relationship to public health. This is a misleading public position for the APS to assert.

### **III. EPA's Technical Analysis of Better Reasonable Progress Toward National Visibility Goal**

First, we offer several general comments to the EPA regarding technical analysis.

1. We fully agree with EPA's Technical Support Document Factor One discussion that since the FCPP has had limited success in retrofitting their Unit 2 boilers to LNB technology, that therefore the FCPP is unlikely to achieve any significant NOX reductions by retrofitting any of its boilers to the LNB technology. (Refer to FCPP Proposal-Technical Support Document # 10-06-2010-0683-0002, 92 pages)

2. We disagree with the determination in the above-referenced Technical Support Document (Factor Three) that the EPA will not consider the FCPP impacts to water quality, based on the plant not being a zero water pollutant discharge site. We believe that the FCPP holds a 1993 NPDES Permit No. NM0000019 which is still in force, based on an EPA Region 9 Administrative Extension granted on or about April 6, 2006. Therefore, it is imperative that impacts to water quality by the FCPP should be considered.

In addition, the EPA should hold the FCPP to the highest possible level of monitoring and validation of the Federal Implementation Plan. The justification for this request is found in the disclosure (Factor Four) in the EPA's Technical Support Document in which EPA reveals that the FCPP, without authorization from the EPA, discontinued use of a re-heat of the scrubber exhaust on generation units 1, 2, and 3.

We concur with the EPA's approach in the use of the back-calculation method for ammonia background levels, as presented in the Technical Support Document, pg. 60. The Arizona DEQ and the Navajo Nation requests for further ammonia monitoring as a pre-condition for validating the EPA's use of back calculation for ammonia would be nice to have, however they are unrealistic in today's budget environment. We agree with the EPA statement in the Technical Support Document, to the effect that "the initiation of a new monitoring program as necessary for BART determination would be a much larger undertaking than the analysis procedures in the governing guidelines for BART."

#### **A. Estimated NOX Emissions reductions**

N/C

#### **B. Benefits in Addition to NOX Emissions**

Regarding the EPA's conclusion shown in Federal Register Vol. 76 (38) Page 10537 Proposed Rule that "The alternative emission control strategy (of APS) to shut down Units 1-3 (FCPP) by 2014 not only results in 100 % control of NOX, but also 100 % control of all other pollutants emitted by those units....." is a misleading statement. The emission reductions are not attributable to any implementation of any portion of the

Clean Air Act, or enforcement of controls by EPA. The shutdown is simply a business decision by the Plant Operator. In the above wording as a 100 percent control, the EPA paints too rosy a picture for the percentage reduction by using the ratio of emissions after shutdown to emissions levels that are completely unacceptable at present. As of March 20, 2011 the FCPP still remains the dirtiest and most polluting power plant in the U.S.

### **C. Modeling and Demonstrating Reasonable Progress**

N/C

### **D. Alternative Emission Control Strategy Has Lower Cost Than EPA's Proposed BART Determination**

Until the EPA receives a professional and credible cost accounting of the APS costs including additional pollution control investments on units 4 and 5, the EPA should not make a final decision on whether to accept the APS November 24, 2010 shutdown proposal, and the alternative emission control strategy. This cost accounting should explain where the money will come from for retirement of units 1-3 and for pollution control upgrades of units 4-5.

We concur with the EPA analysis and rationale (Factor Three) of the Technical Support Document which reads, .....”EPA infers that the increase to APS rate payers as a result of SCR is likely to be less than 5 %.” We also concur with and support EPA’s economic analysis (Factor Seven, Technical Support Document) of the increase in electricity generation costs of SCR compared to the estimated cost to purchase electricity on the wholesale market. We think EPA estimates are reasonable that the average cost of electricity generation as a result of SCR implementation would be a 22 % increase or \$ 0.00740/kWh.

### **IV. EPA's Supplemental Proposal**

We support the EPA’s initial October 19, 2010 proposal, reaffirmed by the Supplemental Proposed Rule of February 25, 2011 that APS meet Particulate Matter and 10 % opacity limits on units 4 and 5, as well as the 20 % opacity limits for controlling dust from coal and ash handling and storage facilities. The FCPP site is subject to numerous dust-storm events originating in northwestern Arizona. The additional fugitive dust that could be picked up by these strong winds at the FCPP property added to the incoming dust from the west makes breathing and outdoor activity miserable 4-12 days a year for residents of Montezuma County, CO and San Juan County, NM.

EPA should require the Particulate Matter emission limits and the opacity limits on units 4 and 5 to become effective prior to SCR installation, regardless of which pollution management strategy takes place; BART or the alternative emission control plan. We fully support the dust control requirement that the owner or operator of the FCPP shall, within 90 days of the promulgation of final EPA rules, develop a dust control plan to be submitted to the Regional Administrator, which is to be implemented immediately. At

the same time, we encourage the EPA to request that the FCPP owner or operator submit courtesy copies of the dust control plan to appropriate local governments in the Four Corners area, such as the Navajo Nation EPA, San Juan County (NM), and Montezuma, Dolores and La Plata Counties (CO). Our rationale for these recommendations is that the citizens of the Four Corners, especially in the Cortez, Mancos and Mesa Verde areas have waited for far too long for significant improvements in regional haze that is transported interstate from the FCPP and the San Juan Generating Station.

We also would support the EPA consideration of the option of adding a NOX emission limit requiring greater than 80 % control over longer averaging times weighted for heat input, and the appropriate effective date of the particulate matter limits on units 4 and 5.

Our final comment on the EPA's Supplemental Proposal is related to content of the APS letter of Nov. 24, 2010 from Edward Z. Fox to the Regional Administrator, Region IX, Environmental Protection Agency. In the last paragraph of the letter describing the APS Proposal, the APS made the following statement regarding Reasonably Attributable Visibility Impairment (RAVI):

***“In addition to BART resolution, APS wishes to resolve any potential liability under the RAVI BART, NSR and NSPS programs, as part of this settlement.....Accordingly, our proposal to close Units 1-3 in 2014 and install SCRs in 2018 includes a full resolution of RAVI BART and all potentially alleged historic NSR and/or NSPS violations.”***

We understand that the above quoted statement from Mr. Edmund Fox's proposal to the EPA is likely referring to prior year's alleged historic violations of NSPS, plume blight, and perhaps failure to cooperate with the EPA in new source reviews. We realize that possibly some of these previous difficulties on the part of the APS may not be able to be discussed by the EPA in a public arena at this time, because of ongoing litigation. However, since the APS raised these matters in their Nov. 24, 2010 letter to the EPA Regional Administrator and these appear to be conditions which APS wants met, and the APS letter is now part of the EPA public docket folder for this action on the FCPP (EPA-R09-OAR-2010-0683-0078) – Therefore we believe that the EPA has an obligation to address to the extent that it is able, any or all of these matters in the proposed supplemental rule of Feb. 25, 2011. Based upon our review, we believe that the EPA has not addressed any of these APS pre-conditions in their proposed rule. We therefore believe that the EPA should publicly disclose (to the extent that legal counsel will allow), how each of these three conditions set forth by Mr. Fox in the APS Proposal (i.e. RAVI-BART, NSR and NSPS violations), is incorporated into and/or is accommodated by the EPA's supplemental proposal.

## **V. Additional Concerns**

The EPA has missed an opportunity to reduce the waste of 13.3 million gallons of water a day, currently used for cooling steam condensers, that is not returned to the San Juan River system. The use of closed system dry cooling towers at FCPP would greatly

reduce this consumptive water use. The withdrawal of such large quantities of water from tributaries of the Colorado River for this type of use has contributed to the need for large Federal salt removal expenditures (via the USDI and USDA Colorado River Basin Salinity Control Program) costing many millions of federal dollars 1976-present. Under a 1973 Treaty provision with Mexico, such wasteful consumptive withdrawals of water require expensive salinity control offsets in order to keep the salinity of the Colorado River from exceeding EPA approved salinity control criteria.

We take the position that Selective Catalytic reduction is the BART for FCPP. We oppose any attempt by the APS or others to substitute Selective Non-Catalytic Reduction (SNCR) at BART for the FCPP. The Public Service Company of New Mexico is trying to get the State of New Mexico Environment Department to agree that SNCR is BART for the San Juan Generating Station. We do not want to see the APS trying to convince the EPA Region 9 that SNCR should be substituted at FCPP.

Please incorporate all comments herein contained into your final rule.

**Submitted April 15, 2011**  
**By Chair, Air Quality Committee**  
**League of Women Voters,**  
**Montezuma County, Colorado**

