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Part III

Environmental Protection Agency

40 CFR Part 52

Approval, Disapproval and Promulgation of Implementation Plans; State of Wyoming; Regional Haze State Implementation Plan; Federal Implementation Plan for Regional Haze; Proposed Rule

identify electronically within the disk or CD ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

a. Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).

b. Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

c. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

d. Describe any assumptions and provide any technical information and/or data that you used.

e. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

f. Provide specific examples to illustrate your concerns, and suggest alternatives.

g. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

h. Make sure to submit your comments by the comment period deadline identified.

II. EPA's Prior Action

We signed a notice of proposed rulemaking on May 15, 2012, and it was published in the **Federal Register** on June 4, 2012 (77 FR 33022).

In our proposal, we proposed to disapprove the following:

- The State's nitrogen oxides (NO_x) best available retrofit technology (BART) determinations for PacifiCorp Dave Johnston Unit 3, PacifiCorp Jim Bridger Units 1 and 2, PacifiCorp Wyodak Unit 1, and Basin Electric Laramie River Station Units 1, 2, and 3.

- The State's NO_x reasonable progress determination for PacifiCorp Dave Johnston Units 1 and 2.

- The State's Reasonable Progress Goals (RPGs).

- The State's monitoring, recordkeeping, and reporting requirements in Chapter 6.4 of the SIP.

- Portions of the State's long-term strategy (LTS) that rely on or reflect aspects of the regional haze SIP that we are disapproving.

- The State's SIP because it does not contain the necessary provisions to meet the requirements for the coordination of the review of the reasonably attributable visibility impairment (RAVI) and the regional haze LTS.

We proposed to approve the remaining aspects of the State's January 12, 2011 SIP submittal. We also sought comment on two alternative proposals related to the State's NO_x BART determination for PacifiCorp Jim Bridger Units 1 and 2.

We proposed the promulgation of a FIP to address the deficiencies in the Wyoming regional haze SIP that we identified in the proposal. The proposed FIP included the following elements:

- NO_x BART determinations and limits for PacifiCorp Dave Johnston Unit 3, PacifiCorp Jim Bridger Units 1 and 2, PacifiCorp Wyodak Unit 1, and Basin Electric Laramie River Station Units 1, 2, and 3.

- NO_x reasonable progress determination and limits for PacifiCorp Dave Johnston Units 1 and 2.

- RPGs consistent with the SIP limits proposed for approval and the proposed FIP limits.

- Monitoring, recordkeeping, and reporting requirements applicable to all BART and reasonable progress sources for which there is a SIP or FIP emissions limit.

- LTS elements pertaining to emission limits and compliance schedules for the proposed BART and reasonable progress FIP emission limits.

- Provisions to ensure the coordination of the RAVI and regional haze LTS.

In lieu of our proposed FIP, or a portion thereof, we stated that we would propose approval of a SIP revision if the State submits such a revision and the revision matches the terms of our proposed FIP. We encouraged the State to submit a SIP revision to replace the FIP, either before or after our final action.

We requested comments on all aspects of our proposed action and provided a 60-day comment period, with the comment period closing on August 3, 2012. We also held two public hearings. The public hearings were held on June 26, 2012, in Cheyenne, Wyoming and June 28, 2012, in Rock Springs, Wyoming.

The Conservation Organizations¹ and the National Park Service submitted comments during the public comment

¹ The Conservation Organizations refers to comments submitted on behalf of Powder River Basin Resource Council, Wyoming Outdoor Council, Greater Yellowstone Coalition, Sierra Club, National Parks Conservation Association, and WildEarth Guardians.

period pertaining to, among other things, the cost analyses that the State relied upon in its SIP and that EPA subsequently relied on to make its proposed rulemaking decision. The commenters asserted that the State overestimated the costs for some control technologies and underestimated the costs for other control technologies. Based on our review of these comments and upon further review of the State's cost and visibility analyses, we determined that the State's analyses are flawed in several respects and are therefore inconsistent with the BART Guidelines and statutory requirements, as discussed further in this notice. As a result, EPA conducted its own cost analyses for the BART and reasonable progress electric generating units (EGUs), and also revised its modeling of the visibility improvement for these sources in order to be comparable to the revised costs analyses as explained in section V.II.C.3. The revised costs and visibility modeling are explained in further detail in section VII.C.3. Because we have developed new cost and visibility improvement modeling analyses, we are re-proposing action on Wyoming's SIP in order to give the public the opportunity to comment on our updated cost and visibility analyses and our proposed determinations based on this new information.

III. Overview of Proposed Actions

EPA is proposing to partially approve and partially disapprove a regional haze SIP submitted by the State of Wyoming on January 12, 2011. Specifically, we are proposing to disapprove the following:

- The State's NO_x BART determinations for PacifiCorp Dave Johnston Units 3 and 4, PacifiCorp Naughton Units 1 and 2, PacifiCorp Wyodak Unit 1, and Basin Electric Laramie River Units 1, 2, and 3.

- The State's NO_x reasonable progress determinations for PacifiCorp Dave Johnston Units 1 and 2.

- Wyoming's RPGs.

- The State's monitoring, recordkeeping, and reporting requirements in Chapter 6.4 of the SIP.

- Portions of the State's LTS that rely on or reflect other aspects of the regional haze SIP.

- The provisions necessary to meet the requirements for the coordination of the review of the RAVI and the regional haze LTS.

We are proposing to approve the remaining aspects of the State's January 12, 2011 SIP submittal. However, we are also seeking comment on an alternative proposal, related to the State's NO_x BART determinations, for PacifiCorp Jim Bridger Units 1 and 2, that would

The partial approval of the SIP, if finalized, merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law.

K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, does not apply because this action is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: May 23, 2013.

Shaun L. McGrath,
Regional Administrator Region 8.

40 CFR part 52 is proposed to be amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 et seq.

Subpart ZZ—Wyoming

■ 2. Add section 52.2636 to read as follows:

§ 52.2636 Federal implementation plan for regional haze.⁶¹

(a) *Applicability.* This section applies to each owner and operator of the following emissions units in the State of Wyoming for which EPA proposes to approve the State's BART determination:

FMC Westvaco Trona Plant Units NS-1A and NS-1B (PM and NO_x);

TATA Chemicals Partners (previously General Chemical) Boilers C and D (PM and NO_x);

Basin Electric Power Cooperative Laramie River Station Units 1, 2, and 3 (PM);

PacifiCorp Dave Johnston Power Plant Unit 3 (PM);

PacifiCorp Dave Johnston Power Plant Unit 4 (PM);

PacifiCorp Jim Bridger Power Plant Units 1, 2, 3, and 4 (NO_x and PM);

PacifiCorp Naughton Power Plant Unit 3 (PM and NO_x);

PacifiCorp Naughton Power Plant Unit 1 and Unit 2 (PM); and

PacifiCorp Wyodak Power Plant Unit 1 (PM).

This section also applies to each owner and operator of the following emissions units in the State of Wyoming for which EPA proposes to disapprove the State's BART determination and issue a NO_x BART Federal Implementation Plan:

Basin Electric Power Cooperative Laramie River Station Units 1, 2, and 3;

PacifiCorp Dave Johnston Power Plant Unit 3;

PacifiCorp Dave Johnston Power Plant Unit 4;

PacifiCorp Naughton Power Plant Unit 1 and Unit 2; and

PacifiCorp Wyodak Power Plant Unit 1.

This section also applies to each owner and operator of the following emissions units in the State of Wyoming for which EPA proposes to disapprove the State's reasonable progress determinations and issue a reasonable progress determination NO_x Federal Implementation Plan: PacifiCorp Dave Johnston Power Plant Units 1 and 2.

(b) *Definitions.* Terms not defined below shall have the meaning given them in the Clean Air Act or EPA's regulations implementing the Clean Air Act. For purposes of this section:

(1) *BART* means Best Available Retrofit Technology.

(2) *BART unit* means any unit subject to a Regional Haze emission limit in Table 1 and Table 2 of this section.

(3) *CAM* means Compliance Assurance Monitoring as required by 40 CFR part 64.

(4) *Continuous emission monitoring system or CEMS* means the equipment required by this section to sample, analyze, measure, and provide, by means of readings recorded at least once every 15 minutes (using an automated data acquisition and handling system (DAHS)), a permanent record of NO_x emissions, diluent, or stack gas volumetric flow rate.

(5) *FIP* means Federal Implementation Plan.

(6) *Lb/hr* means pounds per hour.

(7) *Lb/MMBtu* means pounds per million British thermal units of heat input to the fuel-burning unit.

(8) *NO_x* means nitrogen oxides.

(9) *Operating day* means a 24-hour period between 12 midnight and the following midnight during which any fuel is combusted at any time in the BART or RP unit. It is not necessary for fuel to be combusted for the entire 24-hour period.

(10) The *owner/operator* means any person who owns or who operates, controls, or supervises a unit identified in paragraph (a) of this section.

(11) *PM* means filterable total particulate matter.

(12) *RP unit* means any Reasonable Progress unit subject to a Regional Haze emission limit in Table 3 of this section.

(13) *Unit* means any of the units identified in paragraph (a) of this section.

(c) *Emissions limitations.*

(1) The owners/operators of emissions units subject to this section shall not emit, or cause to be emitted, PM or NO_x in excess of the following limitations:

TABLE 1—EMISSION LIMITS FOR BART UNITS FOR WHICH EPA PROPOSES TO APPROVE THE STATE'S BART DETERMINATION

Source name/BART unit	PM	NO _x
	Emission limits	Emission limits
	lb/MMBtu	lb/MMBtu
FMC Westvaco Trona Plant/Unit NS-1A	0.05	0.35
FMC Westvaco Trona Plant/Unit NS-1B	0.05	0.35
TATA Chemicals Partners (General Chemical) Green River Trona Plant/Boiler C	0.09	0.28
TATA Chemicals Partners (General Chemical) Green River Trona Plant/Boiler D	0.09	0.28
Basin Electric Power Cooperative Laramie River Station/Unit 1	0.03	N/A
Basin Electric Power Cooperative Laramie River Station/Unit 2	0.03	N/A
Basin Electric Power Cooperative Laramie River Station/Unit 3	0.03	N/A
PacifiCorp Dave Johnston Power Plant/Unit 3	0.015	N/A
PacifiCorp Dave Johnston Power Plant/Unit 4	0.015	N/A

⁶¹ The proposed regulatory language only reflects our proposed action. If EPA's final action differs

from our proposed action, the regulatory language

will be amended, as necessary, to reflect the Agency's final decision.

TABLE 1—EMISSION LIMITS FOR BART UNITS FOR WHICH EPA PROPOSES TO APPROVE THE STATE'S BART DETERMINATION—Continued

Source name/BART unit	PM	NO _x
	Emission limits	Emission limits
	lb/MMBtu	lb/MMBtu
Pacificorp Jim Bridger Power Plant/Unit 1	0.03	0.07
Pacificorp Jim Bridger Power Plant/Unit 2	0.03	0.07
Pacificorp Jim Bridger Power Plant/Unit 3	0.03	0.07
Pacificorp Jim Bridger Power Plant/Unit 4	0.03	0.07
Pacificorp Naughton Power Plant/Unit 1	0.04	N/A
Pacificorp Naughton Power Plant/Unit 2	0.04	N/A
Pacificorp Naughton Power Plant/Unit 3	0.015	0.07
Pacificorp Wyodak Power Plant/Unit 1	0.015	N/A

TABLE 2—EMISSION LIMITS FOR BART UNITS FOR WHICH EPA PROPOSES TO DISAPPROVE THE STATE'S BART DETERMINATION AND IMPLEMENT A FIP

Source name/BART unit	NO _x Emission limit (lb/MMBtu)
Basin Electric Power Cooperative Laramie River Station/Unit 1	0.07
Basin Electric Power Cooperative Laramie River Station/Unit 2	0.07
Basin Electric Power Cooperative Laramie River Station/Unit 3	0.07
Pacificorp Dave Johnston Power Plant/Unit 3	0.07
Pacificorp Dave Johnston Power Plant/Unit 4	0.12
Pacificorp Naughton Power Plant/Unit 1	0.07
Pacificorp Naughton Power Plant/Unit 2	0.07
Pacificorp Wyodak Power Plant/Unit 1	0.17

TABLE 3—EMISSION LIMITS FOR RP UNITS FOR WHICH EPA PROPOSES TO DISAPPROVE THE STATE'S RP DETERMINATION AND IMPLEMENT A FIP

Source name/RP unit	NO _x Emission limit (lb/MMBtu)
Pacificorp Dave Johnston Power Plant/Unit 1	0.22
Pacificorp Dave Johnston Power Plant/Unit 2	0.22

(2) These emission limitations shall apply at all times, including startups, shutdowns, emergencies, and malfunctions.

(d) *Compliance date.*

(1) The owners and operators of PacificCorp Jim Bridger Unit 3 and Unit 4 shall comply with the emission limitations and other requirements of this section by December 31, 2015, for Unit 3 and December 31, 2016, for Unit 4.

(2) The owners and operators of the other BART and RP sources subject to this section shall comply with the emissions limitations and other requirements of this section within five years of the effective date of this rule.

(e) *Compliance determinations for NO_x.*

(1) For all BART and RP units other than Trona Plant units:

(i) *CEMS.* At all times after the compliance date specified in paragraph (d) of this section, the owner/operator of each unit shall maintain, calibrate, and operate a CEMS, in full compliance with

the requirements found at 40 CFR part 75, to accurately measure NO_x, diluent, and stack gas volumetric flow rate from each unit. The CEMS shall be used to determine compliance with the emission limitations in paragraph (c) of this section for each unit.

(ii) *Method.*

(A) For any hour in which fuel is combusted in a unit, the owner/operator of each unit shall calculate the hourly average NO_x concentration in lb/MMBtu and lb/hr at the CEMS in accordance with the requirements of 40 CFR part 75. At the end of each operating day, the owner/operator shall calculate and record a new 30-day rolling average emission rate in lb/MMBtu and lb/hr from the arithmetic average of all valid hourly emission rates from the CEMS for the current operating day and the previous 29 successive operating days.

(B) An hourly average NO_x emission rate in lb/MMBtu or lb/hr is valid only if the minimum number of data points,

as specified in 40 CFR part 75, is acquired by both the pollutant concentration monitor (NO_x) and the diluent monitor (O₂ or CO₂).

(C) Compliance with tons-per-year emission limits shall be calculated on a rolling 12-month basis. At the end of each calendar month, the owner/operator shall calculate and record a new 12-month rolling average emission rate from the arithmetic average of all valid hourly emission rates from the CEMS for the current month and the previous 11 months and the report the result in tons.

(D) Data reported to meet the requirements of this section shall not include data substituted using the missing data substitution procedures of subpart D of 40 CFR part 75, nor shall the data have been bias adjusted according to the procedures of 40 CFR part 75.

(2) For all Trona Plant BART units:

(i) *CEMS.* At all times after the compliance date specified in paragraph