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stationary sources¹⁰ built between 1962 and 1977 procure, install, and operate the “Best Available Retrofit Technology” as determined by the state. Under the RHR, states are directed to conduct BART determinations for such “BART-eligible” sources that may be anticipated to cause or contribute to any visibility impairment in a Class I area. Rather than requiring source-specific BART controls, states also have the flexibility to adopt an emissions trading program or other alternative program as long as the alternative provides greater reasonable progress towards improving visibility than BART.

On July 6, 2005, EPA published the *Guidelines for BART Determinations Under the Regional Haze Rule* at appendix Y to 40 CFR part 51 (hereinafter referred to as the “BART Guidelines”) to assist states in determining which of their sources should be subject to the BART requirements and in determining appropriate emission limits for each applicable source. 70 FR 39104. In making a BART determination for a fossil fuel-fired electric generating plant with a total generating capacity in excess of 750 megawatts (MW), a state must use the approach set forth in the BART Guidelines. Generally, a state is encouraged, but not required, to follow the BART Guidelines in making BART determinations for other types of sources. Regardless of source size or type, a state must meet the requirements of the CAA and our regulations for selection of BART, and the state’s BART analysis and determination must be reasonable in light of the overarching purpose of the regional haze program.

The process of establishing BART emission limitations can be logically broken down into three steps: First, states identify those sources which meet the definition of “BART-eligible source” set forth in 40 CFR 51.301;¹¹ second, states determine which of such sources “emits any air pollutant which may reasonably be anticipated to cause or contribute to any impairment of visibility in any such area” (a source which fits this description is “subject to BART”); and third, for each source subject-to-BART, states then identify the best available type and level of control for reducing emissions.

States must address all visibility-impairing pollutants emitted by a source in the BART determination process. The most significant visibility impairing pollutants are SO₂, NO_x, and PM. EPA has stated that states should use their best judgment in determining whether VOC or NH₃ emissions impair visibility in Class I areas.

Under the BART Guidelines, states may select an exemption threshold value for their BART modeling, below which a BART-eligible source would not be expected to cause or contribute to visibility impairment in any Class I area. The state must document this exemption threshold value in the SIP and must state the basis for its selection of that value. Any source with emissions that model above the threshold value would be subject to a BART determination review. The BART Guidelines acknowledge varying circumstances affecting different Class I areas. States should consider the number of emission sources affecting the Class I areas at issue and the magnitude of the individual sources’ impacts. Any exemption threshold set by the state should not be higher than 0.5 deciview. 40 CFR part 51, appendix Y, section III.A.1.

In their SIPs, states must identify the sources that are subject-to-BART and document their BART control determination analyses for such sources. In making their BART determinations, section 169A(g)(2) of the CAA requires that states consider the following factors when evaluating potential control technologies: (1) The costs of compliance; (2) the energy and non-air quality environmental impacts of compliance; (3) any existing pollution control technology in use at the source; (4) the remaining useful life of the source; and (5) the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

A regional haze SIP must include source-specific BART emission limits and compliance schedules for each source subject-to-BART. Once a state has made its BART determination, the BART controls must be installed and in operation as expeditiously as practicable, but no later than five years after the date of EPA approval of the regional haze SIP. CAA section 169(g)(4) and 40 CFR 51.308(e)(1)(iv). In addition to what is required by the RHR, general SIP requirements mandate that the SIP must also include all regulatory requirements related to monitoring, recordkeeping, and reporting for the BART controls on the source. See e.g. CAA section 110(a). As noted above, the RHR allows states to implement an

alternative program in lieu of BART so long as the alternative program can be demonstrated to achieve greater reasonable progress toward the national visibility goal than would BART.

v. Long-Term Strategy

Consistent with the requirement in section 169A(b) of the CAA that states include in their regional haze SIP a 10 to 15-year strategy for making reasonable progress, section 51.308(d)(3) of the RHR requires that states include a LTS in their regional haze SIPs. The LTS is the compilation of all control measures a state will use during the implementation period of the specific SIP submittal to meet applicable RPGs. The LTS must include “enforceable emissions limitations, compliance schedules, and other measures as necessary to achieve the reasonable progress goals” for all Class I areas within, or affected by emissions from, the state. 40 CFR 51.308(d)(3).

When a state’s emissions are reasonably anticipated to cause or contribute to visibility impairment in a Class I area located in another state, the RHR requires the impacted state to coordinate with the contributing states in order to develop coordinated emissions management strategies. 40 CFR 51.308(d)(3)(i). In such cases, the contributing state must demonstrate that it has included, in its SIP, all measures necessary to obtain its share of the emission reductions needed to meet the RPGs for the Class I area. *Id.* at (d)(3)(ii). The RPOs have provided forums for significant interstate consultation, but additional consultations between states may be required to sufficiently address interstate visibility issues. This is especially true where two states belong to different RPOs.

States should consider all types of anthropogenic sources of visibility impairment in developing their long-term strategy, including stationary, minor, mobile, and area sources. At a minimum, states must describe how each of the following seven factors listed below are taken into account in developing their LTS: (1) Emission reductions due to ongoing air pollution control programs, including measures to address RAVI; (2) measures to mitigate the impacts of construction activities; (3) emissions limitations and schedules for compliance to achieve the RPG; (4) source retirement and replacement schedules; (5) smoke management techniques for agricultural and forestry management purposes including plans as currently exist within the state for these purposes; (6) enforceability of emissions limitations and control measures; and (7) the anticipated net

¹⁰ The set of “major stationary sources” potentially subject-to-BART is listed in CAA section 169A(g)(7).

¹¹ BART-eligible sources are those sources that have the potential to emit 250 tons or more of a visibility-impairing air pollutant, were not in operation prior to August 7, 1962, but were in existence on August 7, 1977, and whose operations fall within one or more of 26 specifically listed source categories. 40 CFR 51.301.

Unit 3 for NO_x: 0.07 lb/MMBtu (30-day rolling average).

5. Wyodak

We proposed to require PacifiCorp Wyodak Unit 1 to meet a FIP emission limit of 0.17 lb/MMBtu (30-day rolling average) for NO_x BART (assuming the installation of LNBs/OFA with SNCR). Based on our revised costs of compliance and visibility impacts, as well as comments received during the public comment period (see section V), we no longer conclude that NO_x BART is an emission limit of 0.17 lb/MMBtu (30-day rolling average). Based on our new cost and visibility improvement numbers, we conclude that NO_x BART is a FIP emission limit of 0.07 lb/MMBtu (30-day rolling average) for this unit. This emission limit assumes the installation of LNBs/OFA with SCR. As detailed in the next section, based on our weighing of the five factors, we find that the average cost-effectiveness of SCR (\$4,036/ton) and the incremental cost-effectiveness (\$6,233/ton), combined with a visibility improvement of 0.61 deciviews at the most impacted Class I area, makes the selection of SCR for BART reasonable.

6. Jim Bridger

In our proposal, we proposed to approve the State's NO_x BART and LTS determinations for Jim Bridger Units 1 and 2. The State's BART determination required each unit to meet an emissions limit of 0.26 lb/MMBtu (30-day rolling average) within five years of our approval of the SIP, based on new LNB plus OFA. The LTS determination required each unit to meet an emission limit of 0.07 lb/MMBtu (30-day rolling average) by December 31, 2022, and December 31, 2021, respectively. EPA proposed to approve these compliance dates for numerous reasons as discussed in detail in our proposed rulemaking. 78 FR 34755. We also proposed an alternative FIP BART determination that would require Jim Bridger Units 1 and 2 to meet an emission limit of 0.07 lb/MMBtu (30-day rolling average) within five years of our final rulemaking. 78 FR 34780. We are finalizing our proposed approval of the State's BART and LTS determinations for Jim Bridger Units 1 and 2, although the reasons for our final action on Jim Bridger Units 1 and 2 have changed from our proposed action.

In our proposed rulemaking, we stated:

EPA is proposing to determine that BART for all units at Jim Bridger would be SCR if the units were considered individually, based on the five factors, without regard for the controls being required at other units in the PacifiCorp system. However, when the

cost of BART controls at other PacifiCorp owned EGUs is considered as part of the cost factor for the Jim Bridger Units, EPA is proposing that Wyoming's determination that NO_x BART for these units is new LNB plus OFA for is reasonable. Considering costs broadly, it would be unreasonable to require any further retrofits at this source within five years of our final action. We note that the CAA establishes five years at the longest period that can be allowed for compliance with BART emission limits." 78 FR 34756. However, as discussed in detail in section V.D.2 below, we do not think PacifiCorp has presented ample evidence to show that it would be unreasonable or not feasible for them to install numerous SCRs within the five year BART period. Nonetheless, we are approving the State's BART determination and LTS for Jim Bridger Units 1 and 2 based on our consideration of the five factors, as detailed in the next section.

We are approving the State's SIP requirement that Jim Bridger Units 1 and 2 meet an emission limit of 0.07 lb/MMBtu (30-day rolling average) by 2022 and 2021, respectively. We are also approving the State's BART determination that requires Jim Bridger Units 1 and 2 to meet a NO_x emission limit of 0.26 lb/MMBtu (30-day rolling average) within five years of our final action.

For Jim Bridger Units 3 and 4 we proposed to approve the SIP with regard to the State's determination that the appropriate level of NO_x control for Units 3 and 4 for purposes of reasonable progress is the SCR-based emission limit in the SIP of 0.07 lb/MMBtu, with compliance dates of December 31, 2015 for Unit 3 and December 31, 2016 for Unit 4. In our proposal we noted that since the State is requiring PacifiCorp to install the LTS controls within the timeline that BART controls would have to be installed pursuant to 40 CFR 51.308(c)(iv), we proposed to approve the State's compliance schedule and emission limit of 0.07 lb/MMBtu for Jim Bridger Units 3 and 4 as meeting the BART requirements.

We are finalizing our proposed approval of the State's BART and LTS determinations for Jim Bridger Units 3 and 4, although, similar to Units 1 and 2, the reasons for our final action on Units 3 and 4 have changed from our proposed action.

7. Dave Johnston Units 1 and 2

We proposed to require PacifiCorp Dave Johnston Units 1 and 2 to meet a FIP emission limit of 0.22 lb/MMBtu (30-day rolling average) for NO_x under reasonable progress (assuming the installation of LNBs/OFA). As detailed in the next section, based on our revised costs and visibility impacts, we no longer conclude that an emission limit of 0.22 lb/MMBtu (30-day rolling

average) is warranted. We are approving Wyoming's NO_x reasonable progress determinations for Dave Johnston Units 1 and 2 (i.e., no controls).

IV. Basis for Our Final Action

We have fully considered all significant comments on our proposal and have concluded that no changes from our proposal other than those discussed in detail above are warranted. Our action is based on an evaluation of Wyoming's regional haze SIP against the regional haze requirements at 40 CFR 51.300–51.309 and CAA sections 169A and 169B. All general SIP requirements contained in CAA section 110, other provisions of the CAA, and our regulations applicable to this action were also evaluated. The purpose of this action is to ensure compliance with these requirements. Our authority for action on Wyoming's SIP submittal is based on CAA section 110(k). Our authority to promulgate a FIP is based on CAA section 110(c).

In our proposal, EPA asked interested parties to provide additional information on both our evaluation of the BART factors and our proposed determinations. 78 FR 38745. We provided notice that any supplemental information we received could lead us to select BART control technologies or compliance deadlines that differed from our proposal. In response to this request, we received extensive comments on the visibility modeling and cost estimates that we provided in the proposal for NO_x BART control technologies. As a result of these comments, we have revised our visibility modeling and cost estimates. The details of these changes and our reasons for making them are provided elsewhere in this document and in our responses to the comments. Based on these changes, we have reassessed our proposed action on the State's NO_x BART determinations for each of the subject-to-BART sources by re-evaluating the five statutory factors.¹⁶ We have also reassessed our proposed action on the State's NO_x reasonable progress determination for Dave Johnston Units 1 and 2. In this section, we describe in detail our reassessment of the statutory factors for these sources based on our revised visibility modeling and cost estimates. For two sources—Jim Bridger and Wyodak—we also received additional comments, explained below, that caused us to

¹⁶ We are finalizing our proposed approval of the State's PM BART determinations. We did not receive any adverse comments that were sufficient to convince us that reexamination of the State's control costs was warranted.