



June 19, 2012

BY E-MAIL

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Re: Docket ID No. EPA-R08-OAR-2011-0851, Comments on Proposed Regional Haze Federal Implementation Plan for Montana

Dear Mr. Daly:

WildEarth Guardians submits the following comments on the U.S. Environmental Protection Agency's ("EPA's") proposed regional haze federal implementation plan ("FIP") for the State of Montana. This proposal was published in the Federal Register on April 20, 2012. *See* 77 Fed. Reg. 23988 (April 20, 2012) (hereafter "Proposed Rule").

The Proposed Rule has serious deficiencies, and we object to EPA's proposed FIP as it is inconsistent with the Clean Air Act and not supported by information in the record prepared thus far. Of primary concern is that the EPA dismissed reasonable opportunities to reduce haze pollution, even though the Agency itself admits in its Proposed Rule that the FIP will not make adequate progress in restoring natural visibility conditions in Montana's Class I areas. Shockingly, EPA discloses that for every Class I area in Montana, natural visibility will not be restored for more than 100 years. *See* Proposed Rule at 24090 and Chart below. For the Medicine Lake Wilderness area, visibility will not be restored for 437 years. *Id.* This is shocking because the EPA has been clear that natural visibility conditions in Class I areas must be restored by 2064, or in no more than then 52 years.

Number of Years to Restore Natural Visibility Under Proposed Rule¹

Montana Class I area	Number of years to reach natural conditions under selected reasonable progress goals
Anaconda-Pintler WA	204
Bob Marshall WA	166

¹ This table is set forth on page 24090 of the Proposed Rule.

Cabinet Mountains WA	135
Gates of the Mountains WA	167
Glacier NP	268
Medicine Lake WA	437
Mission Mountain WA	166
Red Rock Lakes WA	161
Scapegoat WA	166
Selway-Bitterroot WA	204
U.L. Bend WA	385
Yellowstone NP	161

EPA claims it is reasonable to restore visibility in 437 years. Although it is absurd to believe that Congress, in declaring “a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas,” intended to afford EPA discretion to wait such an insanely long amount of time to restore natural visibility, it is simply unreasonable in light of the Agency’s own recognition that available, cost-effective opportunities exist to do better. Notably, with regards to Montana’s coal-fired electric generating units, the EPA discloses that cost-effective emission controls exist to reduce haze pollution above and beyond what has been proposed. Unfortunately, the Agency rejected these opportunities, claiming the benefits would not be significant. However, in light of the alternative—namely waiting 100 or even up to 400 years to restore natural visibility—it would seem that any and all improvements in visibility that could be achieved with better emission controls would be significant. Our detailed concerns are as follows:

1. Rate of Progress Issues

As an initial matter, the alternative reasonable progress goals (“RPGs”) for each Federal class I area in Montana are unreasonable, unsupported, and effectively contrary to the Clean Air Act’s requirement that the EPA assure reasonable progress in achieving natural visibility conditions in Class I areas.

In this case, EPA has made clear that the RPGs should achieve natural visibility conditions by 2064. *See* 40 C.F.R. § 51.308(d)(1)(i)(B). The rate of progress needed to achieve natural visibility conditions by 2064 is referred to as the uniform rate of progress. Although RPGs should be consistent with this uniform rate of progress, the EPA does have discretion to deviate from the uniform rate in establishing RPGs. However, the Agency’s rules are clear that such deviations must be reasonable. *See* 40 C.F.R. § 51.308(d)(1)(ii).

Here, the proposed RPGs, at minimum, double the timeframe required to achieve natural visibility conditions for every Class I area in Montana (12 in all), and in some cases, the RPGs offer timeframes of over seven times the regulatory rate (for example, the number of years to reach natural conditions for UL Bend WA at the proposed RPG rate of improvement is 385 years, and the number of years for Medicine Lake WA to achieve natural visibility conditions at the proposed rate is 437 years). Thus, the RPGs are effectively irrelevant, having deadlines set hundreds of years into the future. *See* 77 Fed. Reg. 24090. The Proposed Rule therefore fails to meaningfully implement the Clean Air Act’s requirement of assuring reasonable progress in restoring natural visibility conditions in Class I areas. This is hardly reasonable.

Beyond this, the proposed RPGs are unreasonable based on the statutory factors that must be considered by EPA under 42 U.S.C. § 7491(g)(1). Notably, the EPA provides two reasons for asserting that the RPGs are reasonable: First, that “[f]indings from our four-factor analyses resulted in limited opportunities for reasonable controls for point sources.” Proposed Rule at 24091. And second, that “significant visibility impairment is caused by non-anthropogenic sources in and outside Montana.” *Id.* Both lines of reasoning are significantly flawed.

With regards to the latter issue of “non-anthropogenic sources in and outside of Montana,” this is not a statutory factor that EPA is allowed to consider in establishing RPGs. The Clean Air Act is clear that RPGs must be based on “the costs of compliance, the time necessary for compliance, and the energy and nonair quality environmental impacts of compliance, and the remaining useful life of any existing source subject to such requirements,” often referred to as the “Four Factors.” 42 U.S.C. § 7491(g)(1). As is clear, the EPA is not allowed to set RPGs based on an assessment of the contribution of “non-anthropogenic sources” to visibility impairment as it is not one of the four factors. This is not only compelled by the plain language of the Clean Air Act, but it also makes perfect sense. The goal of the Clean Air Act’s regional haze program is to remedy visibility impairment from “manmade” (i.e., anthropogenic) sources of air pollution. 42 U.S.C. § 7491(a)(1). In this case, the EPA cannot use “non-manmade” sources of air pollution as an excuse to avoid controlling “manmade” sources.²

More importantly, based on the factors set forth under the Clean Air Act, it actually appears that EPA grossly overstated its assertion that there are only “limited opportunities for reasonable controls for point sources.” This is particularly the case with regards to nitrogen oxide (“NO_x”) emissions from coal-fired electric generating units (“EGUs”) in Montana. The EPA discloses in its proposed rule that for every coal-fired EGU assessed under the four-factor analysis for determining RPGs—including Colstrip units 3 and 4, Colstrip Energy, and the Lewis and Clark Station—that cost-effective selective catalytic reduction (“SCR”) control technology could achieve greater NO_x emissions reductions and greater visibility improvements than under the Agency’s Proposed Rule. Despite this, the EPA rejected SCR as a control option and ultimately adopted no NO_x emission controls at all for any of these four sources. Making matters worse, the EPA also rejected SCR as best available retrofit technology (“BART” for Colstrip units 1 and 2 and the Corette coal-fired EGUs. Even though the Agency found SCR to be a cost-effective and reasonable technology, it was rejected in favor of weaker controls.

The impacts of EPA’s Proposed Rule, at least with regards to NO_x emissions and their associated visibility impacts are staggering. As the table below shows, under the Proposed Rule, NO_x emissions would be reduced by only 4,169 tons annually whereas with the use of cost-effective SCR, 17,019 tons of NO_x could be reduced annually. In other words, 12,850 more tons of NO_x could be reduced from these manmade sources of air pollution. The visibility impacts would be tremendous. Under the Proposed Rule, the total delta deciview improvement from the sum of all coal-fired EGUs would be only 0.533, whereas with the use of SCR, it would be at

² In fact, it would be illogical to conclude that non-manmade sources of air pollution should preclude controlling manmade sources given that non-manmade sources of air pollution are natural sources, such as wildfires. Such natural sources of air pollution should form the basis of what is determined to be natural visibility within Class I areas. In other words, non-manmade sources of air pollution should have no impact on natural visibility.

least 1.556. The number of days where visibility is greater than 0.5 deciviews would also be reduced by more than 50%—from 122 days to 57.

Coal-fired Power Plant Unit	NOx Reductions as Proposed	NOx Reductions Possible Using Cost-effective SCR	Delta Deciview Improvement Under Proposed Rule*	Delta Deciview Improvement Using Cost-effective SCR	Days Greater than 0.5 DV Under Proposal*	Days Greater than 0.5 DV Using Cost-effective SCR
Colstrip 1	2,097	3,426	0.264	0.404	47	29
Colstrip 2	2,072	3,376	0.269	0.432	41	17
Colstrip 3	0	3,810	None	0.273	10	2
Colstrip 4	0	3,780	None	0.263	11	2
Colstrip Energy	0	614	None	Not disclosed	None	Not disclosed
Corette	0	1,320	None	0.184	13	7
Lewis and Clark	0	693	None	Not disclosed	None	Not disclosed
TOTALS	4,169	17,019	0.533	1.556	122	57
* Based on most impacted Class I area, usually Theodore Roosevelt Nat'l Park, UL Bend Wilderness, or Washakie Wilderness						

Fundamentally, the EPA has not shown that “the costs of compliance” at these sources, “the time necessary for compliance” at these sources, “the energy and nonair quality environmental impacts of compliance” at these sources, and “the remaining useful life” of these sources mitigates against additional controls and stronger RPGs.³ Although the EPA asserts there will be “no degradation” of visibility, this not a reasonable—or legally justified—measure of whether the chosen RPGs are reasonable. In this case, at a minimum the Agency must establish its RPGs based on all coal-fired EGUs utilizing cost-effective SCR to reduce NOx emissions.

2. Best Available Retrofit Technology Issues

a. Colstrip Units 1 and 2

The EPA’s BART determinations for Colstrip units 1 and 2 appear fundamentally flawed, particularly for NOx emissions. The Agency rejected SCR—even though the control technology would be cost-effective and achieve greater visibility benefits—in favor of selective non-

³ Given that the RPGs are so far into the future, it would seem that EPA is essentially implying that “the time necessary for compliance” and “the remaining useful life” of the coal-fired EGUs would not preclude further controls (that is, unless the EPA expects these coal-fired EGUs to operate for more than 400 years). Thus, the only relevant considerations in this case would be the “costs of compliance” and “the energy and nonair quality environmental impacts of compliance.” Consideration of both factors appears to support stronger controls and earlier RPGs.

catalytic reduction (“SNCR”), a less effective control technology.⁴ The EPA’s proposed BART determination is inconsistent with the Clean Air Act and the Agency’s own record.

As an initial matter, it is important to point out that under the factors required to be considered by EPA in determining BART under the Clean Air Act, SCR would constitute BART. These factors, often referred to as the “five factors,” include the “costs of compliance,” “energy and nonair quality impacts of compliance,” “any existing pollution control technology in use at the source,” “the remaining useful life of the sources,” and the “degree of improvement in visibility[.]” 42 U.S.C. § 7491(g)(2). Here, EPA found that SCR for Colstrip units 1 and 2 would not be cost-prohibitive (the EPA actually states that the assigned cost-effectiveness values are “well within the range of values we have considered reasonable for BART and that states have considered reasonable for BART[.]” 77 Fed. Reg. 24027; 77 Fed. Reg. 24035). The Agency also identified no energy and nonair quality impacts of compliance, existing pollution control technology that would mitigate against the use of SCR, or remaining useful life issues that would preclude the use of SCR. Furthermore, with regards to visibility improvement, the EPA further found that SCR, as opposed to SNCR, would achieve greater visibility improvements. Furthermore, given that SCR represents “the best system of continuous emission control technology available” (40 C.F.R. 51.308(e)(1)(ii)), there appears to be no reason to dismiss SCR as BART.

In support of its determination, the EPA asserts that SCR for both Units 1 and 2 “is not justified by the visibility improvement.” 77 Fed. Reg. 24027; 77 Fed. Reg. 24035.⁵ Yet the Proposed Rule indicates that with the use of SCR, visibility improvements in the most impacted Class I areas would be around 50% greater than with the use of SNCR. The table below summarizes the data presented by EPA, which shows that SCR would achieve far greater visibility benefits for the UL Bend Wilderness Area and Theodore Roosevelt National Park—the two most impacted Class I areas—than with the use of SNCR. For UL Bend, for example, the total visibility benefits would be 0.518 deciviews whereas with SCR, the benefits would be 0.784 deciviews.

Visibility Benefits with SNCR and SCR at Colstrip Units 1 and 2 (in delta deciviews).

Colstrip Unit	Visibility Improvement with SNCR-UL Bend	Visibility Improvement with SNCR-TRNP	Visibility Improvement with SCR-UL Bend	Visibility Improvement with SCR-TRNP
1	0.249	0.264	0.378	0.404
2	0.269	0.269	0.406	0.423
TOTALS	0.518	0.533	0.784	0.827

In this case, the EPA appears to believe that the level of visibility improvement is not significant enough to justify the use of SCR. However, the Proposed Rule provides no

⁴ Specifically, the EPA rejected the use of SCR and separated overfire air, or SOFA, in favor of the use of SNCR and SOFA.

⁵ The EPA also asserts that cost was a factor in rejecting SCR. It is unclear how the Agency determined the cost of SCR was unreasonable in the face of the Proposed Rule’s explicit recognition that SCR was a cost-effective control option.

information or analysis to indicate that EPA's belief is not anything more than an arbitrary claim. Indeed, there is no explanation as to why the EPA believed the level of improvement with the use of SCR was somehow discountable or insignificant. The EPA's logic is further belied by the fact that, as already explained, the FIP will fail to achieve meaningful reasonable progress in attaining natural visibility conditions in Class I areas in Montana. Given the prospect of such dismal progress in achieving natural visibility, it is reasonable to presume that any improvement in visibility, no matter how small, would be significant. The EPA fails to provide any information or analysis in the Proposed Rule or the supporting record suggesting otherwise. Although it is true that EPA is allowed to consider the degree in improvement in visibility in determining BART, there is no indication that this factor could be interpreted to allow the Agency to make arbitrary determinations that a 50% improvement in visibility under a plan that already contains unreasonable RPGs is insignificant or otherwise not worthy of regulatory action under the Clean Air Act's regional haze program.

The EPA's proposal to reject SCR as BART is purely arbitrary. There are no standards enumerated in the Proposed Rule that support the Agency's determination that the visibility improvements with SCR are meaningless or otherwise not justified. Furthermore, based on the five factors set forth in the Clean Air Act, SCR appears to more than qualify as BART for Colstrip units 1 and 2. We request the Agency reassess its BART determination and adopt SCR as BART as required by the Clean Air Act.

b. Corette

Similar to our concerns over Colstrip units 1 and 2, the EPA arbitrarily rejected requiring SCR as BART for NO_x emissions from the Corette coal-fired EGU. The Agency rejected SCR—even though it stated in the Proposed Rule that the control technology would be cost-effective and achieve greater visibility benefits—in favor of no additional controls. The EPA's proposed BART determination is inconsistent with the Clean Air Act and the Agency's own record.

As an initial matter, just as with Colstrip, it is important to point out that under the factors required to be considered by EPA in determining BART under the Clean Air Act, SCR would constitute BART. Here, EPA found that SCR for Corette would not be cost-prohibitive (the EPA actually states that the assigned cost-effectiveness values are “well within the range of values we have considered reasonable for BART and that states have considered reasonable for BART[.]” 77 Fed. Reg. 24043). The Agency also identified no energy and nonair quality impacts of compliance, existing pollution control technology that would mitigate against the use of SCR, or remaining useful life issues that would preclude the use of SCR. Furthermore, with regards to visibility improvement, the EPA further found that SCR, as opposed to doing nothing, would achieve greater visibility improvements. Furthermore, given that SCR represents “the best system of continuous emission control technology available” (40 C.F.R. 51.308(e)(1)(ii)), there appears to be no reason to dismiss SCR as BART for Corette.

As with Colstrip, in support of its determination, the EPA asserts that SCR for Corette “is not justified by the visibility improvement.” 77 Fed. Reg. 24043.⁶ Yet the Proposed Rule indicates that with the use of SCR, visibility improvements in the most impacted Class I area—the Washakie Wilderness Area—would be 264%, an enormous improvement from current conditions. Indeed, EPA’s proposed BART would require no additional controls, meaning the detrimental visibility impacts would be the same. However, with the use of SCR, an improvement of 0.264 deciviews could be achieved. It is further notable that with the use of SCR, the EPA would reduce visibility impairment at seven different class I areas. *See* 77 Fed. Reg. 24042. Not only would it improve visibility at Washakie Wilderness Area by 0.264 deciviews, it would cumulatively improve visibility amongst the seven impacted class I areas by 0.939 deciviews. *See id.* Such cumulative visibility improvements do not appear to be unreasonable.

**Visibility Benefits of Proposed BART
and SCR at Corette (in delta deciviews).**

Visibility Improvement Under Proposed Rule	Visibility Improvement with SCR-Washakie
0	0.264

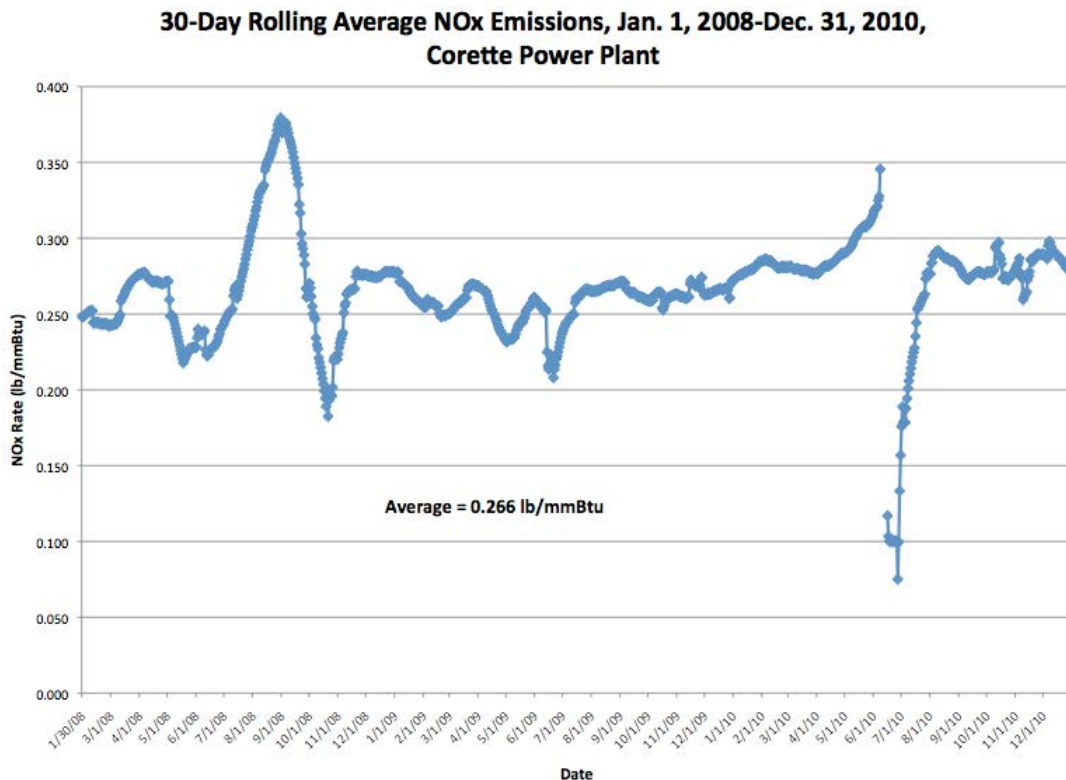
In this case, the EPA appears to believe that the level of visibility improvement is not significant enough to justify the use of SCR. This is quite the stretch considering that under the EPA’s Proposed Rule, there would be no visibility benefits. Regardless, the Proposed Rule provides no information or analysis to indicate that EPA’s belief is not anything more than an arbitrary claim. Indeed, there is no explanation as to why the EPA believed the level of improvement with the use of SCR was somehow discountable or insignificant. The EPA’s logic is further belied by the fact that, as already explained, the FIP will fail to achieve meaningful reasonable progress in attaining natural visibility conditions in Class I areas in Montana. Given the prospect of such dismal progress in achieving natural visibility, it is reasonable to presume that any improvement in visibility, no matter how small, would be significant. The EPA fails to provide any information or analysis in the Proposed Rule or the supporting record suggesting otherwise. Although it is true that EPA is allowed to consider the degree in improvement in visibility in determining BART, there is no indication that this factor could be interpreted to allow the Agency to make arbitrary determinations that a 264% improvement in visibility under a plan that already contains unreasonable RPGs is insignificant or otherwise not worthy of regulatory action under the Clean Air Act’s regional haze program.

Besides this, it is troubling to see that under the EPA’s proposed BART for Corette, the facility will actually be allowed to emit more NO_x and sulfur dioxide (“SO₂”) than what it is currently emitting. This casts further doubt on the credibility of EPA’s BART determination for Corette. Indeed, under the Agency’s proposed BART, NO_x emissions would be limited to no more than 0.40 lbs/mmBtu on a 30-day rolling average basis and SO₂ emissions would be limited to no more than 0.70 lbs/mmBtu annually. No additional controls would be required to achieve

⁶ The EPA also asserts that cost was a factor in rejecting SCR. It is unclear how the Agency determined the cost of SCR was unreasonable in the face of the Proposed Rule’s explicit recognition that SCR was a cost-effective control option.

these limits. However, data submitted by the operator of Corette to the EPA’s Air Markets Program website shows that between 2008 and 2010, the baseline years that EPA relied upon in assessing NOx and SO₂ emissions from the Corette power plant, the facility has consistently achieved far lower emission rates.⁷

For example, with regards to NOx emissions, EPA’s database shows that between 2008 and 2010, Corette achieved an average 30-day rolling average emission rate of 0.266 lbs/mmBtu. As the chart below shows, during the baseline years of 2008-2010, 30-day rolling average NOx emissions were consistently far below 0.40 lbs/mmBtu.⁸



Additionally, with regards to SO₂ emissions, EPA’s database similarly shows that between 2008 and 2010 (and also in 2011), annual emission rates never came close to the proposed BART rate of 0.70 lbs/mmBtu. Indeed, the data shows that annual SO₂ emission rates have hovered around 0.45 lbs/mmBtu, far lower than the proposed BART emission rate. The table below shows the reported annual SO₂ emissions rate.

⁷ This data can be readily queried at <http://ampd.epa.gov/ampd/>.

⁸ This chart was prepared by downloading daily emissions data for Corette from 2008-2010 from EPA’s Air Markets Program Data website and preparing rolling 30-day average values using a Microsoft Excel spreadsheet.

**Annual SO₂ Emission Rates
at Corette⁹**

Year	Annual SO₂ Emission Rate (lbs/mmBtu)
2008	0.47
2009	0.46
2010	0.46
2011	0.49

The fact that increases in SO₂ emissions would be allowed is particularly troubling in light of the fact that EPA discloses that additional controls, including dry sorbent injection, would be cost-effective and reasonable. Although the EPA asserted that the anticipated visibility improvements, when weighed against costs, justified no additional controls (*see* 77 Fed. Reg. 24046-24047), this is entirely confusing. Under the EPA’s proposed BART determination for SO₂ from Corette, visibility would actually worsen. This hardly seems to justify the EPA’s position that it represents a reasonable approach to implementing the Clean Air Act’s BART requirements.

This data clearly shows that under the EPA’s proposed BART determination for Corette, both NO_x and SO₂ emissions will be allowed to increase. This is hardly appears to be representative of BART and indicates that, contrary to EPA’s assertions otherwise, visibility will actually degrade as a result of its proposed BART determinations for Corette.

At a minimum, BART must serve the purpose of eliminating or reducing visibility impairment in Class I areas. *See* 42 U.S.C. § 7491(b)(2)(A). To this end, the definition of BART explicitly states that it must represent a “reduction” in each pollutant that causes or contributes to visibility impairment. *See* 40 C.F.R. § 51.301 (setting forth definition of BART). Furthermore, although the EPA must take into account the five factors set forth under 42 U.S.C. § 7491(g)(2), nothing in the Clean Air Act or the EPA’s regulations implementing the regional haze program suggest or remotely imply that a state could allow emission increases as BART. Accordingly, EPA must, at a minimum, revise its BART determinations and adopt limits that area consistent with the Clean Air Act and that represent actual emission reductions.

While the EPA’s proposal to reject SCR as BART for Corette is purely arbitrary given are no standards enumerated in the Proposed Rule that support the Agency’s determination that the visibility improvements with SCR are meaningless or otherwise not justified, the fact that the Agency’s proposed BART actually allows for increased emissions underscores the inadequacies of the entire BART proposal. We request the Agency reassess its BART determination and adopt SCR as BART as required by the Clean Air Act.

3. Reasonable Progress Goals—No Additional Control Issues

a. Montana-Dakota Utilities Lewis and Clark Station

⁹ Annual SO₂ emission rates were calculated by taking the total pounds of annual emissions and dividing these values by the total annual heat input reported.

The determination in the proposed rule that no additional SO₂ controls are required on the Lewis and Clark station is unreasonable. Despite the availability of two highly-effective control options, (1) a fuel switch to natural gas, and (2) SDA with baghouse, the proposed rule eliminates them as “more expensive control options. . .” 77 Fed. Reg. 24072. Given that a fuel switch has a projected 99% control effectiveness rate, and SDA with baghouse has a projected 85% control effectiveness rate, both of these technologies should be further considered before a no-control option is selected.

Furthermore, EPA should reexamine its decision to eliminate all control options for NO_x, and move to require HDSCR + SOFA/LNB at Lewis and Clark. *See* 77 Fed. Reg. 24073. This control option has a high control effectiveness of 87.5% at a reasonable \$4,853 per ton of NO_x reduced. *Id.* To rule it out alongside a fuel switch to natural gas in a group of “more expensive control options” is unreasonable because the natural gas option has a cost of \$41,934 per ton of NO_x reduced, more than 8.5 times the expense of HDSCR + SOFA/LNB. *See* 77 Fed. Reg. 24073-4. These two options are incongruent, and the decision to pair them and exclude them simultaneously lacks reason. The cost and the visibility benefits of HDSCR + SOFA/LNB should be considered individually, and the control option should be implemented because of the great emissions reduction it achieves. Unfortunately, the final analysis of control options took into account only “the most cost effective option (SOFA/LNB)” when weighing cost against overall reductions in emissions. 77 Fed. Reg. 24074. This option, however, is one of the worst considered in terms of reducing overall emissions. 77 Fed. Reg. 24073. Because the FIP is far from attaining a URP akin to the regulatory rate, the HDSCR + SOFA/LNB option projected to reduce emissions by 693 tons per year (where SOFA/LNB reduces emissions by only 301 tons per year) should be implemented as the control option at Lewis and Clark. *See* 77 Fed. Reg. 24073.

b. Colstrip Units 3 and 4

In determining reasonable progress goals for Montana, EPA proposed that no additional controls were required at Colstrip Steam Electric Station Units 3 and 4 for this planning period. 77 Fed. Reg. 24066; 77 Fed. Reg. 24067. This determination is unreasonable, especially when EPA later claimed there were “limited opportunities for reasonable controls for point sources,” and “it is not reasonable to achieve the glide path in 2018.” *See* 77 Fed. Reg. 24091 (EPA also reasoned that attaining the glide path was unreasonable because of visibility impairment caused by sources in and outside of Montana).

In fact, if SCR were implemented for NO_x at Unit 3, a total emissions reduction of 3,810 tpy would occur, resulting in a 70.2% improvement in plant NO_x emissions. 77 Fed. Reg. 24064. Because this reduction would improve visibility 0.261 dv at UL Bend, a Class I area not projected to meet natural conditions for 385 years under the proposed FIP, a finding that limited opportunities exist for further visibility improvement is unreasonable (visibility at Theodore Roosevelt National Park (“TRNP”), ND, will also improve by 0.273 dv). 77 Fed. Reg. 24065. At \$4,574 per ton of NO_x reduced, SCR at Colstrip Unit 3 is comparable to the cost-effectiveness of SOFA + SCR at Corette (\$4,491/ton), which EPA determined to be cost-effective and reasonable. *See* 77 Fed. Reg. 24043. Similar controls (SCR) implemented at Unit 4 would reduce total plant NO_x emissions by 3,780 tpy (70.7%) and improve visibility conditions at UL Bend by another 0.249 dv (visibility at TRNP would improve by 0.260 dv). 77

Fed. Reg. 24066. SCR at Unit 4 would also be cost effective at \$4,607/ton. *Id.* The determination that visibility benefits are not sufficient enough to implement these technologies given the cost is unreasonable because these controls are cost-effective, and the proposed RPGs are meritless and in need of much improvement. Indeed, the achievement timeline of the proposed RPGs, where the goals are forecasted to be met over 200 years from now, and in some cases over 300-400 years, makes these RPGs effectively irrelevant. *See* 77 Fed. Reg. 24090.

1. Compliance with Section 110(l)

The EPA is duty-bound to ensure the proposed SIP does not interfere with attainment and maintenance of the NAAQS, in accordance with section 110(l) of the Clean Air Act. Thus, the EPA must ensure that the proposed SIP adequately limits air pollution in order to safeguard public health.

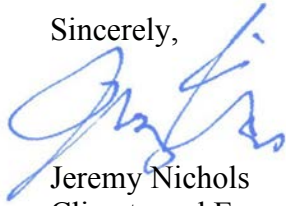
In this case, we are concerned that in proposing its FIP, the EPA has not demonstrated that the proposal adequately safeguards the 2008 8-hour ozone National Ambient Air Quality Standards (“NAAQS”), the newly promulgated 1-hour nitrogen dioxide (“NO₂”) NAAQS, the newly promulgated 1-hour SO₂ NAAQS, and the 2006 PM_{2.5} NAAQS. Thus, EPA has not shown the extent to which public health is likely to be protected under the FIP.

We are particularly concerned that the EPA overlooked its 110(l) obligations under the Clean Air Act given that, although the Proposed Rule may lead to emission reductions, no analysis or assessment has been prepared to demonstrate that even after these emission reductions, the recently promulgated NAAQS will be met. In this case, we are particularly concerned that the recently promulgated 1-hour NO₂ and SO₂ NAAQS could be jeopardized. Indeed, many, if not most, of the proposed emission rates are based on 30-day rolling averages. There is no indication that meeting emission rates on a 30-day rolling average will ensure that 1-hour NAAQS will be sufficiently protected. Indeed, a source could comply with a 30-day rolling average limit, yet still emit enough pollution on an hourly basis to cause or contribute to violations of the NAAQS, thereby interfering with attainment or maintenance.

We are further concerned over the fact that several BART limits allow for increased emissions, as noted earlier. For example, the proposed NO_x and SO₂ BART determinations for Corette allow for greater emissions than are currently released by the EGU. This raises concerns over the impacts to the NAAQS. These impacts must be addressed by EPA.

In this case, the EPA must conduct a 110(l) analysis to demonstrate that it will effectively protect public health and not interfere with attainment or maintenance of the NAAQS before it can approve its FIP.

Sincerely,



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