

RESPONSE TO COMMENTS #2

Comments received October 1, 2003 through January 15, 2004

**Longview Power, LLC
Permit Number: R14-0024
Facility ID: 061-00134**

Please note: The responses to the following comments may refer the reader back to heading titles within the “Response to Comments #1” document where more specific responses can be found.

Some comments address many different issues. In order to provide clarity in connecting responses to comments some responses may appear within a comment. All responses can be identified by the term “Response” in bold type at its beginning and the response itself in italics.

Comment – Katherine Payne	4
Comment – Gary and Ann Devine-King	4
Comment – Willie T. Potts	5
Comment – Ann Turnicky	5
Comment – Jarrett F. Jamison, Jr.	6
Comment – Dr. Eric Nies and Kate Udall	6
Comment – Gale Simplicio	7
Comment – Rob Gatian	7
Comment – Lisa Smell	8
Comment – James Kotcon	8
Comment – Amy Hessel	10
Comment – J. Aultman-Moore	11
Comment – Sara Wilts	12
Comment – Point Marion Senior Citizen Club	12
Comment – Daniel David Hobbs	13
Comment – Cynthia Gandy Obrien	14
Comment – Susan M. Breiding	16
Comment – Jane Rector-Donaldson	16
Comment – Duane Nichols	16
Comment – Chris Haddox	18
Comment – Mary Wildfire	19
Comment – Robert Roden, Technical Marketing Manager, Carmeuse Natural Chemicals	19
Comment – Tracy Novak	21
Comment – Nicholas A. DiPasquale, Deputy Secretary for Air, Recycling and Radiation Protection, PA DEP	22
Comment – Fred Sampson, West Virginia Environmental Council	25
Comment – Tracy Novak	28
Comment – Susan Madhavan	29
Comment – Don Spencer	30
Comment – James Kotcon, Sierra Club West Virginia Chapter	32
Comment – John Hall, Interim President, Mountaineer Chapter, National Audubon Society	50
Comment – Jeff Riffle	51
Comment – Craig Falkenstine	52
Comment – Rachel Czajka	52
Comment – Martin L. Boone	52
Comment – Cynthia Ashworth	54
Comment – Duane and Sue Miles Nichols	54
Comment – Donna M. Weems	55
Comment – Betty Rivard	56
Comment – Clyde N. Thompson, Forest Supervisor, Monongahela National Forest	57
Comment – Wendy E. Radcliff, Appalachian Center for the Economy and the Environment	65
Comment – Dennis W. Groce	67
Comment – Jarrett Jamison, III	74
Comment – Larry Schwab MD	76

Comment – Gary F. Somers for Douglas K. Morris, Superintendent, Shenandoah National Park	77
Comment – Paula J. Hunt	90
Comment – Robert R. Mercer, Ph.D.	95
Comment – Donna Meadowcroft	96
Comment – Supplemental comments submitted on behalf of Wendy Radcliff and Appalachian Center regarding the mercury BACT issue:	96
Comment – James L. Laurita, Jr., President, MEPCO, Inc.	97
Comment – Cheat Lake Environment and Recreation Association	98
Comment – Sue Madhaven	100
Comment – Jennifer Robertson-Honecker	101
Comment – Beth Yoke	103
Comment – Adam Polinski	103
Comment – H. H. Rieke	104
Comment – David White	106
Comment – Charles “Larry” Harris, Ph.D.	107
Comment – Joy M. Oakes and Daniel R. Holmes, National Parks Conservation Association	109
Comment – Julieann F. Wozniak	136
Comment – Edna Dillon	136
Comment – Linda Cooper	137
Comment – Duane G. Nichols	139
Comment – James L. Laurita, Jr., President, MEPCO	141
Comment – Jarrett F. Jamison, III	142
Comment – James Kotcon, Sierra Club	143
Comment – Sister Mary Rehmann	154
Comment – Larry Schwab	155
Comment – Gordon Olson for Christi Gordon, Shenandoah National Park	157

Comment – Katherine Payne

Thank you for extending the comment period with regard to the proposed permit application for Longview Power, LLC. I have attended a majority of the hearings and meetings held in Morgantown with the party proposing the power plant here in Monongalia County.

On behalf of the Mountaineer Chapter of the National Audubon Society, the children and elderly in our communities and myself, I must ask you to deny the permit for construction of a third coal-fired power plant in our immediate area. The proposed strategy of mitigation is not an acceptable solution. Our health and welfare for the future of our society here depends upon decisions that provide protection for citizens and our environment. The quality of our lives depends upon the air, water and wildlife that surrounds us. We CHERISH our WILD AND WONDERFUL WEST VIRGINIA. We want to keep our streams clean and with the ability to support life. We live here by choice.

A comment for you to ponder: When an ordinary citizen was asked their opinion of this construction, he replied, “I haven’t found anybody that’s FOR it yet.” Consider that the people do not want or need another coal-fired power plant in our community. Thank you for your time and diligence in this matter. Hear the voice of the citizens.

Response: See heading(s) entitled *Acid Mine/Rain/Deposition, Class I, Comment Extension, Health, Modeling, Offsets, Permit and Process, Plant Choice/Siting, in the “Response to Comments #1” document.*

It is the responsibility of the DAQ to apply the rules and regulations of the state of West Virginia and of the U.S. EPA as they apply to air quality. The public participation process, as a matter of law, cannot make permitting decisions contingent upon the popularity or lack thereof of a proposed project. Rather, it is a means of providing information to the public, of receiving information relevant to the permitting decision from the public, and of reviewing the work performed by the DAQ. If the DAQ determines that a proposed facility will comply with the Air Pollution Control Act and all applicable state and federal regulations, the DAQ must issue that facility a permit.

When the public is concerned over siting, zoning, or other issues such as the decision to bring a business to their area, they should contact their local officials such as the Mayor, city council, county commission, zoning board, etc. The DAQ has no control or influence over these matters.

Comment – Gary and Ann Devine-King

We are writing in concern for the proposed Longview Power, LLC, power plant proposed for construction in Maidsville, West Virginia. The proposal is in our view, both unnecessary and a source of unwanted pollution. We find it ironic that West Virginia with a potential hydroelectric output equal to that of Switzerland must burn polluting fuels. As always the plant is touted as being necessary for jobs and for energy.

If the jobs were really important, it would make far more sense to rebuild the dam and hydroelectric power plant outside of Petersburg in Grant County. The plant was torn down by coal interests in the first Underwood administration. I don't doubt that the power is desired for continued growth, but we in West Virginia should not shoulder the pollution burden for power delivered to other states. We need to get away from coal as a way of life and an energy source.

In short, we feel there are far better solutions than another, ugly, polluting coal scam pulled on the good citizens of this State.

Response: See heading(s) entitled *Permit and Process, Plant Choice/Siting*, in the "Response to Comments #1" document.

Comment – Willie T. Potts

I'm writing in support of Longview Power, LLC. I think it will be great for the economy of North Central West Virginia.

Response: See heading(s) entitled *Permit and Process, For/Against* in the "Response to Comments #1" document.

Comment – Ann Turnicky

I am writing concerning the proposed Longview Power Plant that is being considered in Morgantown, West Virginia. As a resident of Morgantown, I am extremely concerned about the addition of another power plant in our area. The air quality in Morgantown is already below normal and I am concerned that the air quality permit is being "bombarded" through the system in an effort to get it passed quickly so that a thorough examination cannot take place. And this power plant will be built within two miles of our new high school. Our young people will be breathing the nice clean air from the plant as they participate in PE and other outside activities!

The 30-day comment period needs to be extended for a longer period so that this issue can be thoroughly examined. This plant will benefit no one in this community other than those personally involved with building it. The county commissioners have not "gotten the word out" to the community. In fact, I am a professor at WVU and I had my journalism students write a paper about the power plant. None of the 335+ students were even aware of the proposal – now that tells you something!

Please extend the comment period for the benefit of the Morgantown community that has been kept in the dark so that those who will pad their pockets the most can get this power plant built without the input of our community. This entire issue needs MUCH more examination. Once it is built it is too late so what is so terrible about taking the time to THOROUGHLY examine the impact of this plant?

Response: See heading(s) entitled *Comment Extension, Monitoring, NAAQS, Ozone, Permit and Process, Plant Choice/Siting* in the "Response to Comments #1" document.

Comment – Jarrett F. Jamison, Jr.

I would like to know the amount of mercury Longview will emit per month.

Mercury accumulates in fish over time. According to the latest reports from the FDA and Consumers Union, their new testing data shows an increase in the amount of mercury in fish. The American Heart Association recommends eating fish twice a week. In women of childbearing age, this could be harmful to fetuses and young children. Approximately 8 percent of U. S. women of childbearing age have enough mercury in their blood to put fetuses at risk.

This is also a concern to young children who eat a lot of tuna. A 6 ounce can of albacore (tuna is made from this) a week could put a person, depending on their size, over the safe mercury limit.

The FDA advises that fish caught from local lakes and rivers often contains more mercury than commercial fish. The FDA advice is to eat no more than 6 ounces of locally caught fish in a week.

Local people often fish the tributaries of Crooked Run and Monongahela River in the Fort Martin area. It is my concern that fish caught in these tributaries are being polluted by the fly ash emission by Longview and all of the power plants around this area, which total seven. Be aware that the Monongahela River and Cheat River are headwaters and go clear to the Gulf of Mexico. Just think of the millions of people who have their lives in your hands if this plant goes through.

I would ask that you fully evaluate the economic, environmental and social costs of the Longview Power Plant. I also ask that you require Longview to mitigate or compensate for any adverse impact to local property owners, noise and visual impacts and to fully disclose the economic impacts of the plant.

Please consider these facts before issuing any permits.

Response: *As the plant is expected to operate on a continuous basis, monthly mercury emissions can be determined by dividing the annual emission rate by 12. See heading(s) entitled Mercury, Noise, Permit and Process, Plant Choice/Siting, in the “Response to Comments #1” document.*

Comment – Dr. Eric Nies and Kate Udall

We are writing to protest the construction of Longview Power Plant. We feel this is a very destructive proposal and not well suited to Morgantown economic development. The health and environmental impact of this plant is not acceptable. We do not need a third coal burning plant in Mon County.

As residents of Morgantown, we are strongly opposed to this development.

Please extend the comment period. We think this far reaching proposal requires more public input.

The current proposal is unacceptable to many citizens of Mon County. We are seriously concerned about the changes that Longview has asked in the pollution limits. There needs to be offsets for toxic metals, particulates and nitrogen oxides in the permit.

Response: See heading(s) entitled *BACT, Class I, Comment Extension, Health, Mercury, Monitoring, NAAQS, Permit and Process, Plant Choice/Siting, For/Against in the "Response to Comments #1" document.*

Comment – Gale Simplicio

I am writing to request that you extend the comment period regarding Longview as I am sure that having such an abbreviated time frame, occurring during a major holiday season, will not give those persons who will be affected by the power plant enough opportunity to review the plans and express their concerns. When what is usually a 300-day review is cut to 30 days, that in itself bodes reason for alarm. I am extremely concerned about what it will mean for Morgantown's air quality if this plant is built without adequate protections. And only a thorough review and public input will guarantee that.

Response: This comment was apparently meant for the PSC and not DAQ. The DAQ does not have a 30 day or 300 day review for PSD applications. See heading(s) entitled *BACT, Comment Extension, Health, NAAQS, Permit and Process, in the "Response to Comments #1" document.*

Comment – Rob Gatian

Please take great measure to ensure out air quality in Morgantown. Another power plant only makes sense to a starving economy that is desperate for jobs and revenue.

Our environment is far too important for that. Our economy will have to do better via other cleaner, safer means.

Thank you for the work you have ahead of you. The pressures are great, I'm sure, but in the long run, it's the quality of air that matters for generations to come.

Response: See heading(s) entitled *NAAQS, Permit and Process, Plant Choice/Siting, in the "Response to Comments #1" document.*

Comment – Lisa Smell

I am writing to express concerns regarding the Longview Power Plants. I would first like to say that I protest the construction and operation of Longview. I have great concerns regarding the pollutants that will be set off. I also am concerned about the

other adverse impacts including noise and visual impacts and lowered property values for home owners. I would like to ask the PSC to fully evaluate the economic, environmental and social costs of the power plant. I would also like to be educated about the benefits.

The use of coal cleaning methods have been researched and apparently are a very efficient coal cleaning process. I would feel more comfortable knowing that these precautions are being taken.

Response: See heading(s) entitled *BACT, Health, NAAQS, Noise, Permit and Process, Plant Choice/Siting, Stack Height, For/Against in the "Response to Comments #1" document.*

Comment – James Kotcon

I was deeply troubled by your complaint that I had mischaracterized the DAQ's responsiveness to public comment. I had stated that the changes in the new revised draft permit for Longview were proposed by either the applicant or federal agencies and that none of the citizen complaints had been addressed. I worried for several days before preparing those statements, and after your reply, I was so distraught at the potential of my having misspoken that I could not sleep last night. As I promised, I have reviewed the agency documents, as well as agency, public and Longview comments to reevaluate my statements.

You stated that a number of changes to the permit were the result of citizen comments. You cited mercury, beryllium and lead requirements as an example. I do not have access to all of the citizen comments, but of those I do have, the call in citizen comments was consistently for tighter controls and lower emission limits, e.g., activated carbon injection for mercury to reduce allowable emissions by at least 50%. The DAQ response in the revised draft permit is to impose new, albeit laughably weak, monitoring requirement (not emissions reductions) for those metals. I am aware of comments from both the applicant and from one citizen on monitoring requirements, but the citizen comment recommended monthly emissions monitoring. To require monitoring only once every five years is simply not responsive to the citizen comment. More importantly, the emissions limits and control technologies remain unchanged, in spite of the deadly health threat and emerging regulatory mandates from EPA for mercury.

I have no record of changes in coal throughput being requested by either the agencies or Longview, but I also do not have this identified in the citizen comments I have available. In any event, it does not appear to be a significant change in the permit as the difference in PM emissions is 0.24 TPY out of a total 528 TPY. Citizens did request substantial reductions in PM emissions, and a more stringent analysis of BACT and application of more stringent emissions limits, but the revised permit does not reflect any change. I do not yet fully understand DAQs Addendum to the Preliminary Determination as it appears to confuse emissions of NOX and PM in the PM10 section.

The other changes identified in the Addendum also appear to be primarily associated with either agency staff comments or Longview requests. No response (other than the revised draft permit) has been received regarding the many major issues raised in citizen comments related to overall emissions reductions or BACT analysis.

My concerns were highlighted in large part because of DAQ's lack of responsiveness in our meeting of December 2. While I appreciate the significant staff time commitment to come to Morgantown, the outcome of that meeting was truly disappointing. Instead of negotiating in good faith to respond to the issues raised, the entire meeting consisted of DAQ defending what they had already done. If there was never any intent to resolve issues, there was not need to waste everyone's time with such a meeting. This lack of responsiveness or willingness to negotiate in good faith with citizens contrasts sharply with the willingness of the agency to meet with Longview and accommodate numerous concerns from the company. Indeed, virtually the entire Addendum is written in the tone of responding to Longview issues, and only a few paragraphs even mention the numerous citizen comments.

My perception is not based on the Longview permit as an isolated case, but on a pattern on the part of DAQ to view public comment on virtually every permit as hostile (an attitude which quickly becomes reciprocated as evident at the December 15 hearing). I would urge a more open-minded, balanced and inclusive approach to incorporating public comment in agency permit decisions.

In conclusion, while I do not have every citizen comment available to me, I stand behind my comments last night. Any changes in the revised draft permit that did happen to reflect citizen input are, at best, trivial tinkering rather than a substantive response to legitimate concerns. DAQ needs to approach public comment in a more positive and inclusive manner and work to overcome the public's perception that nothing we say will make any difference in the final permit.

P.S. I sympathize with the loss of the transcripts of the September 15 hearing. I cannot find anything in DEP statements or the legal ad which states that citizens oral comments need not be repeated, so you might focus on why the newspaper printed such statements in their news items. I also recommend a pro-active approach to solicit public comments, explicitly stating that previous comments had been lost. I do not know how DAQ could legitimately prepare a "Response to Comments" knowing that they did not have a complete file of comments.

Response: See heading(s) entitled *Acid Mine/Rain/Deposition, Additional Impacts Analysis, Air Quality Board, BACT, Class I, Clear Skies Initiative, CO2, Comment Extension, Health, Legal, Mercury, Mining/Quarrying Operations, Modeling, Monitoring, NAAQS, Noise, Odors (45CSR 4), Offsets, Other Plants, Ozone, Permit and Process, Plant Choice/Siting, Rule 14 and Part 52, Stack Height, Truck Traffic, For/Against in the "Response to Comments #1" document.*

The DAQ makes every effort to remain courteous and professional in all our communications with the public. We regret that not all requests or comments can be

satisfied. In a situation such as this application, the many comments received were considered in conjunction with similar comments. For example, the DAQ received many comments concerning BACT. Some comments requested the review of specific technology, others asked for an increase or decrease in emissions, still others asked for changes in monitoring or testing requirements. All of these comments were considered together in conjunction with the BACT review for this application. The Preliminary Determination and the Addendum set forth the DAQ's reasons for the choice of BACT and any changes that were made as a result of public comments.

On December 22, 2003 the DAQ mailed a letter to all 41 people who made oral comments at the September 15, 2003 public meeting. All of these people were informed that DAQ had not yet received the transcript from the September 15 public meeting and offering them the chance to submit these comments, in writing, to the DAQ by January 15, 2004. Those written comments are included in this response to comments document.

The DAQ pursued all options, including legal, in our efforts to obtain the tapes or transcript of the first public meeting. DAQ had contracted with the independent court reporter to record the proceedings and provide a transcript to assist the agency in responding to oral comments received at the meeting. The agency had made numerous attempts over the past several months to obtain the information to no avail. Tapes, a partial transcript, a letter of apology and explanation from the court reporter were delivered to the Division of Air Quality's Charleston office Friday morning, January 30, 2004. A hearing had been slated for 10:30 a.m. in Kanawha County Circuit Court on the agency's request for an injunction to require the court reporter to deliver the material. All documents and tapes received by the DAQ on January 30, 2004 were copied and mailed to the Morgantown Public library and the Fairmont Regional Office on February 6, 2004.

John Benedict, Director of the DAQ attended both public hearings on the Longview project. He has heard all oral comments and reviewed all written comments before making a final decision on the permit for the Longview project. Since the tapes of the first public meeting have been reacquired, these tapes have been listened to ensure that the spirit, if not the specific language, of those comments is included in at least one of the two response to comments documents.

Comment – Amy Hessel

I am concerned about the proposed Longview Power Plant. From the beginning of the process, it has appeared that the power plant is a foregone conclusion. Though there have been public meetings and these meetings have been well-attended overwhelmingly by citizens against the power plant, the plan seems to just keep making it's way through the permitting process. How can this be the case? What forces are at work here?

I would like to go on record by saying that I am AGAINST the idea of building Longview Power. I have a list of reasons:

1. Too little input from the public
2. The company is ripping off taxpayers by not paying their full property tax
3. We already have >10 power plants in the region
4. We don't need any more power locally
5. Our air quality, especially ozone is already poor and the plant will make it worse
6. If we exceed federal ozone standards, we won't get funding for highways
7. The smokestack is going to look bad and bring down property values
8. This plant won't create enough long-term jobs
9. Students at the new University High will have to look at an ugly power plant while in school
10. Do I really need a 10th reason?

Please consider the public's view on this issue! Turn down the air permit!!!

Response: See heading(s) entitled *NAAQS, Ozone, Permit and Process, Plant Choice/Siting, Stack Height, For/Against* in the "Response to Comments #1" document.

It is the responsibility of the DAQ to apply the rules and regulations of the state of West Virginia and of the U.S. EPA as they apply to air quality. The public participation process, as a matter of law, cannot make permitting decisions contingent upon the popularity or lack thereof of a proposed project. Rather, it is a means of providing information to the public, of receiving information relevant to the permitting decision from the public, and of reviewing the work performed by the DAQ. If the DAQ determines that a proposed facility will comply with the Air Pollution Control Act and all applicable state and federal regulations, the DAQ must issue that facility a permit.

When the public is concerned over siting, zoning, or other issues such as the decision to bring a business to their area, they should contact their local officials such as the Mayor, city council, county commission, zoning board, etc. The DAQ has no control or influence over these matters.

Comment – J. Aultman-Moore

I am writing to urge you to extend the comment period for expressing concerns about the proposed new power plant. This is, as you know, a very busy time of year when many people are out of town visiting family or friends and do not have protesting a proposed power plant in their community in mind! I think it would only be fair to extend the period of comment so that those visiting people out of state or town would have adequate opportunity to reply.

Also, I protest the building of this power plant in the strongest terms. We do not need a third power plant in our community, sir. We have two already and as the father of three children (one of whom is three years old) I do not relish the idea of more pollutants and particulates in the air that I and my family breathe every day. I also have a great concern not only with the level of sulfur dioxide and nitrous oxide being released

into the atmosphere but with the heavy metals (especially mercury and beryllium) being released into the air we breathe and raining down into our water supply and into the ground we garden. This plant will be built very close to the new, proposed University High School. This is terrible! My sons and daughter will be attending that high school with that damn, belching behemoth right in the neighborhood. Please deny these people the permit they need to build this thing. It is a matter of the air that we all breathe. Thank you for your time and attention to this important matter.

Response: See heading(s) entitled *BACT, Comment Extension, Health, Mercury, Monitoring, NAAQS, Other Plants, Ozone, Permit and Process, Plant Choice/Siting, Stack Height, For/Against in the "Response to Comments #1" document.*

Comment – Sara Wilts

Thank you for giving me the opportunity to comment on the revised draft permit for Longview Power Plant. I remain opposed to allowing this facility to pollute our air.

The problem of acid rain and its effect on the soils and the streams and the life that depends on these is not going to improve if we keep polluting our skies with the heavy load of pollutants from coal-fired power plants. We need to stop burning coal until technology can figure out how to do so without polluting our planet.

Mercury is a real concern and this plant is emitting far too much. Technology exists to remove this mercury and it is a lie to call this "best available control technology."

Global warming is real and this plant will hasten the demise of our climate and ecology. Alternative, sustainable, non-polluting energy sources are available. I want our society to put its research and construction dollars into these sources of energy.

Response: See heading(s) entitled *Acid Mine/Rain/Deposition, BACT, Clear Skies Initiative, CO2, Mercury, NAAQS, Offsets, For/Against in the "Response to Comments #1" document.*

Comment – Point Marion Senior Citizen Club

We regret learning that the Longview Power preliminary evaluation indicates that the proposed construction will meet all applicable air quality requirements.

We OBJECT to the construction of any coal-fired power generation facility located near the Point Marion Borough, a scant few miles from the proposed construction site.

While we lack the background to analyze the estimated air pollutants from Longview Power, we know today that we have more than enough air pollutants for our own good health. We have noted that at least one interpretation of USEPA's comments

to WVDEP on the Longview Power PSD indicates that modeling for local air pollution impacts was incomplete, perhaps misguided, and has not been properly reported to the public.

We recommend that Longview Power officials seek other sites which are not located near populated areas.

Response: See heading(s) entitled *Health, Modeling, NAAQS, Plant Choice/Siting, For/Against* in the “Response to Comments #1” document.

Comment – Daniel David Hobbs

This letter is in response to the proposed Longview Power Plant that is proposed to be built here in Monongalia County here in a few years. I stated in another letter a few months ago the reasons why Longview Power shouldn't be built. The pollution that the proposed power plant would generate would not be good because of the proposed plant being built near a sight for the new University High School would be built near an area that already does have the Fort Martin Power Plant that Allegheny Energy runs and than having two power plants in the same areas and than the sulfur dioxide, mercury and other pollutants would not only hurt the residents of the said Fort Martin Power Plant area but it would cause more asthma problems that are already prevalent from the current power plants that are already here in the Monongalia County area. In addition to the effects of the pollution, the health problems would result in more cancer, asthma and other lung problems (in addition to heart problems from this proposed power plant and than in addition to the other two power plants that are already here in the Monongalia County area), which would in turn raise health care costs around here and than that also in turn would cause more deaths from the health problems that I mentioned up above there. There would be more coal truck traffic around this area and there is already too much coal ruck traffic around here as it is from the other two power plants and having another power plant around here from the coal truck traffic's exhaust fumes would again cause more health problems than would be worth it. Another disadvantage about the proposed power plant would be the big huge smoke stack that could be seen for miles around this area and than new businesses would not want to move here because of the proposed power plant big huge smoke stack and it's ugliness. Again, I thank you all very much for your all's consideration of my concerns and please don't let the proposed power plant be built for those very reasons and it would devastate a very nice town to live in if it is built.

Response: See heading(s) entitled, *Health, Mercury, Other Plants, Plant Choice/Siting, Stack Height, Truck Traffic, For/Against* in the “Response to Comments #1” document.

Comment – Cynthia Gandy Obrien

Thank you for contacting me – how curious that you are unable to obtain the transcripts of the September 15 meeting! I can't imagine that you will get a response from all who spoke that night. I am showing great discipline, taking time when so many other end-of-the-year obligations call, but I feel strongly that I ought to respond to your

invitation. I cannot remember precisely what I said on September 15. I am an employee of the Board of Education and so the involvement of the Board in the Longview proposal is upsetting to me. I am concerned about air quality issues and the health of our children, especially given the plans to build a new high school on the hill across from Longview. When it comes to the health of our children, it makes no sense to me to increase pollutants until you reach non-attainment. The school board is not protecting our children – I would hope the DEP would! I urge the DEP to rise to the occasion and live up to its name – to protect the environment and protect the health of our children.

Response: See heading(s) entitled *Health, Monitoring, NAAQS, Ozone, Permit and Process, Plant Choice/Siting* in the “Response to Comments #1” document.

On December 22, 2003 the DAQ mailed a letter to all 41 people who made oral comments at the September 15, 2003 public meeting. All of these people were informed that DAQ had not yet received the transcript from the September 15 public meeting and offering them the chance to submit these comments, in writing, to the DAQ by January 15, 2004. Those written comments are included in this response to comments document.

The DAQ pursued all options, including legal, in our efforts to obtain the tapes or transcript of the first public meeting. DAQ had contracted with the independent court reporter to record the proceedings and provide a transcript to assist the agency in responding to oral comments received at the meeting. The agency had made numerous attempts over the past several months to obtain the information to no avail. Tapes, a partial transcript, a letter of apology and explanation from the court reporter were delivered to the Division of Air Quality's Charleston office Friday morning, January 30, 2004. A hearing had been slated for 10:30 a.m. in Kanawha County Circuit Court on the agency's request for an injunction to require the court reporter to deliver the material. All documents and tapes received by the DAQ on January 30, 2004 were copied and mailed to the Morgantown Public library and the Fairmont Regional Office on February 6, 2004.

John Benedict, Director of the DAQ attended both public hearings on the Longview project. He has heard all oral comments and reviewed all written comments before making a final decision on the permit for the Longview project. Since the tapes of the first public meeting have been reacquired, these tapes have been listened to ensure that the spirit, if not the specific language, of those comments is included in at least one of the two response to comments documents.

Comment – Ruth Garlow

I ask you to extend the comment period on the Longview Power Plant. I think offsets for other pollutants should be required – especially nitrogen oxides, particulates and toxic metals like mercury and beryllium.

My family has a 500+ acre farm directly across the road from the Fort Martin plant and we don't want another power plant so near. The other citizens of Fort Martin object to another power plant too.

Go build it someplace else!

Response: See heading(s) entitled *Comment Extension, Mercury, NAAQS, Plant Choice/Siting, For/Against* in the "Response to Comments #1" document.

Emission credits for NOx and SO2 will be purchased as required by the NOx SIP call and Acid Rain regulations. In addition the facility will buy additional SO2 emission credits as part of a mitigation plan.

The DAQ can only impose stricter limits on existing, permitted facilities when a county is designated as non-attainment for a specific pollutant(s) and then only for the specific non-attainment pollutant(s). The process is a complicated one of proving how much of the problem is caused by an individual facility and establishing appropriate emission reductions. The current PSD program does not provide any authority to require more strict controls on existing facilities, in an attainment area, during the permit application review process.

The DAQ must review a permit application within its authorities and responsibilities under the Air Pollution Control Act (APCA) and applicable state and federal air quality regulations. The decision to issue or deny a permit must be based solely on the APCA and regulations.

The public participation process, as a matter of law, cannot make permitting decisions contingent upon the popularity or lack thereof of a proposed project. Rather, it is a means of providing information to the public, of receiving information relevant to the permitting decision from the public, and of reviewing the work performed by the DAQ. If the DAQ determines that a proposed facility will comply with the Air Pollution Control Act and all applicable state and federal regulations, the DAQ must issue that facility a permit.

When the public is concerned over siting, zoning, or other issues such as the decision to bring a business to their area, they should contact their local officials such as the Mayor, city council, county commission, zoning board, etc. The DAQ has no control or influence over these matters.

Comment – Susan M. Breiding

I have read the documents concerning air quality and significant air pollution should this plant be built and allowed to operate. I live here and I have respiratory vulnerabilities already impacted by increasing auto traffic and other coal-burning power plants in operation in our area. The information in all the documents is complex. All I know is I want to breathe safely and see the area where I live healthy and unpolluted. I urge you strongly, Mr. Andrews, to deny Longview Power, LLC, a permit to construct and operate yet another power plant in Monongalia County. Please listen!

Response: See heading(s) entitled *Health, NAAQS, Permit and Process, Truck Traffic, in the “Response to Comments #1” document.*

Comment – Jane Rector-Donaldson

I have read the documents concerning air quality and significant air pollution in reference to the proposed permit for the building of Longview Power Plant in Monongalia County.

Morgantown and Monongalia County are polluted enough already by all the automobiles and the coal-burning power plant we already have.

I urge you to deny Longview Power a permit to construct and operate yet another power plant that will pollute the air and cause even more problems for those citizens (old and young) who have respiratory problems.

Response: See heading(s) entitled *Health, Permit and Process, Plant Choice/Siting, in the “Response to Comments #1” document.*

Comment – Duane Nichols

It is requested that the comment period on this permit application be extended by at least 30 days to permit a fair and adequate opportunity for the general public to respond. Let me cite three major reasons: (a) I became aware of the alternative analysis for the Class II areas within the last few days, well into the current comment period; and an adequate time to study the model and its results has not been afforded to me; (b) the current comment period of September 2003 is quite a challenge for many of the residents of Monongalia County (the county for which the project is proposed) due to the fact that Morgantown is primarily a “university town” with everyone having their busiest month in September – the start of the academic year; and (c) this public hearing is very useful and will raise issues and concerns that will require a couple of weeks to explore in some detail and then an extended comment period in which to provide written comment to WVDEP.

Response: See heading(s) entitled *Comment Extension in the “Response to Comments #1” document.*

Comment – Duane Nichols, continued

It is requested that WVDEP ask for a review of the draft permit application by the USEPA in order to determine potential regional impacts not already recognized. Some of the outstanding questions are: Has adequate consideration been given to the people of Green and Fayette Counties in Pennsylvania; are there current or projected projects in other states that could have relevant impacts; are there emissions from the Monongahela Valley Expressway of Fayette County, Pennsylvania, and Monongalia County, West Virginia, that should be considered; has consideration been given to the emissions from the Interstate 68 Extension through Monongalia and Marshall Counties of West Virginia?

Response: See heading(s) entitled *Modeling, Permit and Process*, in the “*Response to Comments #1*” document.

Comment – Duane Nichols, continued

It is requested that WVDEP ask for a formal opinion of the West Virginia Attorney General as to the legal standing of the Longview Plant. There are a number of significant questions as to whether the West Virginia State code permits a county government to co-develop, own and/or provide tax incentives for industrial develop projects, including electric power plants, such as the proposed Longview Plant. And, WVDEP should issue permits only to those facilities that are legally permissible under the West Virginia State Code.

Response: See heading(s) entitled *Plant Choice/Siting* in the “*Response to Comments #1*” document.

Comment – Duane Nichols, continued

Read and submitted at the public hearing on September 15, 2003, resubmitted to WVDEP on December 28, 2003, via U. S. mail.

Response: On December 22, 2003 the DAQ mailed a letter to all 41 people who made oral comments at the September 15, 2003 public meeting. All of these people were informed that DAQ had not yet received the transcript from the September 15 public meeting and offering them the chance to submit these comments, in writing, to the DAQ by January 15, 2004. Those written comments are included in this response to comments document.

The DAQ pursued all options, including legal, in our efforts to obtain the tapes or transcript of the first public meeting. DAQ had contracted with the independent court reporter to record the proceedings and provide a transcript to assist the agency in responding to oral comments received at the meeting. The agency had made numerous attempts over the past several months to obtain the information to no avail. Tapes, a partial transcript, a letter of apology and explanation from the court reporter were delivered to the Division of Air Quality's Charleston office Friday morning, January 30,

2004. A hearing had been slated for 10:30 a.m. in Kanawha County Circuit Court on the agency's request for an injunction to require the court reporter to deliver the material. All documents and tapes received by the DAQ on January 30, 2004 were copied and mailed to the Morgantown Public library and the Fairmont Regional Office on February 6, 2004.

John Benedict, Director of the DAQ attended both public hearings on the Longview project. He has heard all oral comments and reviewed all written comments before making a final decision on the permit for the Longview project. Since the tapes of the first public meeting have been reacquired, these tapes have been listened to ensure that the spirit, if not the specific language, of those comments is included in at least one of the two response to comments documents.

Comment – Chris Haddox

I'm writing to express my concern over the Longview Power Plant air quality permit. My comments were among those recorded and lost at the Morgantown meeting a while back. I am asking that the DEP extend the comment period so that all impacts of this plant can be studied. Also, the January 5, 2004, deadline for comments is very, very suspect and an extremely poor reflection on the WVDEP and our great State in general. I believe there is plenty of evidence counter to the claims of GenPower that air quality will not be harmed and that the BACT is being employed. We already have several coal-fired plants within a short distance of Morgantown and don't need another disease spewing stack thrown into the mix.

Thank you for your consideration.

Response: See heading(s) entitled *Plant Choice/Siting in the "Response to Comments #1" document.*

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Comment – Mary Wildfire

I'm writing to ask that you deny permits for the proposed Longview power plant or at least make the requirements as stringent as possible. There are already too many polluting power plants in this region, impacting both the local air quality and that downwind. Several states have sued West Virginia, among others, for the crap our plants have dumped into the air they have to breathe. Why should we add another, even if it's cleaner than some of the worst plants? We don't need to the power around here; this may supply people far away with needed power – let them build their own plants if that's the case. And, of course, the other plus is some local jobs and some distant profits. The jobs do matter, but don't outweigh the negatives for ALL residents, AND people elsewhere downwind. We don't need the plant. Let's not build it. The "P" in DEP stands for Protection, not permitting.

Response: *See heading(s) entitled Permit and Process, Plant Choice/Siting, in the "Response to Comments #1" document.*

Comment – Robert Roden, Technical Marketing Manager, Carmeuse Natural Chemicals

Carmeuse N.A. appreciates the opportunity to submit comments on the draft NSR permit dated December 4, 2003, for the Longview Power Plant. Carmeuse North America is the leading supplier of lime for wet flue gas desulfurization (FGD) to electric utilities in the United States. Our comments address the proposed 97% removal rate for sulfur dioxide (SO₂) in the draft permit. We explain that electric utilities equipped with wet lime-based scrubbers that fire coal with sulfur levels at or above the levels to be used at the Longview plant have achieved SO₂ removal rates greater than 98%. Therefore, in order for the Longview permit to comply with the NSR requirement to impose Best Available Control Technology, it must be revised to require at least 98% removal of SO₂.

(See original comment letter for "Permit History")

Table 4 of WVDEP's August Fact Sheet includes the 3-year average (2000-2002) of SO₂ emissions for the Harrison Plant, a MEL scrubber-equipped plant. The 3-year average is 0.11 lb/MMBtu. Thus, based on this data alone, the emission limit for the

Longview Plant should be decreased from 0.12 to 0.11 lb /MMBtu, because the latter level has been demonstrated to be achievable for extended periods of time.

However, as reflected in the table below, annual average SO₂ emissions data and removal rates for 1997-2002 for the Harrison Plant reveal that the 3-year average data in Table 4 mask the superior SO₂ removal rates of this MEL scrubber-equipped plant. *(See original comment letter for table.)* This data clearly shows that a 98% SO₂ removal requirement is feasible.

Likewise, evidence that 0.075 lb SO₂ MM/Btu is achievable is provided by data from emissions testing conducted at the MEL-equipped units at the Harrison Plant, as summarized in the table below. *(See original comment letter for table.)*

Because the proposed inlet sulfur concentration to the Longview Plant is far lower than at the Harrison Plant, emissions at 0.075 SO₂MM/Btu can more readily be sustained at the Longview Plant. The reason for this is that, as coal sulfur content decreases, the SO₂ removal efficiency of wet FGD systems remains nearly constant (for MEL FGD) or increases slightly (for limestone FGD). Because Harrison's wet FGD system has demonstrated 98% SO₂ removal from coal with 3.4% sulfur, a MEL wet FGD system can easily achieve an SO₂ emission of 0.075 lb/MMBtu from Longview's lower coal sulfur content of 2.5%.

In summary, data from the Harrison Plant shows that 98+% SO₂ removal is achievable for the Longview Plant (see the 1994 stack test data for the Harrison plant and the 1997-2001 data summarized in the table above). Furthermore, data from the Harrison Plant shows that emissions at or below 0.075 lb/MMBtu are feasible with a MEL wet scrubber-equipped unit. The 1994 stack test data for the Harrison Plant shows that SO₂ emissions half this rate have been achieved. Accordingly, WVDEP should impose a SO₂ limit of 0.075 lb/MMBtu in the final permit for the Longview Plant.

WVDEP should retain the 3-hour averaging period in the August 26th draft permit. As mentioned above, WVDEP relaxed the averaging period to a 24-hour average in the December draft because doing so would not adversely affect Class I and II areas. However, the PSD requirements of the Clean Air Act are technology based, and thus the absence of air quality-related impacts on federal parks is not relevant to selecting an averaging period.

Response: *By definition, BACT is not a particular control device or a control efficiency. BACT is an emission limitation. When an emission standard is infeasible, a design, equipment work practice, operational standard or combination thereof, may be prescribed. The emission limitation is modeled, in this case for Class I and Class II areas. The modeling is compared to the NAAQS which has different averaging (1 hr, 3hr, 8hr, and 24 hr) times for different pollutants (SO₂, PM₁₀, NO₂, and CO). With regards to 3 hr SO₂ emission limitation of 0.15 lb/MMBtu, the modeling showed that this emission rate would not interfere with the attainment or maintenance of the applicable ambient air quality standard. The DAQ changed the 3 hr SO₂ emission rate then added*

a 24 hour average emission rate of 0.12 lb/MMBtu. This emission rate had already been modeled and show no violations of the NAAQS.

Comment – Robert Roden, continued

Continuous SO₂ monitoring data for the Harrison Plant are available to WVDEP because such monitoring is required under the Acid Rain Program. Carmeuse recommends that WVDEP analyze this data for 1997-2000 to determine if 98% SO₂ removal has been achieved for extended periods using a 3-hour rolling average. If so, then this averaging period (together with a 98% SO₂ removal rate) should be required for the Longview Plant. Carmeuse requests that WVDEP include in the docket for the Longview permit SO₂ data from the Harrison Plant in order that the basis for WVDEP's final decisions regarding the averaging period can be discerned.

Response: *Harrison uses SCRs for the control of NO_x. For sources burning high sulfur eastern bituminous coal, there is a tradeoff between emissions of NO_x and SO₂ for units equipped with SCRs and SO₂ controls. The DAQ must take into consideration the resultant increase in emissions for other pollutants (e.g., sulfuric acid mist) when determining an emission rate as BACT.*

The referenced emission rates for Harrison are annualized rates not 3 hr or 24 hour averages. Harrison has achieved an annualized emission rate of 0.11 lb/MMBtu for 2001. In 2002 Harrison's annualized SO₂ emission rate was 0.13 lb/MMBtu. Harrison is not specifically required to meet either of these emission limits under any state rule or Federal Regulation. Longview will be required to meet both a 3 hour and an 24 hour rolling average for SO₂ emissions. Harrison has routinely sold SO₂ emission credits on the emission trading market.

Comment – Tracy Novak

I am a resident of Morgantown, WV, and attended the December 18 public meeting at the WVU Health Sciences Center concerning the air permit for the Longview Power Plant.

I saw all the PowerPoint presentations and heard all the speeches. I have come to one conclusion:

The proposed Longview Plant should not be built here.

I believe that the proposed Longview Power Plant, just north of Morgantown, will compound the already polluted air in this area and I fear for the health of my child if the plant is built.

How can you allow ANOTHER power plant to be built in this area when our air quality is already questionable? Don't we get enough air pollution from the power plants already operating in this area and in our city?

It just doesn't make sense and anyone can understand this concern.

Please reject the permit for Longview.

Response: See heading(s) entitled *Health, NAAQS, Permit and Process, Plant Choice/Siting, For/Against in the "Response to Comments #1" document.*

Comment – Nicholas A. DiPasquale, Deputy Secretary for Air, Recycling and Radiation Protection, PA DEP

Thank you for providing notice of the reopening of the comment period on the WVDEP's "Permit To Construct" the proposed Longview Power Plant in Monongalia County, West Virginia. To this end, the Pennsylvania Department of Environmental Protection (PADEP) is submitting comments et forth herein on the proposed coal-fired power plant in Monongalia County. While there is general consensus on the type of air pollution control technology proposed for the 600 megawatt pulverized coal-fired boiler, some of the emission levels proposed for the plant continue to be a concern. In addition, we offer for your consideration a control technology enhancement that was not addressed in the "Preliminary Determination" review document.

NOX Emissions. The PADEP concurs with the USEPA Region III determination that a lower nitrogen oxide (NOX) emission rate of 0.04 lb/MMBTU is achievable as BACT. EPA cited the results of the PPL Montour Power Station in Pennsylvania, where the owner of the utility has installed and is presently operating selective catalytic reduction (SCR) controls on its two pulverized coal-fired boilers that were originally installed in the early 1970s. In response to EPA's comment, WVDEP indicated that PPL Montour's SCR systems did not consistently achieve a NOX limit lower than 0.08 lb/MMBTU for the 2001 and 2002 ozone seasons on a 24-hour basis.

According to the Continuous Emission Monitoring (CEM) data for 2001 and 2002 ozone seasons, the two boilers at the Montour Power Station operated at a NOX emissions level greater than 0.08 lb/MMBtu/hr on a 24-hour basis more than 50 percent of the time. However, operation of the Scr system for the 2001 and 2002 ozone seasons is not representative of the capabilities of the NOX control system. These controls were installed to comply with Pennsylvania's NOX Allocation Regulations in 25 Pa. Code Chapter 123 and PPL Corporation was learning to use the new control system during the 2001 ozone season. During the 2002 ozone season, there also was no need to push the SCR controls, in part because of the early reduction allowances generated during the 2001 ozone season. The early reduction allowances were used subsequently during the 2002 ozone to meet their NOX allocation levels. During the second and third quarters of 2003 ozone season, however, the NOX control levels at the Montour plant clearly show that SCR systems on both Unit 1 and Unit 2 were consistently able to achieve a NOX emissions level of less than 0.04 lb/MMBtu on a 24-hour average.

Therefore, PADEP concurs with EPA's assessment that an appropriate BACT level for a pulverized coal-fired boiler controlled by an SCR system should be 0.04 lbs

of NOx/MMBtu on a 24-hour basis, instead of the 0.08 lbs/MMBtu/hr emission rate that has been proposed for the Longview Power Plant.

Response: *The DAQ recognizes that the Montour facility in Pennsylvania has been able to achieve a lower NOx level than that proposed as BACT for Longview. DAQ acknowledges that the facility needed time to learn to use the new control and that there was no need to “push” the SCR controls. Your comments confirm that the SCR controls were installed to comply with Pennsylvania’s NOx Allocation regulation and not for PSD-BACT purposes.*

While a lower NOx level may be achievable, DAQ has determined that the potential risks due to sulfuric acid formation do not merit the increased NOx emission reduction. The DAQ must take into consideration the resultant increase in emissions for other pollutants (e.g., CO, VOCs and H₂SO₄) when setting an emission rate as BACT.

The DAQ has determined that a NOx emission limit of 0.08 lb/MMBTU on a 24-hr rolling average is BACT for the PC Boiler. Please see the BACT determination set forth in the Preliminary Determination and Addendum. See heading(s) entitled BACT, Permit and Process, in the “Response to Comments #1” document.

Comment – PA DEP, continued

SO₂ Emissions. WVDEP has proposed an SO₂ emission rate of 0.12 lb/MMBtu on a 24-hour average and 0.15 lb/MMBtu on a three-hour average, which represents a 96.8 percent reduction using wet flue gas desulfurization technology. However, the review memo does not indicate whether Longview or WVDEP evaluated the possible addition of an ash re-hydration and re-injection option to enhance the overall control efficiency of the SOX control system. Fly ash re-injection has been successfully used at some power plant facilities to further reduce SOX emissions by an additional two to three percent. PADEP believes that this option should be considered with an analysis of its feasibility and cost effectiveness under the BACT analysis.

Response: *Fly ash re-injection is more commonly used in CFB boiler designs and is not a viable option for the proposed facility.*

By definition, BACT is not a particular control device or a control efficiency. BACT is an emission limitation. When an emission standard is infeasible, a design, equipment work practice, operational standard or combination thereof, may be prescribed.

Please see the BACT section of the Preliminary Determination. In our review, DAQ found three determinations which had a lower SO₂ BACT than what Longview had proposed. One of these sources has a higher SO₂ limit on a short term. Another one has the lower BACT on a 12-month rolling average basis. The third source is a PC Boiler with a MDHI of 2200 MMBtu/hr, where the BACT technology was a dry limestone scrubber system. This third source only had a removal efficiency of 94% for SO₂. Of the proposed SO₂ BACT determinations, there is only one facility that had proposed a

limit less than 0.12 lb/MMBtu. However, this facility's proposed limit was on a yearly basis.

The DAQ has determined that 0.12lb/MMBtu of SO₂ on a 24 hour rolling average is BACT for the proposed Longview facility. See heading(s) entitled BACT, in the "Response to Comments #1" document.

Comment – PA DEP, continued

Mercury Emissions. Regarding mercury emission levels, the proposed permit for the Longview Power Plant contains a mercury limit of 1.46x10⁻² lb/hr, which is equivalent to 2.39 lb per trillion BTU heat input. EPA's recently proposed maximum achievable control technology and new source performance standards contain a mercury emission limit for new coal-fired power plants of 2.0 pounds per trillion BTU of heat input. PADEP believes that the mercury emission limit in the Longview permit should be adjusted to be at least as restrictive as the proposed federal standard.

Response: *It is expected that the Longview facility will be required to comply with the proposed mercury rule (Federal Register, January 30, 2004) once final. The DAQ must base its application review and final permit action on existing regulations and Code responsibilities. The DAQ cannot hold up a permit or require an emission standard for a regulation that has not yet been promulgated. See heading(s) entitled Mercury, Permit and Process, in the "Response to Comments #1" document.*

Comment – PA DEP, continued

Ambient Air Quality Modeling Analysis. The applicant used 1989 through 1993 meteorological data (utilizing Morgantown Airport surface data and Pittsburgh upper air data) to complete their analysis. Unfortunately, the 1991 Pittsburgh upper air data has been deemed incomplete and should not be used for a PSD modeling analysis. The 1988 meteorological data is also incomplete. The closest years of complete data to substitute for the 1991 data would be 1987 or 1994. Also, it is was not stated in the modeling analysis that the property line, which was used to limit the area of modeling, constitutes an exclusion under EPA's definition of ambient air in that is an area "to which public access is precluded by a fence or other physical barrier."

Thank you in advance for your consideration of Pennsylvania's comments on the proposed permit for the Longview Power Plant.

Response: *The meteorological database used in the AERMOD air dispersion model consisted of five years of surface meteorological data collected at the Morgantown Municipal Airport from 1989 to 1993. This 5 year database represents the most recent readily available 5 year period with data recovery of at least 95% as recommended in the Guideline on Air Quality Models (GAQM). The use of Morgantown meteorological data was determined to be representative for the Longview Project and was processed using the procedures set forth in the U.S. EPA AERMET meteorological pre-processor guidance. The availability of upper air data is limited for modeling projects in WV to*

three sites: Wilmington Ohio, Pittsburgh, PA, and Blacksburg, VA. Of these sites the Pittsburgh upper air data set is by far the most representative of the three and was processed using the procedures set forth in the meteorological pre-processor guidance..

Using the procedures described in AERMET, the surface meteorological data was combined with concurrent twice-daily rawinsode data from the NWS observation station in Pittsburgh, Pennsylvania. All NWS upper air and surface meteorological data was obtained from the National Climatic Data Center (NCDC).

Specific Requirement A.35 of the permit requires Longview to construct and maintain an industrial fence around the facility as defined in the March 3, 2003 Modeling Analysis Report.

Comment – Fred Sampson, West Virginia Environmental Council

I recommend that this permit be denied for the following reasons:

This boiler is located in a Class 1 area and Longview Power has acknowledged this and prepared a Mitigation Plan to mitigate the impacts on the area of this plant. I declare that the Mitigation Plan proposed by Longview will NOT reduce the impacts of either acid deposition or visibility that not only Federal Land Managers but the general public/citizens as well see as needed.

Longview purchases of SO₂ allowances will not reduce on iota of SO₂ emissions. The fact that this purchase must be in addition to the SO₂ allowances Longview must purchase pursuant to the Acid Rain Program also does absolutely nothing to reduce emissions.

Allowance purchases should be denied by both the Federal EPA regulations and also West Virginia DEP-DAQ.

Neither do one thing to protect our environment and in fact they both allow more pollution to the detriment of our air quality and therefore are a detriment to the citizens of the U. S. and in particular the State of West Virginia and it's citizens.

In fact, page 12 of the Addendum advises that: "Longview may purchase allowances/credits from outside the domain where the added pollution is occurring." This is discriminatory to West Virginians. What Longview Power is saying and EPA/DEP are agreeing to is: "Let me go ahead and pollute West Virginians and allow me to buy allowances from someone else outside the area that is doing a good job of protecting their citizens and are making money selling their expertise while increasing pollution in West Virginia." Discrimination like this is morally and ethically wrong and is to be denied.

Data existing in both of the above agencies show West Virginia citizens, plants, trees, wildlife, fish and all other living creatures are harmed by SO₂ emissions.

In my opinion, neither agency, EPA or WVDEP, have shown any leadership in protecting the interests of the citizens health and welfare, by recommending ANY SO2 allowance purchases to exist.

Response: *The proposed Longview facility is not located within a Class I area. There are four Class I areas that may have to be considered when conducting PSD reviews in West Virginia. These are the Dolly Sods Wilderness Area, and the Otter Creek Wilderness Area, in West Virginia; both of which are managed by the US Forest Service. And the Shenandoah National Park, managed by the National Park Service, and the James River Face Wilderness Area, managed by the US Forest Service, in Virginia.*

Plans allowing emission credit purchases have been developed by the US EPA and promulgated in Federal Rules. Emission credits for NOx and SO2 will be purchased by Longview as required by the NOx SIP Call and Acid Rain Program. In addition, the facility will buy additional SO2 emission credits as part of the mitigation plan.

The correct quote of Page 12 of the Addendum reads as follows, “The FLMs were aware that using SO2 allowances under the Acid Rain Program does not prevent the source(s) that Longview is obtaining credits from to acquire credits from other Acid Rain source(s) outside the domain.” A complete discussion of the mitigation plan can be found on Pages 11 and 12 of the Addendum and Specific Requirement A.17 of the permit. Specific Requirement A.17.f. of the permit allows for the approval of an alternative mitigation plan by the Director. The minimum requirement of such a plan is sulfur dioxide emission reductions from an existing stationary source within the domain.

Comment – Fred Sampson, continued

All regulations say that any applicant is to use BACT. In this case, BACT technologies exist that will allow this plant, as other plants are demonstrating, to be in compliance with the regulations, i.e., coal washing, fluidized bed boilers, water scrubbers, bag filters, dust collectors, electrostatic precipitators, etc. Any short-cuts or allowance purchases which cost less than doing it right the first time are just not to be allowed.

In addition, in West Virginia, a regulated electricity generating state, all producers of electricity for sale are allowed to pass the costs on to the consumers. Therefore, there is no additional cost to Longview Power to meet the regulations. It is a mystery to me why both EPA and DEP are recommending that we allow this polluting plant to buy allowances and continue to dump the harmful pollutants into our atmosphere which returns directly on the heads of our citizens.

Health care costs are already out of hand you're not only allowing this detriment to our society to continue, but are recommending it boggles my mind.

I recommend that you deny this permit unless this applicant bears the up-front costs and use the BACT to meet the requirements.

Response: *The DAQ has no authority to require any applicant to provide monetary compensation.*

The DAQ must review a permit application within its authorities and responsibilities under the Air Pollution Control Act (APCA) and applicable state and federal air quality regulations. The decision to issue or deny a permit must be based solely on the APCA and regulations. Under 45CSR14, when the Director denies a permit application for a proposed construction of any major stationary source, the order shall set forth the Director's reasons with reasonable specificity. If the Director determines that the proposed major stationary source has not satisfied the requirements of 45CSR14, will violate applicable emission standards, will interfere with the attainment or maintenance of applicable ambient air quality standards, or will be inconsistent with the intent and purpose of this rule, the Director shall issue an order for the prevention of such construction. However, the DAQ has determined that the proposed facility, as permitted, does not meet any of the reasons for denial and will meet or exceed all currently applicable state or federal regulations.

Comment – Fred Sampson, continued

In addition, page 10 of the Addendum says that for beryllium, lead and mercury: “DAQ believes that requiring initial and follow-up compliance testing every 5 years is reasonable and appropriate for this application.” This is terrible. All health care providers have documented the health risks for these and for this agency to ignore public requests for additional monitoring is not protecting the health and welfare of citizens.

Response: *This is a correct quote of page 10 of the addendum. DAQ omitted to document in the Addendum the requirement of monthly fuel mercury, beryllium, and lead testing that was also added to the permit. See Specific Requirements 10.b, 11.b, and 12.b. of the permit.*

Comment – Fred Sampson, continued

In addition, it does not seem either reasonable or appropriate for this power plant to be given permission to build a plant, or even start to build a plant, until the EPA performance specifications for Continuous Emission Monitoring (CEM) are written, approved, manufactured and available for use. I think that these must be available to be installed as the boiler is being built and that they be available for monitoring START-UP, or start-up not be allowed.

Response: *The only pollutant for which the performance specifications had not yet been promulgated was particulate matter. On January 12, 2004 the final rule was promulgated setting forth the specifications and test procedures for particulate matter continuous emission monitoring systems at stationary sources. This final rule is part of 40 CFR 60 and is known as Performance Specification 11 (PS-11). Specific Requirement A.5 of the permit has been updated to reflect the promulgation of this rule.*

Comment – Tracy Novak

I am against the proposed Longview Power Plant for the following reasons.

I have lived in Morgantown for the past 25 years and plan on being here until I die. We don't need ANOTHER power plant polluting this area.

Other reasons include:

1. Emissions of pollutants such as particulates, sulfur dioxide and nitrogen oxide are too high. Better "Clean Coal" pollution control technologies such as Integrated Gasification/Combined Cycle boilers should be considered.

Response: See heading(s) entitled *BACT, For/Against*, in the "Response to Comments #1" document.

Comment – Tracy Novak, continued

2. The sulfur dioxide trading proposal does NOT adequately protect Class I Wilderness Areas, such as Dolly Sods, because nothing prevents other pollution sources that supply credits to Longview from continuing to emit sulfur dioxide. Thus, no reductions in deposition to Dolly Sods is assured and market forces make continued deposition a near certainty.

Response: See heading(s) entitled *Acid Mine/Rain/Deposition, Class I, Modeling, Offsets*, in the "Response to Comments #1" document.

Comment – Tracy Novak, continued

3. Further reductions in emissions of hazardous pollutants, such as mercury, should be required through use of Activated Carbon injection or other comparable pollution control technologies.

Response: See heading(s) entitled, *BACT, Mercury*, in the "Response to Comments #1" document.

Comment – Tracy Novak, continued

4. No increase in the 3-hour limit for sulfur dioxide or other pollutants should be allowed. (Very few people can hold their breath for three hours.)

Response: See heading(s) entitled *BACT*, in the "Response to Comments #1" document.

Comment – Tracy Novak, continued

5. More frequent emissions monitoring is needed for heavy metals, such as mercury, lead and beryllium, and monitoring for other heavy metals (arsenic, cadmium, selenium, etc.) must also be required.

Response: See heading(s) entitled, Mercury, in the "Response to Comments #1" document. Specific requirement A. 37.a. of the permit requires monthly records of the total amount of HAPs emitted from the facility on a speciated HAP basis. Arsenic, cadmium, and selenium are HAPs and will be included in these records. See page 11 - 13 of the Preliminary Determination for a complete listing of individual HAPs and their emissions by per emission source at the facility.

Comment – Tracy Novak, continued

6. DEP must require a more stringent review of Best Available Control Technologies (BACT) and should not accept the information submitted by Longview as sufficient.

Response: See heading(s) entitled BACT, in the "Response to Comments #1" document.

Comment – Susan Madhavan

I am extremely concerned about the proposed Longview Power Plant. I live at 136 Bakers Drive in the Bakers Ridge Subdivision, with a birds eye view of the current Fort Martin Power Plant; which already produces voluminous amounts of ash, mercury and sulfur pollutants. I have two young sons, one with upper respiratory problems, and I do not want another power plant so close to my home. I am sure that there will be increased pollution from the plant. However, it looks to me that the County Commissioners in my area, who are supposed to look out for us (and will not get my vote in the next election), are concerned that if we do not agree to have the plant built, it will just be built directly across the border in Pennsylvania, and we will lose all the tax revenue. At least that is what they are saying. Anyway, I know the limits of my power, so I simply IMPLORE YOU TO MAKE SURE THAT THE EMISSIONS COMING FROM THIS PLANT ARE AS CLEAN AS POSSIBLE. I know that the group building this plant wants it very badly, so please force them, as much as is possible, to meet or hopefully exceed any current EPA standards. I love my house and the quite neighborhood where I live and I know that this State has benefitted immeasurably from research and programs that my husband has undertaken in the last 15 years, but I will be forced to move away if this plant worsens our air quality, because I am sure that it will effect the entire town of Morgantown. Thank you so much for your consideration of this matter.

Response: See heading(s) entitled BACT, Health, Mercury, NAAQS, Permit and Process, Plant Choice/Siting, in the "Response to Comments #1" document.

Comment – Don Spencer

I am a Member of the Morgantown City Council from the Seventh Ward, an area in the City which is located 3-4 air miles from the proposed site of the Longview Power Plant. It is my understanding that it is the role of the DEP Division of Air Quality is to regulate development which, though supported by part of the public, may not be in the best and safe public interest.

This is the situation with the Longview Power Plant. The development is being supported primarily by persons in the construction trade unions, most of whose members do not live in Morgantown. The residents in the Ward which I serve will be negatively impacted by this proximate development as will many other persons and environments in immediate and adjacent areas and regions.

The Longview Plant, if permitted to be constructed, will be the third coal-fired power plant located within four miles of my ward and the seventh with 25 miles of our City. We have been informed by the American lung Association and others that WV is #50 in incidence of lung disease in the country. How many more coal-burning mega-installations do we think we can we afford at the expense of our kids, our older people, our vulnerable adults and our everyday joggers and people going about the activity of their lives? Who would want a third coal-fired plant located near their home?

Response: *The facility should not violate any national ambient air quality standard (NAAQS). The NAAQS are established by U.S. EPA based upon studies and criteria used to protect the general population. Some experts in the area of respiratory health continue to question whether some of these standards are adequately protective of very sensitive members of our population.*

Comment – Don Spencer, continued

If the PCS believes that responsible decision-making is simply a matter of plugging some numbers into a formula and making a call based on those numbers, then it will not be doing its job. In addition to major health considerations, there are so many other factors involved, such as:

1. Air inversions and other abnormal meteorological conditions creating damaging environments to nearly living creatures and vegetation will happen. (100 year floods were based on projections for 100 years. We have had multiple “100 year floods” in our area in the past 17 years. It can be asserted that similar aberrations hold continue to hold true for air currents and other impactful meteorological “exceptions”.)

Response: *The meteorological database used in the AERMOD air dispersion model consisted of five years of surface meteorological data collected at the Morgantown Municipal Airport from 1989 to 1993. This 5 year database represents the most recent 5 year period with data recovery of at least 95%. The use of Morgantown meteorological data was determined to be representative for the Longview Project and was processed using the procedures set forth in the U.S. EPA AERMET meteorological pre-processor guidance.*

Using the procedures described in AERMET, the surface meteorological data was combined with concurrent twice-daily rawinsode data from the NWS observation station in Pittsburgh, Pennsylvania. All NWS upper air and surface meteorological data was obtained from the National Climatic Data Center (NCDC).

Comment – Don Spencer, continued

2. Reductions in property values to residents.
3. Scenic impacts of the 554-foot tall smokestack to local residents, as well as to nearby recreation areas such as Dorsey’s Knob, Coopers Rock, and Chestnut Ridge Park.
4. Lost economic opportunity because of offensiveness of expanded large coal-burning installations.

Response: *The DAQ must review a permit application within its authorities and responsibilities under the Air Pollution Control Act (APCA) and applicable state and federal air quality regulations. The decision to issue or deny a permit must be based solely on the APCA and regulations. When the public is concerned over siting, zoning, or other issues such as the decision to bring a business to their area, they should contact their local officials such as the Mayor, city council, county commission, zoning board, etc. The DAQ has no control or influence over these matters.*

Comment – Don Spencer, continued

5. Impacts on the planned new University High School, which would be located across the river, just downwind of the power plant site.

Response: *The impacts that the criteria air pollutant emissions will have on the area have been reviewed and it has been determined that there should not be any violations of the National Ambient Air Quality Standards (NAAQS). These are health based standards for pollutants such as particulate, CO, NOx, SO₂, and ozone.*

Comment – Don Spencer, continued

6. Impact to aircraft approaching Morgantown airport.

Response: *The DAQ must review a permit application within its authorities and responsibilities under the Air Pollution Control Act (APCA) and applicable state and federal air quality regulations. The decision to issue or deny a permit must be based solely on the APCA and regulations. Questions about the impact of the proposed source on the nearby airport should be referred to the Airport or the Federal Aviation Administration (FAA). The DAQ has no control or influence over these matters.*

Comment – Don Spencer, continued

7. Impact on roads, noise levels, and on air quality with increased heavy diesel truck traffic hauling limestone and fly ash through and around Morgantown.

8. Noise from power plant operations

9. Inadequate enforcement of existing regulations both on trucks and power plants which makes exploitation and damaging conditions inevitable.

This issue is of major importance. It is my hope that you will not approve the request and will force the planners to do a safer and more publicly responsible job in economic development.

***Response:** See heading(s) entitled BACT, Health, Modeling, NAAQS, Noise, Permit and Process, Plant Choice/Siting, Stack Height, Truck Traffic, For/Against in the "Response to Comments #1" document.*

Comment – James Kotcon, Sierra Club West Virginia Chapter

Please consider the following comments on behalf of the West Virginia Chapter of Sierra Club and its approximately 1600 members, regarding the revised draft air permit for the Longview power plant (R-14-0024 as revised Dec. 4, 2003). We believe that substantial changes are needed before this permit complies with the Clean Air Act and with 45-CSR-14.

1. We oppose the proposed mitigation for acid deposition and visibility impacts to Class I Areas (Permit Section A.17) as currently designed. While we concur with WV-DAQ that innovative mitigation requirements are needed, the proposed plan fails in its efforts to meet the needs of state rules or the Clean Air Act. West Virginia rules under 45-CSR-14-1.1 state, in relevant part, "...to preserve, protect, and enhance the air quality in areas of special natural, recreational, scenic, or historic value, it is the intent of the Director to register and evaluate sources of air pollutants **and to preclude the construction** or relocation of any major stationary source...which... **may interfere with the goals of the prevention of significant deterioration** of air quality levels" (emphasis added). This language requires verifiable, enforceable assurance that any realistic possibility of significant deterioration be avoided. Class I areas such as Dolly Sods Wilderness Area and Shenandoah National Park were designated by Congress and, as such, clearly meet the legal criteria of having "special natural, recreational, scenic, or historic value." While the requirement that Longview purchase emissions offsets from within the specified quadrants specifically recognizes, and is intended to mitigate, impacts from Longview, the absence of any mandate in the draft permit to require actual reductions from the sources providing the credits means that actual deposition to Dolly Sods may increase under the draft permit to levels in excess of the legal thresholds for significant deterioration.

Since Longview is required to purchase credits from within these quadrants, while sources from within these quadrants can acquire emissions credits from elsewhere and thereby continue to emit without an actual reduction in emissions, the likelihood of

actual reductions in sulfur deposition will be determined by differences in market price of the credits. It is quite likely that credits from within the quadrants will be more expensive than those from elsewhere. This price difference creates a market force that will drive sources to operate at full capacity, acquire the needed credits at lower price, and pocket the difference as profit. Because of this price difference, the assumption that **deposition to Dolly Sods will not decline** should be the default assumption, and the burden must be on Longview to assure that actual reductions in deposition will occur. The difference in price of the credits in fact, creates a situation in which Longview, in effect, subsidizes increased acid deposition and visibility impacts to Dolly Sods, precisely the opposite effect of what WV-DAQ intended in devising this mitigation plan.

Trading schemes generally provide a useful market incentive to achieve emissions reductions generally across multi-state or nationwide regions. They cannot however, as demonstrated in our discussion above, assure site-specific reductions. Yet the Class I rules specifically require such site-specific mitigation, and the test of a mitigation plan for Longview will be to determine whether prevention of adverse impacts to Dolly Sods is verifiably guaranteed.

To be acceptable, the mitigation plan must contain enforceable provisions to provide for actual reductions in emissions elsewhere that will offset the increased sulfur deposition that Longview contributes to Dolly Sods and other Class I Areas. An acceptable option would be to require, as a condition of the permit, for Longview to enter into enforceable contractual arrangements with sources within the quadrants to guarantee reductions in emissions from those sources providing credits. This would obviously increase the cost of such credits, but that cannot be used as justification for significant adverse impacts to Dolly Sods. Another alternative would be for Longview to pay for installation of sulfur emissions reduction equipment at nearby sources. This approach would have the advantage of providing a permanent improvement in air quality while providing Longview with defined capital and operating expenses. Finally, Longview could purchase and permanently retire older units with emissions adequate to offset Longview's emissions. 45-CSR-14-1.1 **REQUIRES** that WV-DAQ deny the permit and preclude construction of the Longview power plant unless it can assure the Prevention of Significant Deterioration to Class I Areas.

Response: *Plans allowing emission credit purchases have been developed by the US EPA and promulgated in Federal Rules. Emission credits for NOx and SO2 will be purchased by Longview as required by the NOx SIP Call and Acid Rain Program. In addition, the facility will buy additional SO2 emission credits as part of the mitigation plan.*

The page 12 of the Addendum reads as follows, "The FLMs were aware that using SO2 allowances under the Acid Rain Program does not prevent the source(s) that Longview is obtaining credits from to acquire credits from other Acid Rain source(s) outside the domain." A complete discussion of the mitigation plan can be found on Pages 11 and 12 of the Addendum and Specific Requirement A.17 of the permit. Specific Requirement A.17.f. of the permit allows for the approval of an alternative mitigation plan by the

Director. The minimum requirement of such a plan is sulfur dioxide emission reductions from an existing stationary source within the domain.

45 CSR 14, Section 1.1 sets forth the scope or purpose of the rule. The DAQ believes it has acted within the authority provided in the West Virginia Code, state rules, and federal regulations in writing the permit for Longview.

Comment – James Kotcon, continued

2. We oppose the conclusion of the Addendum to the Preliminary Determination that Longview’s proposed emissions controls represent Best Available Control Technology (BACT). 45-CSR-14-2.9 defines BACT, to include “...fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant.” Likewise, the Clean Air Act defines BACT to include “...fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques...” (section 169(3)). By mandating consideration of “innovative fuel combustion techniques” in the definition of BACT, Congress required that permit applicants and regulatory agencies view innovative combustion techniques as technologies available to the facility. Likewise, the WV Legislature’s approval of “innovative fuel combination techniques” clearly implies the need to look at alternatives involving use or mixtures of low-sulfur fuels.

We have previously objected to WV-DAQ’s uncritical acceptance of the BACT analysis from Longview and repeat our objection here. 45-CSR-14-2.9 requires the “Director” to make the determination of which techniques are achievable. While it is reasonable for the Director to require the initial submittal of appropriate information from the applicant, it is arbitrary and capricious to blindly accept such submittals in the absence of verifiable documentation.

No analysis of the cost of fuel switching such as use of, or mixtures with, a lower sulfur coal, was provided, yet this approach was arbitrarily ruled out. Cost estimates of coal cleaning varied by a factor of nearly 50 (\$12,000 to \$583,000 per ton of sulfur removed). With such tremendous uncertainties, and in the absence of documentation to support these costs estimates, it is difficult to consider these analyses credible, yet the Addendum to the Preliminary Determination inappropriately uses these to conclude that coal-washing is not BACT. At a minimum, documentation of these values is essential because errors in other cost estimates have been made by the applicant (see below) and apparently accepted by WV-DAQ.

The review of innovative technologies such as Circulating Fluidized Bed or Integrated Gasification/Combined Cycle boilers was cursory and biased. The WV-DAQ letter of Nov. 8, 2002 to Longview specifically requested they provide a Top-Down BACT analysis of these control technologies. But WV-DAQ has since declined to critically evaluate any of the information we have submitted in previous comments and has relied solely on an uncritical acceptance of the cursory analysis Longview provided. For example, IGCC plants produce significantly lower emissions of multiple pollutants while also producing by-products with marketable value, e.g., sulfur or sulfuric acid. The value of these products, as well as simultaneous control of multiple pollutants, must

be accounted for in the economic analysis, but no attempt to do so by either WV-DAQ or the applicant is apparent. Failure to properly analyze these combined costs and benefits has produced biased and erroneous conclusions leading to inappropriate rejection of these technologies.

Indeed, in our meeting with WV-DAQ representatives on Dec. 2, 2003, WV-DAQ staff admitted that no independent review of IGCC was done and that WV-DAQ relied solely on the applicant's submittal. This assertion was repeated by WV-DAQ representatives at the Dec. 18 public comment meeting. It was further stated that WV-DAQ would not require an analysis of such innovative technologies because insufficient commercial experience was available. This reluctance contrasts sharply with recent decisions from Georgia, New Mexico, Illinois, and other states to require an evaluation of IGCC as part of the BACT analysis for coal-fired power plants.

We have previously submitted documentation of the potential for innovative new Clean Coal technologies to achieve much lower emission rates than those specified in this permit, and we again urge that a complete and detailed review of these approaches be required before they are arbitrarily ruled out. Specifically, cost analyses of switching to or mixing with low sulfur coal, and detailed analyses of coal washing, CFB boilers, and IGCC boilers must be included. We believe that reliance solely on the "tried and true" technologies contradicts the clear language of 45-CSR-14-2.9, and of the Clean Air Act (Section 169(3)), that calls for evaluation of "innovative" fuel combination techniques or fuel combustion techniques in the BACT analysis.

Response: Rule 14, Section 13.1 reads as follows, "Any person proposing to construct...may petition the Director to approve a system of innovative control technology **in lieu** of best available control technology." Any such proposal has to meet the conditions set forth in Section 13. The DAQ cannot require a source to propose innovative control technology.

Please see pages 24 through 52 of the Preliminary Determination and pages 4 through 9 of the Addendum to the Preliminary Determination.

The DAQ cannot require or dictate to any applicant what it can or cannot construct. It is the DAQ role to determine if the proposed source will meet all applicable rules and regulations under the jurisdiction of this Division. Due to the design of the proposed unit, the DAQ did not believe that evaluating these two technologies would be appropriate for this case. Longview has proposed to construct a 600 MW (net) power generation facility with interconnection to Allegheny Energy Supply Company lines. Plant design is based on utilizing a single pulverized coal supercritical boiler with a once-through, balance draft, single reheat steam turbine/generator burning 2.5% sulfur (nominal) bituminous coal.

Comment – James Kotcon, continued

3. We oppose the draft permit limit for mercury emissions and the proposed determination that co-benefits from the SCR, FGD Scrubber, and Filter Fabric

Baghouses constitute Best Available Technology (BAT) for mercury. Specifically, the rejection of Activated Carbon Injection (ACI) appears to be based solely on cost calculations that are erroneous.

The application states that “the incremental cost of using ACI for mercury control is approximately \$40,000 per pound of mercury removed.” They concluded that this cost was “economically unreasonable”. However, economic analyses by EPA for the Clear Skies program project allowance prices for mercury in the range in the range of \$30,000 to \$40,000 per pound of mercury (See attachment#1, also available at http://www.epa.gov/air/clearskies/03technical_package_sectionc.pdf). Thus, without even correcting obvious errors in the analysis, ACI is within the range of controls that EPA considers to be economically feasible.

But Longview (at page 5-25 in their application) apparently based their estimate on a capital cost of \$2 million, annual operating costs of \$400,000 and an estimated removal efficiency of 90 %, resulting in a reduction of 64 pounds of mercury per year. Longview apparently erred by using the capital cost as an annual cost, rather than a one-time construction cost (\$2,000,000 plus \$400,000 divided by 64 pounds equals \$37,500 per pound). The correct approach to incorporating capital costs would be to incorporate a capital recovery factor (e.g., 10 %) to the capital costs. Assuming the \$2,000,000 capital cost is correct, the annualized cost is \$200,000. Add this to the operating cost of \$400,000 and the removal cost comes in at less than \$10,000 per pound of mercury removed, one-fourth of what Longview claimed and well within the values EPA apparently considers reasonable under their proposed mercury MACT rules.

Depending on the capacity factor for the plant, this would add a negligible 0.12-0.14 mills per kilowatt hour for the electricity produced. This value would still be well below the cheapest mercury control costs identified by NESCAUM (See Table 4.1 in Attachment #2, also available at www.nescaum.org).

We recommend that mercury emissions be limited to no more than (0.0073 lb./hour (64 pounds per year, 90 % control). Permits for several new power plants, including the Sand Sage (Sunflower) plant in Kansas, the Elm Road Generating plant in Wisconsin, and the Council Bluffs plant in Iowa, specify emissions rates lower than what is proposed for Longview. These examples provide irrefutable demonstrations that the proposed rate for Longview does not meet the MACT requirement that emissions limits not be less stringent than the emission control achieved in practice by the best controlled similar source (section 112(d)(3) of the Clean Air Act). We believe that the use of ACI with a pulverized coal boiler could achieve these limits, as could CFB or IGCC boilers with integrated pollution controls, and that these approaches deserve more careful evaluation in a new BACT analysis.

Every reasonable effort should be made to reduce mercury emissions because: 1) mercury contamination of West Virginia streams is already widespread; 2) the State of Pennsylvania has fish consumption advisories due to mercury in Dunkard Creek, just two miles from the proposed plant; 3) mercury tends to deposit disproportionately nearest to the source; and 4) the U.S. Centers for Disease Control estimate that 8 % of

women of child-bearing age already have excessive mercury levels in their body. Because new sources can achieve mercury reductions much more cost-effectively than retrofitting of old sources, because new mercury restrictions are being proposed and likely will be implemented by EPA before the operational date of this plant, and because potential investors deserve some measure of certainty in knowing the requirements that the Longview plant will be required to meet, this more restrictive emissions limit is needed now to prevent the need for expensive retro-fitting of the plant before it even comes on line.

Finally, we note that the State of Connecticut is requiring utilities to meet a standard of 0.6 lb/Trillion BTU, or approximately one-half of the level we propose above. Several other states are considering similar standards, indicative of how rapidly improvements in technology are occurring. We recommend that, if monitoring data show such a standard is achievable, the mercury emissions limit be lowered to 0.00365 lb/hour (32 pounds per year, 95 % control) in future operating permits.

***Response:** Longview proposed a mercury emission rate of 0.064 TPY, which is less than the PSD significant level of 0.1 TPY. Therefore, the DAQ does not have the regulatory authority to require additional mercury reduction or controls. While not required specifically for mercury, the SCR, Dry Sorbent Injection and fabric filter controls will reduce and control mercury emissions. The DAQ has required Longview to demonstrate compliance with this emission rate through initial stack testing. Also, the draft permit requires Longview to determine the mercury content of its coal and estimate its mercury emissions from that analysis on a monthly basis. See heading entitled Mercury in the "Response to Comments #1" document.*

Comment – James Kotcon, continued

4. We oppose the issuance of any permit for which proper public notice and review has not been provided. WV-DAQ has still not provided any notice to the public of the federal agencies' adverse impact determination. Both the US Forest Service and the National Park Service filed such letters in September. While 45-CSR-14 does not specifically require WV-DAQ to notify the public of these determinations, the Clean Air Act does require such notification. The failure to provide such notice is a real disservice to the applicant and to the public. Any permit issued to the applicant without this public notification would be easily subject to appeal, leading to needless delay and legal expense without providing any real improvement in air quality. Likewise, the failure by WV-DAQ to properly notify the public leaves many with the impression, touted in numerous newspaper ads and articles from third parties, that no adverse impact to air quality would occur from the plant. It is essential to both the letter and the spirit of the law that the public notification properly inform the public as to the impacts of the proposed facility.

This issue becomes especially critical with the loss of the transcripts of the Sept. 15, 2003 public meeting on the draft permit as initially proposed. We appreciate the acknowledgment of this issue in WV-DAQ's letter to us of Dec. 22, 2003 and the extension of the comment period it provides, but it is important for WV-DAQ to realize

that the response is “too little, too late”. The Dec. 22 letter was sent only to a limited number of people, those who had commented verbally on Sept. 15. However, this public comment meeting occurred without any public notice by WV-DAQ of the federal agencies’ adverse impact determinations. There had not even been any mention of these determinations in the press until after the public meeting was held. Newspaper stories (Dominion Post, Dec. 11, 2003, See Attachment #3) announcing the Dec. 18 public meeting quote WV-DAQ staff as saying that “residents who have already commented do not have to repeat those comments” at the Dec. 18 meeting, and the statement was repeated in the Dominion Post on Dec. 18, the day of the hearing. But WV-DAQ staff had already informed a few of us at our meeting Dec. 2, 2003 that the transcripts were missing. To omit any mention of this issue in the Dec. 5 legal ad announcing the revised draft permit, then assure the public (over a week after acknowledging that WV-DAQ had no record of the verbal comments) that those people who had spoken need not repeat those comments, then send letters Dec. 22 (immediately before the Christmas holidays) asking people to “re-submit your previous comments”, is confusing at best. It does nothing to inform those who might wish to address the adverse impact determination, if only they had known about it. It limits the invitation further by restricting the invitation to re-submit to “your previous comments”, clearly implying that new issues might not be considered. And it certainly contributes to an impression that WV-DAQ is merely going through the motions in seeking public comment and has no real intention of incorporating changes into the permit based on issues identified by the public.

Response: Please note that the statement you quote is not a quote in the December 11, 2003 newspaper article. The December 11, 2003 Dominion post article reads as follows, “Jeanne Chandler, a DAQ spokeswoman, said residents who have already commented on the air quality issue do not have to repeat those comments at next week’s meeting. “We are considering every piece of paper we get in on this.” she said.” It is clear from the reading of the paragraph that Jeanne was referring to written comments previously submitted to the DAQ. It is true that this non-quote was repeated in the December 18, 2003 newspaper article and the DAQ understands how this may have led to some confusion. However, the DAQ points out that everyone who had submitted comments or attended the first public meeting was sent a notification of the second comment period, the second public meeting and the specific reasons (mitigation plan) for the second comment period. In fact, the December 11, 2003 newspaper article includes a quote from Jeanne Chandler stating the reasons for the meeting. This same article goes on to specifically mention the mitigation plan to reduce the impact on Class I Areas.

Comment – James Kotcon, continued

Furthermore, WV-DAQ’s actions regarding public notice and comment directly contradict the clear mandate in 45-CSR-14-16.5 which states in part “The Director shall make copies of all comments available for public inspection in the same locations where the Director made available pre-construction information relating to the proposed source...”. While we appreciate the opportunities to review the draft permit and other documents which the WV-DAQ made available at the Morgantown Public Library, we have not found “copies of all comments” from earlier comment periods, not even those

submitted in writing. And WV-DAQ now acknowledges that they may never recover “all comments”, let alone provide those copies to the public for review as mandated by 45-CSR-14-16.5.

Response: *The DAQ mailed copies of all comments received through the first public comment period to the Morgantown Public Library and the Fairmont Regional Office on October 6, 2003. Copies of all comments received through the second public comment period including the extension for submission of those oral comments from the first public meeting (September 15, 2003) were mailed to the same locations on January 16, 2004. A copy of the transcript from the second public meeting (December 18, 2003) was mailed to the same locations on January 20, 2004. The DAQ has confirmed with the Morgantown Public Library that these documents were received and are in the Longview file.*

On December 22, 2003 the DAQ mailed a letter to all 41 people who made oral comments at the September 15, 2003 public meeting. All of these people were informed that DAQ had not yet received the transcript from the September 15 public meeting and offering them the chance to submit these comments, in writing, to the DAQ by January 15, 2004. Those written comments are included in this response to comments document.

The DAQ pursued all options, including legal, in our efforts to obtain the tapes or transcript of the first public meeting. DAQ had contracted with the independent court reporter to record the proceedings and provide a transcript to assist the agency in responding to oral comments received at the meeting. The agency had made numerous attempts over the past several months to obtain the information to no avail. Tapes, a partial transcript, a letter of apology and explanation from the court reporter were delivered to the Division of Air Quality's Charleston office Friday morning, January 30, 2004. A hearing had been slated for 10:30 a.m. in Kanawha County Circuit Court on the agency's request for an injunction to require the court reporter to deliver the material. All documents and tapes received by the DAQ on January 30, 2004 were copied and mailed to the Morgantown Public library and the Fairmont Regional Office on February 6, 2004.

John Benedict, Director of the DAQ attended both public hearings on the Longview project. He has heard all oral comments and reviewed all written comments before making a final decision on the permit for the Longview project. Since the tapes of the first public meeting have been reacquired, these tapes have been listened to ensure that the spirit, if not the specific language, of those comments is included in at least one of the two response to comments documents.

45CSR14, Sections 16 and 17 set forth the public review procedures and public meeting requirements that specifically discuss the handling of information submitted by the public. The DAQ has met these requirements.

Comment – James Kotcon, continued

Regardless of who is at fault in this situation, WV-DAQ must re-advertise and extend or re-open the public comment period. WV-DAQ, in doing so, must acknowledge adverse impact determinations of federal agencies and correct the misinformation (claims that Longview will make the air cleaner) that has been advertised by third parties. WV-DAQ must specifically inform the public that some previous comments had been lost, and that new issues will be considered. WV-DAQ must provide all relevant information regarding modeling, emissions, and pollution impacts for public review. And WV-DAQ must make available for public inspection copies of those comments that they do have, as required by 45-CSR-14-16.5. We again recommend, due to the complexity of this permit, that a full **60-day comment period be provided AFTER** a complete record (with correct modeling and BACT analysis) is made available for public review.

Response: *45 CSR 14, Section 12.2 reads, “The Federal Land Manager of the affected lass I area may present to the Director during the public review process described in Section 16 a demonstration that the emissions from the proposed major stationary source or major modification would have an adverse impact on the air quality related values (including visibility) of any Federal mandatory Class I lands,....If the Director concurs with such demonstration, the Director shall deny the permit to construct.”*

At the time of publication of the Notice for the first, thirty day comment period the DAQ had only the preliminary comments from the FLMs that there may be what the FLMs considered to be an adverse impact on the Class I area(s). Since the first public meeting the DAQ has reviewed the “official” comments submitted by the FLMs and included a mitigation plan for SO₂ in the Draft permit for a second public notice and public meeting. The Federal Land Managers were part of the discussion, review and approval of the mitigation plan to address concerns about visibility and acid deposition in Class I areas. DAQ was under the impression that this alleviated the concerns of the FLMs. The mitigation plan was put before the public in a second, thirty day comment period and public meeting. The notice of the second comment period specifically identified the mitigation plan for Class I areas. Also, the DAQ sent out a letter to everyone who had commented or attended the first public meeting (for whom we had an address) that in addition to informing them of the second public comment period and second public meeting, specifically mentioned the mitigation plan and identified that more detailed information was available in the Addendum to the Preliminary Determination. On pages 11 through 12 of the Addendum the mitigation plan is discussed and the following stated, “This plan was presented to the FLMs and the DAQ by Longview power, LLC as a means to offset impacts from the PC boiler in the Class I Areas. After changes that were agreed upon by the applicant and FLMs during a November 12 meeting, the FLMs agreed that this was a viable option at this time that could offset the impacts related to this project.” It should be noted that many of the comments received during and after the first public meeting specifically asked that DAQ give more time and deference to the FLMs concerns. The evidence shows that the DAQ has met the requirement of notification as required by Federal Regulations and State Rules.

Comment – James Kotcon, continued

5. We object to the increase from 0.12 up to 0.15 lb./MMBTU in the 3-hour limit for sulfur dioxide emissions. While it appears that this change would not violate existing Prevention of Significant Deterioration limits, there is no evidence in the record to suggest that the 0.12 lb/MMBTU rate cannot be met, and that 0.15 lb/MMBTU constitutes BACT. Although the change does not affect overall annual emissions, it is a great concern to those who breathe the air locally. It is important to note that the modeled results do not consider “upsets” or emissions spikes that might occur during malfunctions, start-ups and shut-downs. The combination of modeled impacts and “background” peak concentrations already approaches levels that could lead to exceedances of health standards, even without considering the inevitable malfunctions. While WV-DAQ may be comfortable with the increase as meeting minimum legal requirements, those who breathe the air locally may face increased health risks and adverse environmental impacts. It is worth noting that these peak sulfur dioxide conditions could likely correspond to times of peak loads on the electric system as a whole, periods when local residents may already be at increased risk of adverse health effects due to adverse temperatures and poor meteorological conditions.

Since the increase locally is substantial, at least during short-term peaks, and since Longview has not produced any engineering demonstration that the 0.12 lb./MMBTU level is not attainable, WV-DAQ should deny the requested increase. WV-DAQ’s Addendum to the Preliminary Determination appears to uncritically, and erroneously, accept Longview’s claim that the increase is justified merely because no violation of standards was modeled. We believe that this is the wrong issue for such a determination. The issue should not be decided on the basis of how much pollution local residents can absorb, but rather on the basis of how much pollution it is technically feasible to prevent. This is the whole reason for BACT analysis. Since we believe that better pollution control technologies exist to reduce the emissions rate, there does not seem to be any justification for increasing the emissions rate, even on a short term basis.

We recommend that the proposed increase in the 3-hour emission rate be rejected. Alternatively, if short-term flexibility is determined to be essential based on a complete BACT analysis, we recommend that any increase in short-term emissions be combined with a further decrease in longer-period emission rates. Allegheny Energy’s Harrison power plant (and others) routinely achieve average emission of 0.11 lb/MMBTU or lower and we recommend that an emissions rate of 0.10 lb./MMBTU be imposed as a longer-term permit requirement. The emissions trading proposed as mitigation for Class I Area impacts does not address the need for local reductions in sulfur emissions in the vicinity of Monongalia County because, under the proposed mitigation plan, emissions reduction credits could be obtained from areas as far away as southern Virginia, and any such reductions in emissions, even if they occurred, would have a negligible impact on local pollution levels. Finally, we again recommend that WV-DAQ consider our preference that local (verifiable and enforceable) emissions offsets for sulfur dioxide, nitrogen oxides and particulates be required to assure that the air in Monongalia County actually gets cleaner.

Response: See heading(s) entitled *BACT, Class I, Modeling, Offsets, Permit and Process*, in the “Response to Comments #1” document. The emission limits in the permit

are for normal, maximum operations. The DAQ does not permit for malfunctions, these are considered to be violations and are subject to the specific provisions of state rules and federal regulations that set forth procedures for the handling and reporting of such occurrences. Start-up and shut-downs are often exempt or given separate emission rates in federal regulations and permits as these are not seen as normal operations. Longview is expected to operate continuously for up to and more than a year at a time before shutting down for maintenance so start-up and shut-down situations at the facility will be infrequent.

Comment – James Kotcon, continued

6. In addition to the lower mercury emission limits we request above, we believe that improvements in mercury monitoring requirements are essential. The requirement in the revised draft permit (A.10.c) for testing of actual mercury emissions only once every five years is completely inadequate. Should the mercury control technologies work as we expect, more frequent monitoring will be essential to drive the further tightening of the permit limits we describe in our point # 3 above. We recommend quarterly emissions testing, in addition to the monthly sampling of the mercury content of the coal. In no case would anyone consider monitoring less frequently than annually to be adequate. Similar emissions monitoring for beryllium and lead, as well as arsenic, cadmium, and selenium should be required. Furthermore, we recommend that a permit condition be added to require submittal of all monitoring analyses, to prevent the permittee from sampling more frequently and “cherry-picking” only the lowest monitoring tests for submittal.

Response: See heading(s) entitled Mercury, in the “Response to Comments #1” document.

Comment – James Kotcon, continued

7. We request that additional permit restrictions be added to assure the fuel quality of the coal to be used. Comments at the Dec. 18 public meeting suggested that the sulfur content of Sewickley coal may be as high as 3.4 % or greater, rather than the 2.5 % reported by Longview. Others stated that this seam is unreliable and difficult to mine. It was also stated that coal with sulfur content less than 1 % was available in abundance in Monongalia County. While we cannot independently verify these claims, it would be prudent to include permit restrictions to prohibit burning of fuels that exceed sulfur (or other pollutant) levels beyond those for which the proposed emissions control technologies can handle. We further request that burning of waste materials such as tires, potentially hazardous wastes (including any materials from SuperFund sites), municipal wastes, etc. be prohibited.

Response: The Longview facility is designed to handle a wide range of coal conditions, including variable sulfur and ash contents. The facility will blend the coal in order to maintain as homogenous as possible a mix sent to the boiler. The facility must meet the emission rates set forth in the permit and the required continuous emission monitors (CEMs) will ensure the facility is in compliance.

Comment – James Kotcon, continued

8. We oppose WV-DAQ's conclusion in the Addendum that 0.08 lb./MMBTU represents BACT for nitrogen oxides. While this is a stringent short-term limit, a 24-hour or longer-term limit must be more stringent. The limit for the Roundup Plant in Montana is 0.07 lb./MMBTU and we recommend that this limit be added to the permit. We are aware of the trade-off of lower NOx limits leading to higher acid mist emissions when using SCR with high sulfur coals, but we continue to believe that, if combined with coal washing or low-sulfur fuel mixes, the lower NOx limit is achievable as a daily or monthly average. At a minimum, the applicant must demonstrate why these combinations of pollution reduction technologies cannot work in tandem.

Response: *The BACT NOx emission limit for the Longview PC Boiler is 0.08 lb/MMBTU on a 24 hour average. This is a stringent short term limit that results in a stringent annual limit. See heading(s) entitled BACT in the "Response to Comments #1" document.*

Comment – James Kotcon, continued

9. We are concerned that WV-DAQ still may not have a complete and valid inventory of sulfur dioxide and nitrogen oxides sources for modeling purposes. The record indicates that the Virginia PSD Increment Consuming Inventory, available at the time the application was submitted (March 31, 2003), was to be used for the remainder of the project. But then, when modeling showed significant impacts to Dolly Sods and Shenandoah National Park, increment reductions from VEPCO's Mount Storm power plant were included in the modeling runs. These increment reductions were introduced as a result of consent orders finalized well after the March 31, 2003 date. 45-CSR-14-2.29.b defines the baseline date as "the earliest date ...on which a major stationary source...submits a complete application". While we certainly support the use of the most current data for permitting purposes, 45-CSR-14 does not appear to provide the authority to include the Mount Storm increment reductions in the modeling for Longview. Even if it is allowable, it is certainly unfair to add or omit sources arbitrarily in order to get an acceptable modeling result. (We cannot resist the irony of pointing out that if WV-DAQ had agreed with our comments on Mount Storm's air permit six years ago, and required those emissions reductions then, none of this would be an issue today). In any event, we recommend that no permit be issued until after a complete and accurate inventory is agreed upon by all relevant state and federal agencies, and that this be made available for public notification, review, and comment as specified in point # 4 above.

Response: *The size of the modeling domain and the number of years of meteorology used in the modeling (and the choice of the 1996 MM5 data set itself) were established in the development of the Class I modeling protocol. The development of the protocol, consisting of numerous conference calls and email discussions. Participating in the protocol development were representatives of the applicant, the WV Division of Air Quality, the National Park Service, and the US Forest Service. Representing the FLM's were principally Don Shepherd and John Notar of the National Park Service, and Cindy Huber of the US Forest Service. No mention of these issues were made at that time.*

In regards to the comments concerning the modeling inventory, after the initial public meeting and comment period, the WV DAQ worked closely with the representatives of the National Park Service and the US Forest Service, as well as the applicant to address concerns with the modeling of the Class I areas.

These discussions produced the SO₂ mitigation plan, and an update to the Class I area modeling. The update to the modeling included a revision to the WV Class I increment consuming inventory as recommended, an inclusion of the Duke Fayette Source, and an agreement with both federal agencies concerning the appropriate VA inventory.

Comment – James Kotcon, continued

The following additional points from our Sept. 29 comment letter still have not been adequately addressed in the revised draft permit. We update and repeat them here and recommend that no permit be issued until these changes are incorporated.

10. The application and the permit both ignore carbon dioxide emissions as well as emissions of other greenhouse gases. It is incredibly short-sighted to ignore emissions of greenhouse gases as if they have no relevance to our environment or to the permitting of coal-fired power plants. We recommend that greenhouse gas emissions be evaluated as part of an improved BACT analysis, which must include IGCC and CFB boilers that have superior carbon dioxide emissions performance.

Response: See heading(s) entitled BACT, CO₂, in the “Response to Comments #1” document.

Comment – James Kotcon, continued

11. The application and Preliminary Determination (p. 84) must be revised to properly acknowledge the cumulative impacts from economic growth from the project. The applicant has argued, and the WVU Bureau of Business and Economic Research has documented, significantly increased economic activity due to indirect economic growth from the Longview project. For example, the WVU-BBER report (already on file with WV-DAQ) suggests actual employment at the facility will be 50-60 full time jobs, but indirect employment will reach 789 jobs state-wide, 12 to 15 times the on-site employment. The Preliminary Determination improperly concludes that “Because there are no anticipated effects on growth, no detailed analysis for growth-related AQRVs was required.” The applicant cannot claim to local development agencies that the Longview project is important because of the significant economic growth it will generate, but then turn around and claim to WV-DAQ that no significant economic growth is expected.

A full analysis of growth related impacts must be included before a permit can be issued.

Response: See heading(s) entitled Additional Impacts Analysis, in the “Response to Comments #1” document.

Comment – James Kotcon, continued

12. The application and Preliminary Determination (p. 84) also must be revised to properly acknowledge the impacts to vegetation and soils from air pollution emissions from the Longview project. Most of the references cited in this section are out-dated and no longer credible. The conclusion (page 85) that “the threshold concentrations and exposure times that may cause... damage...are generally much higher than those expected due to the Longview project” is simply incorrect and not scientifically defensible. For more up-to-date data, please review any of the impact analyses provided by U.S.-EPA for the NO_x SIP Call and the Ozone standard rules (Federal Register, 1996, and others), or consult more recent textbooks such as “S. V. Krupa. 1997. Air pollution, plants and people. American Phytopathological Society, St. Paul, Minnesota.”

It is well-established in the plant pathology literature that plants are much more susceptible to ozone and sulfur dioxide exposure than people. While susceptibility to ozone varies among plant species, approximately 50 % of plant species will experience a 10 % or greater yield loss when exposed to long-term concentrations averaging just 50 ppb, well below the human health standard set by EPA of 80 ppb (8-hour average). Given that ozone levels in Morgantown already approach or exceed the human health standard, plant health is already affected in most years and any additional increment will cause an adverse impact to agriculture and forestry. Ozone exposure has been documented to result in significant reductions in plant growth, even when no visible foliage symptoms occur, so the presence of foliar symptoms on indicator species is a clear demonstration of adverse effect already occurring. Impacts from SO₂ are more commonly associated with acute exposure, but additional acidic deposition on poorly buffered soils poses a significant threat to timber productivity, especially in the most valuable, high-elevation forests. It seems likely that the lack of expertise in plant pathology at WV-DAQ may contribute to this improper analysis and the resulting incorrect conclusions. The failure to properly consider the adverse health and environmental impacts is a major contributor to the tendency to permit unreasonably high air pollution emissions levels.

No permit should be issued until impact analyses properly document, and the permit properly mitigates, impacts to vegetation and soils.

Response: See heading(s) entitled *Additional Impacts Analysis, Monitoring, NAAQS, Ozone*, in the “*Response to Comments #1*” document. The impacts that the criteria air pollutant emissions will have on the area have been reviewed and it has been determined that there should not be any violations of the National Ambient Air Quality Standards (NAAQS). For most types of soils and vegetation, ambient concentrations of criteria pollutants below the secondary national ambient air quality standards (NAAQS) will not result in harmful effects. No evidence is provided to substantiate the prediction that Monongalia County will become Non-attainment because of Longview. In addition the significant benefits of several existing federal control programs have not been taken into account. These include but are not limited to: Tier II automobile and light truck standards, heavy duty diesel engine standards, fuel sulfur standards, and the NO_x SIP Call controls. The last explicitly accounts for expected growth, particularly for electric

utilities. It will become effective by May 31, 2004 and will result in significant regional NOx decreases from power plants and large industrial boilers in 19 states, including West Virginia.

Comment – James Kotcon, continued

13. EPA promulgated new standards for PM 2.5 in 1997, and monitoring data from the Morgantown airport show the area is already at the 15 ug/m3 (annual average) health standard. Additional emissions pose a very real threat of driving Morgantown into a nonattainment status.

We recommend a BACT analysis, emissions monitoring requirements, and emissions limits be established for PM2.5 as well as PM10.

Response: See heading(s) entitled *Monitoring*, in the “*Response to Comments #1*” document.

Comment – James Kotcon, continued

14. We recommend establishment of monthly and annual emissions limits for NOx, SO2, PM10, and other pollutants that are more restrictive than the current three-hour or six-hour rolling average limits. In essence, the use of a single short-term limit encourages the applicant to emit right up to the limit year round, rather than control emissions as much as possible, for as much of the time as possible. While we recognize that emission levels are variable and that occasional peaks in emissions will occur, permitting annual emissions based on maximum hourly pollution rates is an over-estimate of the actual pollution levels needed for Longview to operate.

Response: See heading(s) entitled *BACT*, in the “*Response to Comments #1*” document.

Comment – James Kotcon, continued

15. Emission limits for PM 10 are higher than BACT using better technologies. Since the emission levels for PM10 and total particulates are identical, it is clear that a lower PM 10 level is achievable, even if it is based solely on estimated particle size distributions. The rejection of the ADVANCE HYBRID technology seems premature. Permit limits should be set low enough to drive the development and use of improved technologies. The willingness of WV-DAQ to accept poorer performing technologies as BACT is a serious disincentive to commercialization and becomes a self-fulfilling prophecy as these newer technologies never get commercial operating experience.

We recommend that the permit limits for PM10 be reduced to levels commensurate with the BACT, and let the applicant implement a system to meet that standard.

We concur with the inclusion of “condensable” PMs in the emission limits (permit page 3, section f.), however, it is not clear that the filter fabric technology proposed will actually “condense” these materials from the exhaust gases. Further

analysis of the efficacy of these technologies for BACT is needed before a permit is approved.

Response: *The PM emission limit was based upon the PM₁₀ emission limit, not the other way around.*

Condensible PM is defined by the U.S. EPA as material that is a gas at the stack temperature at the sampling location which condenses into a liquid or solid within a few seconds of leaving the stack. In terms of stack testing, condensible PM passes through the filter media and is captured in the sampling train impinger solution. Methods 201/201A focus on filterable PM sampling. The sampling train impinger solution must be analyzed separately according to EPA Method 202 to determine the condensible PM. Once quantified, the condensible PM can then be added to the filterable PM₁₀ to estimate the true total PM₁₀.

Sulfate compounds (e.g., sulfuric acid mist) are the most widely recognized forms of condensible PM emitted by combustion sources. Most of this sulfate is formed from the emission of sulfur dioxide and subsequent downwind oxidation/conversion to particulate SO₄. However, a portion of this sulfate is emitted directly from the stack as condensible PM. In addition, particulate SO₄ may form in the flue gas of combustion units using emission control technologies (e.g., SCR) that add ammonia to the gas stream. The extent of formation of these compounds depends greatly on the sulfur content of the fuel being burned.

Sources using low sulfur coal can be expected to have a lower condensibles fraction and therefore a lower emission rate might be BACT. Longview is expected to burn high sulfur content coal. The PM and PM₁₀ emission limits of 0.018 lb/MMBtu, including condensibles, is BACT for this source. See heading(s) entitled BACT, in the "Response to Comments #1" document.

Comment – James Kotcon, continued

16. We recommend additional controls for lead, mercury and beryllium be specified in the permit, and that emission limits be reduced accordingly. Improved particulate matter controls would be beneficial, and activated carbon injection is needed for mercury. We note that the application contains the amusing conclusion that use of activated carbon injection may make the resulting fly ash unmarketable because the mercury level could rise to the level deemed a hazardous waste, requiring treatment and disposal. But emissions of the same amount of mercury as a semi-volatile into the atmosphere apparently does not cause a significant problem.

Response: *See heading(s) entitled BACT, Mercury, in the "Response to Comments #1" document.*

Comment – James Kotcon, continued

17. The stack height for the boiler is a major scenic impact for local citizens and the source of numerous objections. The height of 554 feet appears to be based solely on the arbitrary decision to construct Boiler Building Tier 3 to a height of 257 feet. No justification for such a tall building is provided, and no analysis was included of the impact of reducing both building and stack heights to reduce visual impact. The applicant has commented (in their letter of Nov. 24, 2003) that this would require re-designing the entire facility, but provides no justification of why this could not be done, and WV-DAQ has again uncritically accepted their unsupported claims.

We recommend that analyses be provided of the effect of reducing the height of both the boiler building and the stack to the lowest level practicable, consistent with good engineering practices and local environmental impacts. We recognize that this may reduce pollutant dispersal and increase local impacts, and if so, permitted emissions levels should be reduced commensurately.

Response: See heading(s) entitled *Stack Height*, in the “Response to Comments #1” document. The DAQ cannot require or dictate to any applicant what it can or cannot construct. It is the DAQ role to determine if the proposed source will meet all applicable rules and regulations under the jurisdiction of this Division. Longview has proposed to construct a 600 MW (net) power generation facility with interconnection to Allegheny Energy Supply Company lines. Plant design is based on utilizing a single pulverized coal supercritical boiler with a once-through, balance draft, single reheat steam turbine/generator burning 2.5% sulfur (nominal) bituminous coal. Building size is determined by the size of the boiler. The boiler, building and stack height are generally consistent with similarly designed facilities.

Comment – James Kotcon, continued

18. Permit page 12, Table 2. The applicant has repeatedly claimed that, as a mine-mouth facility, no trucks would be used to haul coal. The application and revised draft permit, however, continue to call for trucks unloading at 1,000 tons per hour. While we appreciate the change in the revised permit limiting annual throughput to 2,365,200 tons per year, we recommend deleting the truck dump from the permit and reducing particulate emission levels correspondingly. Alternatively, WV-DAQ should analyze and disclose all of the emissions associated with trucking coal, and the permit should establish emissions limits and pollution control requirements. We are specifically concerned that coal trucks typically have diesel exhaust, which is among the highest known airborne causes of cancer, and that dust from road traffic is a major source of discomfort, inconvenience, and health impacts to nearby residents. Although the revised permit does include BACT requirements for plant equipment and dust suppression on facility roadways, no limits on diesel emissions have been provided, nor does the permit limit off-site particulates from trucking of coal, fly ash or limestone.

The permit should either eliminate truck loading, or should fully account for, and establish pollution controls for truck traffic.

Response: See heading(s) entitled *Truck Traffic*, in the “*Response to Comments #1*” document.

Comment – James Kotcon, continued

19. Permit page 20. We have learned that, according to their business plan, Longview fully intends to transfer ownership of this facility and its permits to another operating entity at some point in the near future. We recommend that an additional statement be added under section 45-14-18.1(b) to require that any transferee, in accepting the permit, be required to demonstrate that it has the financial and technical capability to implement the permit. We also recommend that the permit specify that if such transfer occurs before construction is underway, the transferee be required to conduct a re-analysis of, and implement, the Best Available Control Technology for all pollutants.

Response: The commenter is requesting a rule change which is outside the scope of the review of this application. 45 CSR 14, Section 18 sets forth the procedures for permit transfer. 45 CSR 14, Section 7.4 sets forth the conditions upon which BACT can be revisited after the issuance of a permit.

Comment – James Kotcon, continued

In conclusion, substantial revisions to the BACT analysis are needed, emission limits should be reduced, and additional public notice and time for comment should be allowed. Please contact me if I can provide specific information to help resolve these outstanding issues.

Response: See responses above.

Comment – John Hall, Interim President, Mountaineer Chapter, National Audubon Society

It has been called to my attention that comments made by Susan Schneider, the former president of Mountaineer Chapter, National Audubon Society, at the September 16 hearing in Morgantown may have been lost.

For this reason I am writing to state my concerns and those of some other Mountaineer Audubon members concerning the Longview project.

First, we are concerned that the addition of emissions from a second power plant in the Fort Martin area could adversely affect air quality in Monongalia and surrounding counties to the point where it would exceed acceptable limits and adversely affect humans and other components of our ecosystem. Any addition to mercury, carbon dioxide, and sulfur and nitrogen oxides will add to overall levels until such time as emissions from the more heavily polluting existing plant can be diminished. There seems to be no plans to move in this direction in the near future.

Secondly, we are concerned that the sulfur dioxide credits to be used to compensate for emissions from the Longview plant may not come from this area, and may not protect against acid rain fallout in the Canaan Valley-Dolly Sods area and in the Shenandoah National Forest.

Response: See heading(s) entitled *Acid Mine/Rain/Deposition, Class I, CO2, Mercury, Monitoring, NAAQS, Offsets, Other Plants, Ozone, Permit and Process, in the "Response to Comments #1" document.*

Comment – Jeff Riffle

For some time now the citizens of Monongalia County have opposed the building of another power plant, specifically the Longview Power Plant. In my conversations, it has never been an issue of the company but rather of the project itself and its location.

According to my research GenPower/Longview Power have filed a Siting Certificate and Certificate of Need application with Public Service Commission of West Virginia (PSC).

In addition, GenPower/Longview Power has requested that the PSC expedite their application and waive various regulations. Not only do the majority of citizens I have talked to object to the building of another power plant they also object to the way government has shown preferred treatment in providing for PILOT payments. Not only is this discouraging to taxpayers who oppose the plant but also increases their distrust in the government's ability to perform if such waivers are granted.

Further, the basis for Longview's PSC request seems to be that it is not a "public utility" under PSC rules but West Virginia State Code 24-2-1 defines public utilities to include entities engaged in "generation and transmission of electrical energy by hydroelectric or other utilities for service to the public, whether directly or through a distributing utility."

By this definition, Longview can be considered a public utility and that it should not be given any preferential treatment including waivers. Further the precedent for a normal PSC review for new power stations and transmission lines is 300 days. Therefore, such a review needs to be established to maintain the public trust and to act in the good faith for the people of Monongalia County.

Based on these points, the PSC needs to hold a public hearing in Morgantown to avoid controversy and to uphold the public trust. If the West Virginia DEP decides to move forward and allow Longview to proceed without this public hearing in Morgantown, they will appear to be serving the company instead of the citizens, this would be a gross injustice to the people of the state and lend to their perception of irresponsible government.

I trust you will do what is right for the citizens of Monongalia County.

Response: *The comment seems to be addressed to the PSC and their issues. When the public is concerned over siting, zoning, or other issues such as the decision to bring a business to their area, they should contact their local officials such as the Mayor, city council, county commission, zoning board, etc. The DAQ has no control or influence over these matters.*

Comment – Craig Falkenstine

As President of Baker's Ridge Homeowners Association, I believe our development to be in great danger from potential pollutants from the proposed Longview Power Plant. Our neighborhood of 143 homes is directly across the river from the proposed plant and could adversely affect every person living in this area. Please allow a public hearing that will allow potential health risks to be accurately evaluated. Please don't shortchange the health of many for the dollars of a few. Thank you in advance for your consideration.

Response: *The DAQ held two public hearings in Morgantown on the Longview project. These meetings were held on September 15, 2003 and December 18, 2003. See heading(s) entitled Health, NAAQS, in the "Response to Comments #1" document.*

Comment – Rachel Czajka

We do not need an 8th coal-powered plant within a 25 mile radius of Morgantown.

I am writing to ask the DEP to extend the comment period for Longview. Especially given the missing transcripts.

Offsets for other pollutants, i.e., nitrogen oxides, particulates, mercury and beryllium are needed. West Virginia needs cleaner air, cleaner water. Do the orange streams not already speak of the damage we have/are doing to our land? Emissions should be lowered.

Longview should not be allowed waivers, special treatment, i.e., expedited review – 30 days vs. the typical 300 day review for power plants.

Please for the sake of West Virginia's children evaluate the economic, environmental and social costs. Please require Longview to mitigate or compensate for any adverse impact to local property owners, noise and visual impacts and to FULLY disclose the economic impacts of the pact.

Please do not contribute to West Virginia being raped yet again.

Response: *This comment was apparently meant for the PSC and not DAQ. The DAQ does not have a 30 day or 300 day review for PSD applications. See heading(s) entitled Acid Mine/Rain/Deposition, Class I, Comment Extension, Health, Mercury,*

Mining/Quarrying Operations, NAAQS, Noise, Offsets, Permit and Process, Plant Choice/Siting, Stack Height, in the "Response to Comments #1" document.

Comment – Martin L. Boone

I am writing you to express my deep concern about the current air quality permit for the proposed Longview power plant. I have been a resident of West Virginia for 14 years, and consider it my home. I believe that West Virginia has much to offer, primarily its rugged beauty and friendly citizenry. However, I have also found that the people of West Virginia have an inferiority complex, and part of that “complex” is that we don’t deserve (and cannot expect) better. Your dealings with Gen Power seem to reflect that inferiority complex.

I attended the December 18, 2003 meeting at RCBHSC in Morgantown where you and your associates presented the “mitigation plan.” I had hoped that a plan would be produced that would allow Gen Power to go ahead with their proposal AND safeguard the citizens of our great state. Since your agency is funded by our tax dollars, I was certainly hoping that you would at least err on the side of safeguarding the citizens. I was very disappointed in you plan.

My primary concerns are two: 1) I think that it is too big of a leap of faith to believe that forcing Gen Power to purchase and retire “pollution Credits” from other power plants will actually result in improvement in our local air quality. I have seen these things applied before and believe that it is just a “shell game” played by the power companies on those of us who prioritize clean air. I certainly do not believe that the proposed offsets will address concerns regarding nitrogen oxides, particulates, and toxic metals like mercury and beryllium. Although the primary health concern has been raised for asthma and other lung disease, research has also shown exposure to these dangerous metals to be hazardous for neurobehavioral development. Specifically, exposure has been linked to learning disabilities and behavioral problems. Certainly, there exists technology to reduce these harmful metals and particulates, and still allow Gen Power to go ahead with their project 2. I am very worried about the proposed monitoring of the power plant emissions. I am NOT in favor of the system of “rolling averages” especially at the time frames proposed. I think this system allows Gen Power to “hide” periods of high pollution. At the very least, monitoring at random (even if you have to stick with 24-hour rolling averages) would allow for better accountability, in that the power plant operator could not “prepare” for the monitoring time.

Lastly, I do not believe that we need a new power plant in our area. I also do not believe that the power plant will actually provide any financial benefit for our community, as health costs will certainly offset any financial gain. I also do not want to be forced to breath dangerous air so that somebody in some far-away place can pay a little less to heat his swimming pool! Our country does NOT have a shortage of power, and production of more “not as dirty” power plants does NOT send us in the right direction. For example, our president (George W. Bush) recently eased restriction on coal fired power plants... its no wonder I am skeptical of the current Longview plan. The fact that Gen Power is a limited liability corporation makes me even more suspicious of

their motives: they will have no investment in the quality of our air or the effect of their mess on our quality of life, health or the financial viability of our community.

Please extend the comment period so that all parties can express their views. Thank you for the opportunity to have my views considered in your decision.

Response: See heading(s) entitled *Acid Mine/Rain/Deposition, BACT, Class I, Comment Extension, Health, Mercury, NAAQS, Offsets, Plant Choice/Siting*, in the “Response to Comments #1” document.

Comment – Cynthia Ashworth

I am registering my concerns about the proposed construction of the Longview Power Plant. It is my understanding that the emissions of pollutants will be entirely too high. Sulfur dioxide, nitrogen oxide and particulate matter will be emitted with negative effects on the hills and valleys, not to mention the people, all around the plant. Cleaner pollution control technologies are available and should be considered.

In addition, the monitoring of the emissions of heavy metals, such as mercury, lead and beryllium should be required on a more frequent basis and the monitoring of other materials such as selenium, arsenic and cadmium hasn’t been addressed at all.

I implore the DEP to study the situation independently with an eye to the health and safety of West Virginians (and our neighbors), as well as to the safety of the wilderness areas of West Virginia. The far reaching and future negative effects of Longview need to be taken into consideration NOW.

Thank you for your time in reading this.

Response: See heading(s) entitled *Acid Mine/Rain/Deposition, BACT, Class I, Health, Mercury, NAAQS, Offsets, Ozone*, in the “Response to Comments #1” document.

Comment – Duane and Sue Miles Nichols

Some of the many major factors that need to be given priority in decision making are:

Emissions of pollutants, such as particulates, sulfur dioxide and nitrogen oxide, are too high. Better “Clean Coal” pollution control technologies, such as Integrated Gasification/Combined Cycle boilers, need to be adopted. This is indeed the “Best Available Control Technology,” modern and in actual use.

The sulfur dioxide trading proposal does NOT adequately protect Class I Wilderness Areas such as Dolly Sods because nothing prevents other pollution sources that supply credits to Longview from continuing to emit sulfur dioxide. Thus, no reductions in deposition to Dolly Sods is assured and market forces make continued deposition a near certainty.

Further reductions in emissions of hazardous pollutants, such as mercury, should be required through use of Activated Carbon Injection or other comparable pollution control technologies. W. L. Gore & Associates of Newark, Delaware, have recently developed techniques which are being engineered for coal-fired power plants to remove the mercury pollution.

No increase in the 3-hour limit for sulfur dioxide or other pollutants should be allowed. (Very few people can hold their breathe for three hours.)

Frequent emissions monitoring is needed for heavy metals, such as mercury, lead and beryllium, and monitoring for other heavy metals (arsenic, cadmium, selenium, etc.) must be required.

DEP must require a more stringent review of Best Available Control Technologies (BACT) and should not accept the information submitted by Longview as sufficient.

Coal cleaning techniques that are proven as Best Available are (1) froth flotation cells, (2) diester tables, and (3) hydro-cyclones. These are also low-cost methods to clean up much of the sulfur, trace metals and particulate matter.

Please provide some evidence to us that you have indeed considered these factors in the decision making process. We are affected residents of Monongalia County living within 3 miles of the site.

Response: See heading(s) entitled *Acid Mine/Rain/Deposition, BACT, Class I, Mercury, NAAQS, Offsets*, in the "Response to Comments #1" document.

Comment – Donna M. Weems

I am opposed to the DEP issuing the Longview Power Plant an air pollution permit as proposed in your Preliminary Determination. Please oppose it for the following reasons:

Longview Power will add more pollutant to the air. The Fort Martin Power Plant already emits unacceptable amounts of pollutants into the air. It is a dirty plant which will be able to keep polluting for a long period of time thanks to recent roll backs of the Clean Air Act. Contrary to what the Longview proponents are advocating, Longview will not replace Fort Martin, it will simply add to the existing pollution levels. The proposed pollution trading scheme may help improve the air for wilderness areas and parks further down wind but they will not help improve the air for the residents who live in Stewartstown, Morgantown, and Point Marion very much. When there are local air inversions or stagnation and when the air is hot and humid, we will have increased levels of ozone, sulfur dioxide, nitric oxides, particulate matter, etc.

The emission levels proposed by the permit is too high for the public health of our community. The ozone and particulate levels for Morgantown are already at the

threshold for noncompliance. The additional source proposed by Longview will put us over the limit. I drive past the existing Ft. Martin power plant every day and I know that there is a large number of days where there is no wind to blow the pollution into Pennsylvania. This pollution will drop directly down on my property. My family including my six-year-old son will be exposed to the toxins emitted from the plant. This is unacceptable. It is also not acceptable for the people in Pennsylvania and downwind.

I urge you to apply the strictest possible interpretation to the results of the air quality modeling, not the loosest. The current U. S. EPA guidelines especially for ozone and fine particulate matter are not strict enough to protect our children. The U. S. EPA limits for these pollutants also do not consider the effects of mixing these pollutants. Recent studies have determined that ozone causes asthma. Asthma is the leading cause of school absences nationwide. According to the WV Bureau for Public Health, Department of Health and Human Resources recent report on asthma, the incidence of asthma has nearly doubled in West Virginia Schools for 1989 through 1999. Twenty-three percent of high school students with asthma miss eleven days or more per year due to asthma attacks. Teachers cite absence as a leading reason for poor school performance. Students cannot focus on learning if they have to focus on breathing.

Place greater restrictions on mercury. This pollutant poses a health risk to wildlife and people in the area, especially water communities, such as Cheat Lake. If you do not put greater restrictions, I fear the fish in Cheat Lake will not be edible in the future.

I believe that the acid rain produced by this plant will negatively affect the wild areas that make West Virginia famous, Dolly Sods and Otter Creek.

The best possible available technology should be placed in this plant. I suggest fluidized bed boilers along with scrubbers, bag houses, etc.

Response: See heading(s) entitled *Acid Mine/Rain/Deposition, BACT, Class I, Health, Mercury, Modeling, NAAQS, Offsets, Ozone, in the "Response to Comments #1" document.*

Comment – Betty Rivard

With relationship to the proposed Longview Power Plant, I really just have one questions: will this make the air quality worse in West Virginia and surrounding states, leave it the same or improve it? If it will make the air worse, then I have severe reservations about permitting it as it is. If it can directly replace a polluting plant or plants that affect the same area, then at least we would be no worse off than we are. I would prefer things get better.

My father was a professor of air pollution control at WVU from 1963-1977. I'm not a technician, but I learned a little from growing up around the issues. He always said that it didn't cost much more to do things right. If there needs to be a new power plant, then it seems to me they should only be permitted if they do things right. WVU has a

research center that studies state-of-the-art technology. It's my understanding that Longview would not use this technology. Why not?

I lived in western Monongalia County during the 1970s. From the tops of the hills I could see the Fort Martin stack with a plume of dirty air across the sky. Even in Braxton County, where I've lived for 20 years, there are times when the whole air is thick and difficult to breathe.

We also have days of very clear light. The photograph on this card was taken on one of those days. Some photographers have told me it's the film, that it couldn't really look like this outside. But it does – we often have days like this. I want to keep it that way.

Response: *The impacts that the criteria air pollutant emissions will have on the area have been reviewed and it has been determined that there should not be any violations of the National Ambient Air Quality Standards (NAAQS). These are health based standards for pollutants such as particulate, CO, NOx, SO₂, and ozone.*

Emission credits for NOx and SO2 will be purchased as required by the NOx SIP call and Acid Rain regulations. In addition, the facility will buy additional SO2 emission credits as part of a mitigation plan.

The DAQ must review a permit application within its authorities and responsibilities under the Air Pollution Control Act (APCA) and applicable state and federal air quality regulations. The decision to issue or deny a permit must be based solely on the APCA and regulations.

No evidence is provided to substantiate the prediction that Monongalia County will become Non-attainment because of Longview. In addition the significant benefits of several existing federal control programs have not been taken into account. These include but are not limited to: Tier II automobile and light truck standards, heavy duty diesel engine standards, fuel sulfur standards, and the NOx SIP Call controls. The last explicitly accounts for expected growth, particularly for electric utilities. It will become effective by May 31, 2004 and will result in significant regional NOx decreases from power plants and large industrial boilers in 19 states, including West Virginia.

Comment – Clyde N. Thompson, Forest Supervisor, Monongahela National Forest

As a result of comments made during the initial public comment period for the Longview Power Plant draft permit, the WVDEP has revised the draft permit and is accepting additional public comment. The changes of most interest to the Forest Service are the modifications to sulfur dioxide SO₂ and nitrogen oxide NO_x emission limits in permit conditions 2-4 and the addition of permit condition 17. Permit condition 17 outlines a mitigation plan proposed by the applicant to offset acid deposition and visibility impacts in the Class I areas, including Dolly Sods and Otter Creek Wildernesses. This letter and the attached technical review contain our comments on the revised draft permit and associated modeling analyses.

The revised draft permit contains changes to the SO₂ and NO_x emission limits. Even with these changes, we continue to agree that the Longview draft permit provides the best control of sulfur dioxide and nitrogen oxide emissions from coal-fired boilers utilizing coal from this part of the country. However, the change to the 3-hour sulfur dioxide emission limit did necessitate a revised cumulative source analysis. We expressed several concerns with the initial cumulative analysis, including omissions in the source inventory. GenPower agreed to re-compile the source inventory and do a new cumulative analysis, but we have not yet received the results and therefore cannot provide further comment on increment consumption. The cumulative increment consumption analysis is important to Class I area protection, and we would like to see the results of the analysis prior to the permit being issued.

***Response:** Longview e-mailed the supplemental modeling report and mailed copies of the disks to the FLMs and DAQ on January 26, 2004. Longview agreed to perform this supplemental analysis, for informational purposes only, to address the concerns of the FLMs. The supplementary analysis confirms the results of the modeling set forth in the December 2003 modeling update and is offered to supplement, not replace, the December 2003 modeling update.*

WVDAQ is still reviewing the information to better identify the source or sources that may be contributing to the modeled impacts. As this work continues we are in contact with USEPA as to our progress and if a violation is confirmed WVDAQ will move ahead to correct the problem as required by State Regulations, Federal Rules and the West Virginia State Implementation Plan (SIP).

Comment – Clyde N. Thompson, continued

The revisions to emission limits do not change the predicted impacts to air quality related values, because the emission rates used in the initial modeling analysis match those in the revised draft permit. Our comments on the original draft permit (September 29, 2003 letter) found that the emissions from Longview, especially the sulfur dioxide, would cause adverse impacts to visibility, stream water chemistry and soil chemistry in Dolly Sods and Otter Creek Wildernesses. We asked that the applicant obtain federally enforceable emission reductions from uncontrolled or under-controlled sources that would negate Longview's impacts at the Class I areas. The result would be a reduction in pollutant loading at the Class I areas that would "make room" for the new emissions from Longview. The applicant was unsuccessful in locating a source willing to work with them toward these deductions, however they proposed to purchase and retire sulfur dioxide allowances instead. Permit condition 17 contains the details of the mitigation plan.

Although we prefer to see actual emission reductions at a local source(s) that would produce reductions in pollutant loading at the Class I areas, we will agree that permit condition 17, with some modification, addresses our concerns with Longview's impacts at Dolly Sods and Otter Creek. We feel that subpart f is an important part of this permit condition. It recognizes that in the future a source may come forward that is willing to make emission reductions with some financial assistance. Subpart f allows the

applicant to take advantage of this opportunity in lieu of purchasing and retiring SO2 credits each year. This is advantageous to the Class I areas, because it would result in actual emission reductions at a specific location and the benefit to the Class I area could be quantified.

However, we prefer that actual tons of SO2 reduced are not defined in the permit; because the amount of SO2 reduction needed to mitigate the Class I impacts would vary depending on the location of the source in relationship to the Wildernesses. Likewise, we do not want to restrict this option to sources only located within the modeling domain. Potential reductions to the northwest of Dolly Sods and Otter Creek, but beyond the boundary of the modeling domain, should be allowed. Finally, the effectiveness of the reductions would need to be demonstrated through appropriate modeling, because the amount of reduction needed to mitigate Longview's impacts would vary depending on the distance and direction of the source from the Class I areas. We recommend the following rewrite of subpart f. The words in italics represent our changes.

“At any time, the Director, with concurrence from the Federal Land Managers, may approve an alternative mitigation plan in lieu of this condition. At a minimum, such a plan shall result in actual sulfur dioxide reductions from an existing stationary source(s) such that the impacts to visibility and deposition at Dolly Sods and Otter Creek Wildernesses from Longview are offset. Such reductions must be federally enforceable and the effectiveness of the alternative mitigation plan on visibility and acid deposition must be demonstrated through appropriate modeling.”

Response: *The Director cannot share authorities granted under the WV Code. The DAQ will agree to provide the FLMs at least 30 days to comment prior to making any final decision on any proposed alternative mitigation plan and will add such language in the permit under Specific Requirement A.17. The DAQ can't require that any alternative mitigation plan be “Federally Enforceable” as the source that will be making actual emissions reductions may be located in another state (e.g., Virginia). WV has no authority to bind a source in another state through a WV permit. It is expected that if the source is located in another state that WV would pursue a consent order/agreement between the source, the other state, WV and Longview. Such an order/agreement should require the source seeking the actual reductions to make these reductions federally enforceable, most likely through the permitting process in the other state. If the source is located in WV then the source would go through the DAQ permitting process, which includes public notice (notification of the FLMs and EPA). Any permit issued in WV is federally enforceable under the WV SIP.*

The DAQ agrees the amount of SO2 reductions needed to mitigate the Class I impacts would vary depending on the location of the source in relationship to the Class I Areas. To address this issue the FLMs, representatives of Longview and the DAQ developed the modeling domain and the offset ratios set forth under Specific Requirement 17.b. As it is acceptable under the mitigation plan to find and purchase SO2 emission credits within this domain, it is acceptable under the alternative mitigation plan that any source

*achieving actual SO₂ emission reductions must be located within this same domain. The alternative mitigation plan requires that a **minimum** reduction in emissions be equal to the actual emissions from Longview multiplied by the offset ratio. The DAQ will specify that actual emissions is equal to an average of the last two years actual emissions of SO₂. As it is expected that any alternative mitigation plan would involve installation of controls at a source emitting more than Longview and therefore achieving more reductions in emissions than required, then Longview's requirement to achieve reductions equal to actual emissions multiplied by the offset ratio is appropriate. The DAQ will agree that modeling will be required to demonstrate the effectiveness of the alternative mitigation plan.*

Comment – Clyde N. Thompson, continued

With the above changes, we accept permit condition 17 as a means to address our concerns for impacts to the Class I areas from construction and operation of Longview Power. We do this fully realizing that there is no guarantee that the emission reductions resulting from retiring the allowances would occur where they are purchased, because the credits are fully fungible across the U. S. (EPA Clean Air Markets). In spite of this, we accept permit condition 17 for a number of reasons.

Longview, constructed and operated as outlined in the permit, would be a well-controlled coal-fired power plant. We agree that the permit conditions reflect application of the Best Available Control Technology for this type of pulverized coal-fired boiler burning eastern bituminous coal. We support the development of power generating facilities that control pollution emissions, thus meeting our energy demands with less harmful impacts to the environment and human health than the many uncontrolled power plants currently in use. Yet we feel very strongly that in order to continue building and permitting new sources into the future, the older, uncontrolled sources must be controlled, and thus their emissions reduced.

Condition 17 contains an option for the applicant to help fund actual emission reductions at a specific source, our preferred method of mitigating impacts to resources in the Class I area, should the opportunity present itself. It is possible that in the future, a source will come forward that wants to control emissions, and at this time the applicant could step forward with financial assistance. Our visibility and acid deposition problems in the Class I area are due to the cumulative emissions from many types of sources both local and regional. But, the largest source of these emissions is the older, uncontrolled coal-fired power plants. Reductions at these sources will benefit resources in the Class I areas.

Another benefit of condition 17 is that SO₂ allowances will be purchased and retired permanently, thus reducing the cap on SO₂ emissions. Even though the resulting emission reductions may not initially be fully realized close to the Class I areas, net environmental benefits will occur.

In summary, Longview, constructed and operated as outlined in the draft permit, would be a well-controlled coal-fired power plant. We agree that the permit conditions

reflect application of the Best Available Control Technology for this type of pulverized coal-fired boiler burning eastern bituminous coal. We support the development of power generating facilities that control pollution emissions, thus meeting our energy demands with less harmful impacts to the environment and human health than the many uncontrolled power plants currently in use. We feel that the addition of permit condition 17 to the draft permit provides the greatest feasible mitigation of Longview's impacts to resources in Dolly Sods and Otter Creek Wildernesses. As long as our recommendation for condition 17, subpart f is incorporated into the final permit, I will not object to the permit being issued.

**USDA Forest Service, Monongahela National Forest
Technical Review of the Longview Power Project Prevention of Significant
Deterioration (PSD) Permit Application and Revisions to the Draft Permit**

GenPower is seeking a Prevention of Significant Deterioration (PSD) permit to construct and operate a new 600 MW coal-fired power plant, Longview Power, L.L.C., (Longview), near Morgantown, WV. Longview would have the potential to emit 3,217 tons per year (TPY) of sulfur dioxide, 2,220 TPY of nitrogen oxides, and 512 tPY of particulate matter. Longview has the potential to impact air quality and AQRVs at two Class I areas administered by the Monongahela National Forest (MNF), Dolly Sods and Otter Creek Wildernesses. Dolly Sods is located 91 kilometers, and Otter Creek 78 kilometers, to the southeast of the proposed plant.

As a result of comments made during the initial Public Comment period (August 29 – September 29, 2003), West Virginia Department of Environmental Protection (WVDEP) has revised the draft permit for Longview and opened an additional Public Comment Period. The permit changes of most interest to the Forest Service are the modifications to sulfur dioxide (SO²) and nitrogen oxide (NO_x) emission limits in permit conditions 2-4, and the addition of permit condition 17. Permit condition 17 outlines a mitigation plan proposed by the applicant to offset acid deposition and visibility impacts in the Class I areas (Dolly Sods and Otter Creek Wildernesses). Additional modeling analyses were also conducted to support the permit revisions. Our comments on the permit changes and modeling analyses follow.

Emission Limits

Nitrogen oxides (NO_x)

The revised draft permit retains the same emission rate of 0.08 lb/MMBtu but changes the averaging period from 3 hours to 24 hours (permit condition 1). We agree that the NO_x emission rate in the revised draft permit, 0.08 lb/MMBtu using Low NO_x Burners and Selective Catalytic Reduction (SCR), represents BACT for a pulverized coal-fired boiler burning eastern bituminous coal.

Initially we questioned whether a lower emission rate could be obtained, because we were aware that Roundup Power in Montana had been permitted at a 0.07 lb NO_x/MMBtu with a 24-hour averaging period. Further investigation showed that

Roundup will be able to meet a lower NO_x emission rate because the coal to be burned is likely lower in nitrogen (and sulfur) than eastern bituminous coal, and therefore it is easier to apply SCR and achieve lower emissions.

There was no need for the applicant to conduct new single-source modeling analyses for the NO_x emissions. There is no 3-hour Class I increment; therefore additional increment analysis for NO_x was not necessary. The changes to the NO_x emission rates will not change the results of the Class I deposition and visibility analysis because the 0.08 lb/MMBtu rate (averaged over 24 hours) was used in the original modeling. Neither visibility nor deposition requires the use of a 3-hour emission rate in the modeling analysis.

Response: *No Response required.*

Comment – Clyde N. Thompson, continued

Sulfur dioxide (SO₂)

The revised draft permit increases the 3-hour SO₂ emission rate from 0.12 lb/MMBtu to 0.15 lb/MMBtu (permit condition 3). We agree that the change in the 3-hour SO₂ emission rate still represents BACT, considering that Longview would operate a pulverized coal-fired boiler burning eastern bituminous coal.

The 0.12 lb/MMBtu emission rate was retained as a 24-hour average (permit condition 4). Since this emission rate was used in the original AQRV modeling, the results of the Class I deposition and visibility analysis will not change. Neither visibility nor deposition requires the use of a 3-hour emission rate in the modeling analysis.

Response: *No response required.*

Comment – Clyde N. Thompson, continued

Air Quality and Air Quality Related Values (AQRV) Modeling Analyses

PSD Class I Increment Analysis

The increase in the 3-hour SO₂ emission rate necessitated a reanalysis of short-term SO₂ increment consumption at the Class I areas and the results are reported in Chris Arrington's December 3, 2003 memo. Results of this analysis show that Longview emissions alone continue to exceed the 3-hour SO₂ SIL of 1.0ug/m³ at both Dolly Sods and Otter Creek (2.86 ug/m³ and 4.22 ug/m³, respectively), thus requiring a new cumulative analysis. The results of the cumulative analysis conducted by WVDEP show that the 3-hour SO₂ increment is violated at Dolly Sods ~~Otter Creek~~, but that Longview is not a significant contributor.

The FLMs questioned the source inventory used in this new cumulative analysis, and GenPower agreed to recompile the inventory based on information available as of

March 31, 2003, the date the application was deemed complete. This inventory is intended to contain all stationary sources that affected increment as of that date. The final details of the re-compiled inventory were resolved on December 15, 2003 and a new cumulative increment consumption analysis was to be conducted. The major changes are to include several Virginia sources that had previously been excluded, and to exclude emission reductions from the Mt. Storm power plant that had been previously included. However, the Forest Service has not received the results of the new analysis and therefore cannot comment on its accuracy or meaning.

Although WVDEP reported on December 3, 2003 that Longview did not contribute significantly to any of the predicted Class I increment violations at Dolly Sods Otter Creek Wilderness, the results of the new analysis using the re-compiled increment inventory are needed before this statement can be validated and accepted.

Response: See response earlier in this comment.

Comment – Clyde N. Thompson, continued

Air Quality Related Values

Our comments on the original draft permit (September 29, 2003 letter) found that the emissions from Longview, especially the sulfur dioxide, would cause adverse impacts to visibility, stream water chemistry and soil chemistry in Dolly Sods and Otter Creek Wildernesses. The revisions to the NO_x and SO₂ emission limits do not change the predicted effect of Longview's emissions on visibility and deposition at Dolly Sods and Otter Creek from those reported in the March 2003 application. This is because the emission rates used in the original modeling match those in the revised permit.

In our September 29, 2003 comments, we asked that the applicant obtain federally enforceable emission reductions from uncontrolled or under-controlled sources that would negate Longview's impacts at the Class I areas. The result would be a reduction in pollutant loading at the Class I areas that would "make room" for the new emissions from Longview. The applicant was unsuccessful in locating a source willing to work with them toward these reductions.

The applicant suggested an alternate mitigation plan whereby they would purchase and retire SO₂ allowances. Permit condition 17 outlines how this would be done. GenPower would purchase and retire SO₂ allowances each year, in addition to those required by the Acid Rain Program (Title IV CAAA 1990). The permit condition stipulates that the credits will come from facilities that were originally allocated sulfur dioxide allowances and are located within a specific geographic area; the modeling domain used in the air quality analyses. The amount of allowances purchased would depend on where the source was located in relationship to the Class I areas. In general, the applicant would purchase 110% of its actual SO₂ emissions if the source from which the allowances were purchased were located to the west of Dolly Sods and Otter Creek. If the source were located to the east of the Class I areas, 440% of actual emissions would be purchased and retired.

This process would occur annually, and the vintage year of the allowances would be the same as the calendar year being mitigated. The permit condition outlines a process for transferring the allowances to an account administered by EPA where they would be permanently retired from use. The applicant is required to report annually to WVDEP the total sulfur dioxide emissions, information that identifies the allowances, and proof that the allowances have been transferred into the account with EPA.

Although we prefer to see actual emission reductions at a local source(s) that would produce reductions in pollutant loading at the Class I areas, we will agree that permit condition 17, with some modification, addresses our concerns with Longview's impacts at Dolly Sods and Otter Creek.

Subpart f is an important part of this permit condition. It recognizes that in the future a source may come forward that is willing to make emission reductions with some financial assistance. Subpart f allows the applicant to take advantage of this opportunity in lieu of purchasing and retiring SO² credits each year. This is advantageous to the Class I areas, because it would result in actual emission reductions at a specific location and the benefit to the Class I area could be quantified.

However, we prefer that actual tons of SO² reduced are not defined in the permit; because the amount of SO² reduction needed to mitigate the Class I impacts would vary depending on the location of the source in relationship to the Wildernesses. Likewise, we do not want to restrict this option to sources only located within the modeling domain. Potential reductions to the northwest of Dolly Sods and Otter Creek, but beyond the boundary of the modeling domain, should be allowed. Finally, the effectiveness of the reductions would need to be demonstrated through appropriate modeling, because amount of reduction needed to mitigate Longview's impacts would vary depending on the distance and direction of the source from the Class I areas. We recommend the following rewrite of subpart f. The words in italics represent our changes.

“At any time, the Director, with concurrence from the Federal Land Managers, may approve an alternative mitigation plan in lieu of this condition. At a minimum, such a plan shall result in actual sulfur dioxide reductions from an existing stationary source(s) such that the impacts to visibility and deposition at Dolly Sods and Otter Creek Wildernesses from Longview are offset. Such reductions must be federally enforceable and the effectiveness of the alternative mitigation plan on visibility and acid deposition must be demonstrated through appropriate modeling.”

Response: See response earlier in this comment.

Comment – Clyde N. Thompson, continued

With the above changes, we accept permit condition 17 as a means to address our concerns for impacts to the Class I areas from construction and operation of Longview Power. We do this fully realizing that there is no guarantee that the emission reductions

resulting from retiring the allowances would occur where they are purchased, because the credits are fully fungible across the US (EPA Clean Air Markets).

Conclusions

- The draft permit continues to be one of the most well crafted permits we have seen for a coal-fired boiler. The emission rates proposed for NO_x and SO₂ are the lowest rates we have seen considering the quality of the coal to be burned, and the averaging periods established for each pollutant are protective of the relevant PSD increments and AQRVs. The measures proposed to insure accurate monitoring of compliance with the permit limits is exemplary.
- The modeling analyses presented to date show that the short-term PSD increment for SO₂ would be violated at Dolly Sods ~~Otter Creek~~ Wilderness. We are waiting for further cumulative increment modeling results to comment on whether Longview's emissions contribute significantly to the violation.
- Impacts to visibility are not changed by the revisions to emission limits in the draft permit. Emissions from Longview are still predicted to cause visibility impairment at both Dolly Sods and Otter Creek, reducing visibility by more than 10% for 6 days per year at Otter Creek and 2 days at Dolly Sods. The cumulative effect of new emission sources also results in impacts that far exceed the 10% threshold of concern.
- The ecosystems at Otter Creek and Dolly Sods are already adversely affected by acid deposition and the additional sulfur burden imposed by emissions from Longview is predicted to exceed our level of concern. However, the proposed mitigation plan could result in an overall net reduction in sulfur deposition.

Response: *No response necessary.*

Comment – Wendy E. Radcliff, Appalachian Center for the Economy and the Environment

Please consider the following comments presented on behalf of the Appalachian Center for the Economy and the Environment. Substantial changes need to be made in the draft permit before it complies with key provisions of the federal Clean Air Act and WV 45CSR14.

Best Available Control Technology (BACT) – A more thorough review of alternative technologies is needed in order to comply with WV 45CSR14.2.9 definition of BACT. The director must request a more complete review and investigation of better control technologies such as fuel switching, mixtures of low sulfur coal, and coal cleaning. According to a Sierra Club analysis, cost estimates of coal cleaning varied by a factor of nearly 50 (\$12,000 to \$583,000 per ton of sulfur removed). Documentation needs to be provided to justify these numbers. What independent analysis has DAQ done to verify the BACT analysis completed by the developers of the plant?

New technologies such as Integrated Gasification/Combined Cycle boilers and Circulating Fluidized Bed were given a very limited review. Other states and EPA regions have required a more detailed analysis of the benefits of using IGCC.

DAQ must require a more detailed review and analysis, complete with DAQ verification of innovative approaches to reducing emissions and health risks to the residents and areas of special concern within the State. These approaches include cost analyses of switching to or mixing with low sulfur coal, coal washing, CFB boilers and IGCC boilers.

Mercury removal can achieve higher levels and be more efficient. The rejection of Activated Carbon Injection (ACI) appears to be based solely estimate on a capital cost of \$2 million, annual operating costs of \$400,000 and an estimated removal efficiency of 90%, resulting in a reduction of 64 pounds of mercury per year. Longview erred by using the capital cost as an annual cost, rather than a one-time construction cost (\$2,000,000 plus \$4,000,000 divided by 64 pounds equals \$37,500 per pound). The correct approach to incorporate capital costs is to take a capital recovery factor to the capital costs. A different analysis of Longview's numbers result in less than \$10,000 per pound of mercury removed, one-fourth of what Longview claimed and well within the values EPA considers reasonable under its proposed MACT rules.

West Virginia already ranks fourth in the nation for mercury pollution released from coal-fired power plants. An EPA funded study of fish contamination is to be released in May. Elevated levels of mercury in the bodies of fish indicate West Virginia is a possible "hot spot" of mercury contamination. Longview must be limited to the lowest possible mercury limits. The mercury emission limit should be lowered to 0.00365 lb/hour (32 pounds per year, 95% control). The draft permit should be modified to include monitoring requirements for mercury. Quarterly emissions testing and monthly sampling of mercury content of the coal should be required.

Mitigation for acid deposition and visibility impacts to Class I areas – the mitigation plan must contain enforceable provisions to provide for actual reductions in emissions elsewhere that will offset the increased sulfur deposition that Longview contributes to Dolly Sods and other Class I areas.

The Center is still waiting to receive a response to our September comments. Please consider these comments to be in addition to our September submission. Thank you for the opportunity to comment.

Response: See heading(s) entitled *Acid Mine/Rain/Deposition, BACT, Class I, Mercury, Offsets, in the "Response to Comments #1" document.*

Comment – Dennis W. Groce

I find a number of faults with the process and substance of the referenced draft permit for Longview Power, LLC.

Before I address specific environmental aspects of the subject draft permit, I want to address a matter that I consider an egregious breach of your responsibility as a public servant.

I felt I was treated as a second-class citizen at your December 18, 2003, public hearing in Morgantown, West Virginia. To say that I was offended is an understatement. After I announced that I am a resident of Pennsylvania, rather than West Virginia, you and your staff did everything but ask me to sit in back of the room. Let me detail the offenses for your clarification and for the edification of others who read this.

If you succeed in producing a record of the December 18 meeting, the record will show that at the outset of the meeting, you did not state the length of the oral comments you would accept. You then later began limiting statements to three minutes. Other speakers were allowed to continue beyond their three minutes. I was cut off at precisely three minutes, even though I obviously had several other points to make. You then proceeded to allow several West Virginia speakers to go beyond three minutes by combining their time with that of other speakers who allowed use of their time. That was not a stated ground rule of the proceeding prior to my presentation.

After the initial comment period that evening, you allowed selected previous speakers, including Mr. Wheble of GenPower, to extend their comments for several minutes. I was not given that opportunity, even though you must have known I had additional comments.

After the comment period, you asked for questions. You allowed several “questioners” to go on for minutes making rambling editorial comments with no question. When I was finally recognized, I said I had five brief questions. You said I could ask only one (again, a rule that was not applied to any previous speaker), which I did. The record will show that you then proceeded to allow other participants to ask several questions each. When you returned to me, I was allowed just one more question.

Your treatment of me in particular is a reflection of the WVDEP’s continuing disenfranchisement of Pennsylvania citizens, contrary to the requirements of the U. S. EPA. As you know, the prevailing winds from the proposed power plant will carry emissions a short distance of less than three miles into Pennsylvania, but we are not given even equal treatment in your hearings. We get preference when it comes to receiving the pollution, but not even equal standing when it comes to raising concerns. In spite of my past requests that you advertise the meetings and comment periods in Pennsylvania newspapers, you have ignored my requests and used West Virginia newspapers exclusively. In spite of my requests that you conduct meetings in Pennsylvania, you have ignored my requests and held meetings in West Virginia only. Is it any wonder, then, that so few Pennsylvania residents appeared to speak either against or in favor of the proposal? Certainly not. The proof is again in the record – in the attendance and written responses on your record. You clearly are not complying with U. S. EPA requirements for full, open hearings.

You further offended me by your announcement that the record of my oral comments on September 15, 2003, along with those of other presenters, have been lost to an uncooperative contractor. What a travesty of what passes for justice in West Virginia. I expect much better administration of the public process and the U. S. EPA also expects better.

Perhaps the greatest affront to me and others on December 18, 2003, was your statement that you would not respond to comments and questions before a final decision is made. You contend that you need all the comments before a decision is made. I contend that the public good would be best served by: (1) a thoughtful examination of comments (which you still don't have since you lost the September 15, 2003 comments); (2) a revised proposal; and (3) another hearing with comment period.

Response: *No matter where the commenter resides, all air quality related issues, questions, comments received during the public comment period are taken into consideration before any final decision is made.*

The DAQ must review a permit application within its authorities and responsibilities under the Air Pollution Control Act (APCA) and applicable state and federal air quality regulations. The decision to issue or deny a permit must be based solely on the APCA and regulations. The intended purpose of the public participation process is to provide the public (not just West Virginians) with the opportunity to be informed of, and ask questions about the permitting process associated with the Longview application.

The DAQ provided the general public with two, thirty day public comment periods and two public meetings opportunities to ask questions and provide public comment for the record. Both of these meetings were held as close as possible to the area directly impacted by the proposed facility, as is required by the regulations. These comment periods and meetings were open to all persons, "who might reasonably be expected to be affected by," the proposed source.

The DAQ mailed copies of all comments received through the first public comment period to the Morgantown Public Library and the Fairmont Regional Office on October 6, 2003. Copies of all comments received through the second public comment period including the extension for submission of those oral comments from the first public meeting (September 15, 2003) were mailed to the same locations on January 16, 2004. A copy of the transcript from the second public meeting (December 18, 2003) was mailed to the same locations on January 20, 2004. The DAQ has confirmed with the Morgantown Public Library that these documents were received and are in the Longview file.

On December 22, 2003 the DAQ mailed a letter to all 41 people who made oral comments at the September 15, 2003 public meeting. All of these people were informed that DAQ had not yet received the transcript from the September 15 public meeting and offering them the chance to submit these comments, in writing, to the DAQ by January 15, 2004. Those written comments are included in this response to comments document.

The DAQ pursued all options, including legal, in our efforts to obtain the tapes or transcript of the first public meeting. DAQ had contracted with the independent court reporter to record the proceedings and provide a transcript to assist the agency in responding to oral comments received at the meeting. The agency had made numerous attempts over the past several months to obtain the information to no avail. Tapes, a partial transcript, a letter of apology and explanation from the court reporter were delivered to the Division of Air Quality's Charleston office Friday morning, January 30, 2004. A hearing had been slated for 10:30 a.m. in Kanawha County Circuit Court on the agency's request for an injunction to require the court reporter to deliver the material. All documents and tapes received by the DAQ on January 30, 2004 were copied and mailed to the Morgantown Public library and the Fairmont Regional Office on February 6, 2004.

John Benedict, Director of the DAQ attended both public hearings on the Longview project. He has heard all oral comments and reviewed all written comments before making a final decision on the permit for the Longview project. Since the tapes of the first public meeting have been reacquired, these tapes have been listened to ensure that the spirit, if not the specific language, of those comments is included in at least one of the two response to comments documents.

45CSR14, Sections 16 and 17 set forth the public review procedures and public meeting requirements that specifically discuss the handling of information submitted by the public. The DAQ has met these requirements.

Comment – Dennis W. Groce, continued

Furthermore, since you refused to allow me to ask my few remaining questions during the December 18 meeting, I pose them for you now and request that you respond prior to any announcement of a “final” permit:

Are the slides that Dave Roberts of your staff used in his presentation available for public inspection? Can they be mailed or e-mailed? If yes, please send to me.

Response: *The presentation given by Dave Roberts of DAQ on December 18, 2003 was e-mailed to you on February 6, 2004.*

Comment – Dennis W. Groce, continued

Were notices for the December 18 meeting published in any Pennsylvania newspapers?

Response: *No. Section 16.3 of 45 CSR 14 requires the DAQ to publish a class I legal advertisement in a paper of general circulation in the area where the proposed source would be constructed. The DAQ believes that The Dominion Post satisfies this requirement. This paper is circulated both in West Virginia and Pennsylvania, specifically Monongalia County, WV, Green County, PA, and Fayette County, PA.*

Comment – Dennis W. Groce, continued

Are you attempting to identify persons in the Morgantown area without a vested interest who might support the plant? It was clear from both of your meetings that the only public support is coming from persons who will get a job from the construction or operation of the plant. Not a single dis-interested citizen has spoken in favor of the power plant.

Response: *The DAQ is not attempting to identify any persons in favor of or against the proposed facility. The DAQ must review a permit application within its authorities and responsibilities under the Air Pollution Control Act and applicable state and federal air quality regulations. The decision to issue or deny a permit must be based solely on the APCA and regulations.*

Comment – Dennis W. Groce, continued

As I noted in my oral presentation at the December 18, 2003, public meeting in Morgantown, my statements stem, in part, from two faith-based concepts that I share with the great majority of people in the U. S.:

God expects us to love and respect one another;

God expects us to care for and respect his creation – the earth, animals, plants, water and air.

During my December 18 comments, I summarized “Power Plant Principles” that have been developed by the West Virginia Interfaith Global Climate Change Campaign. I am enclosing the full text of those principles. I request that you and your staff read these and consider the extent to which the proposed action does not meet these principles. I further request that you include in your findings an analysis of your considerations in that regard.

One element of the Principles which I especially draw to your attention is the very first statement of believe: “We have a responsibility towards all of God’s children. Power plant emissions pose a growing threat to human health because of global warming.” Pennsylvanians are God’s children, as much as West Virginians. It extends far beyond that, to South Pacific Islanders who are threatened by rising ocean levels. At the very least, however, you and your staff should meet your legal commitment to Pennsylvanians who will face the noxious health-threatening emissions from the proposed power plant to a far greater degree than most West Virginians.

I object to your proposal to require that Gen Power purchase SO2 emission offsets. This proposal is in the grand tradition of medicine men and river boat gamblers. There is absolutely no guarantee that this will result in a reduction in the actual emissions and impact on the Class I areas such as Dolly Sods in West Virginia or on Pennsylvania. As was pointed out at the December 18 hearing, there is no guarantee that the parties that sell their emission allowances to GenPower will not purchase other

allowances for less from some other source, thereby completely negating any effect on the Class I areas. Your proposal, as published, appears to be nothing more than so much smoke and mirrors.

Response: See heading(s) entitled *Acid Mine/Rain/Deposition, Class I, Offsets*, in the “Response to Comments #1” document.

Comment – Dennis W. Groce, continued

Furthermore, I strongly object to your proposal to increase the allowable 3-hour average emissions of SO₂ by 25% from 0.12 pounds of SO₂ per million Btu to 0.15. This has the effect of increasing the peak levels of irritation when compared to the previous draft. You made no attempt whatsoever to present a rationale for this gift to the power plant developer. This gift will come at the expense of the fragile lungs of the elderly and youngest residents of Fayette and Greene Counties in Pennsylvania.

Response: See pages 4 through 7 of the Addendum. See heading(s) entitled *BACT, Modeling*, in the “Response to Comments #1” document.

Comment – Dennis W. Groce, continued

I request that you conduct additional hearings on the proposal in Pennsylvania, with suitable advertisements in Pennsylvania. I further request that during those hearings, you treat Pennsylvania residents with the respect that they deserve, in light of their expectation of receiving the bulk of the emissions from this plant.

Response: See heading(s) *Comment Extension, Permit and Process*, in the “Response to Comments #1” document.

Comment – Dennis W. Groce, continued

Since your revised draft permit did not address my previous comments, I am compelled to repeat those comments here:

I must again ask that the WVDEP staff step back and objectively answer this question: Would you want to be treated in this manner? Would you want an elderly parent treated in this manner? Would you want your child or grandchild treated in this manner?

The WVDEP can take steps to show love and respect for people (children and adults) as well as the environment in Pennsylvania.

The first and most desirable step would be to delay building such a plant until such time that “zero emissions” control technology would be available, something that is being worked on by DOE National Energy Technology Laboratory staff in Morgantown.

Response: *It is the public policy of this state, and the purpose of Article 5 (Air Pollution Control Act), to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the economic and social development of this state, and facilitate the enjoyment of the natural attractions of this state.*

To these ends it is the purpose of Article 5 of the West Virginia Code to provide for a coordinated statewide program of air pollution prevention, abatement and control; to facilitate cooperation across jurisdictional lines in dealing with problems of air pollution not confined within single jurisdictions; and to provide a framework within which all values may be balanced in the public interest. DAQ, however, must carry out this statutory policy principally through application of existing federal and state ambient air quality and emission standards that can practically be achieved in our economic system. These standards generally cannot mandate zero emission and zero impacts or risks to the public.

Comment – Dennis W. Groce, continued

If the WVDEP wishes to approve development of the proposed power plant, the WVDEP could conduct public meetings in both Greene and Fayette Counties of Pennsylvania, with ample advertisement in local media prior to such meetings. WVDEP admitted during the September 15, 2003, that no such advertisements or other publicity had been provided to the citizens of Pennsylvania.

If the WVDEP wishes to approve development of the proposed power plant, any permit should require that GenPower:

Provide financial payments to the nearest Pennsylvania counties and school districts equivalent in amount to any payments provided to Monongalia County and Monongalia County Schools.

Register its staff engineers in West Virginia and Pennsylvania.

Response: *See heading(s) entitled Permit and Process, in the “Response to Comments #1” document.*

Comment – Dennis W. Groce, continued

Carbon dioxide emissions from the proposed Longview Power plant will encourage global warming, a proven and widely-recognized phenomena which threatens God’s creation. The WVDEP analysis of the Longview application completely ignores the potential impact of carbon dioxide emissions.

Global warming and its association with carbon dioxide emissions of human origin has been recognized by scientists from all over the world, as well as the current U. S. administration.

Coal-fired power plants such as Longview now emit approximately 30% of all U. S. carbon dioxide release.

The proposed Longview Power Plant would emit approximately 48 tons of carbon dioxide every day, operating at capacity.

The long term effects of global warming are expected to include flooding in some areas near coastlines and drought in areas such as West Virginia. The September 2001 - August 2002 period in West Virginia was the fifth driest on records kept since 1895; four of the five driest years have occurred since 1955.

I know that the WVDEP feels that I just can't let the words "carbon dioxide" creep into its considerations because your regulations don't have any requirements relevant to carbon dioxide. The lack of such regulations should not, however, prevent you from making factual statements about such emissions, including the quantity of carbon dioxide emissions and comparisons with other point sources in the area, within the material you provide to the public. You provide a great diversity of information, and the mere addition of information regarding carbon dioxide would not be that difficult, would not impose a burden on the applicant and would better serve the public in this important issue.

We deserve a better analysis and the WVDEP assure that Longview does a better job of controlling or eliminating the threat to God's creation represented by carbon dioxide emissions from the proposed Longview Power Plant.

The first and most desirable step would be to delay building such a plant until such time that there are proven technologies for the capture and sequestration of the carbon dioxide.

Although there is currently no federal restriction on carbon dioxide emissions, some forward-thinking power generators are working on control technologies. GenPower is not working toward any form of carbon dioxide control other than efficient burning.

Forward-thinking states and communities have already taken action in the absence of federal requirements.

If the WVDEP insists on allowing the proposed power plant, any permit should require that GenPower: Take a pro-active role in exploring the control and sequestration of carbon dioxide, as has American Electric Power. This could include the inclusion of carbon dioxide emission information in the draft permit materials. Develop carbon dioxide sinks with a capacity equivalent to the carbon dioxide generated.

Response: See heading(s) entitled CO₂, in the "Response to Comments #1" document.

Comment – Dennis W. Groce, continued

Because of the extent of deficiencies that I have found in the subject document and the nature of the December 18, 2003, public hearing, I am again providing informational copies of this letter to West Virginia Governor Bob Wise, Pennsylvania Governor Ed Rendell, the West Virginia Secretary of DEP Secretary Timmerman, and the Pennsylvania Secretary of DEP, Pennsylvania Senators Specter and Santorum, West Virginia Senators Byrd and Rockefeller, as well as other parties with similar concerns.

Response: See responses above.

Comment – Jarrett Jamison, III

I live in the Fort Martin community. I strongly oppose the Longview Power Station. This wrong for the Fort Martin community and surrounding towns or communities.

Questions that need addressed:

Coal testing results and where is the coal for Longview coming from?

Response: *The Longview facility is designed to handle a wide range of coal conditions, including variable sulfur and ash contents. The facility will blend the coal in order to maintain as homogenous as possible a mix sent to the boiler. The facility must meet the emission rates set forth in the permit and the required continuous emission monitors (CEMs) will ensure the facility is in compliance. The Longview facility is expected to be amine-mouth plant, meaning that the coal is expected to come from nearby mining operations. However, this is not a requirement of the permit.*

Comment – Jarrett Jamison, III, continued

Septic system emission data?

Wastewater emissions and wastewater run off. Where and how?

Response: *The Director of the DAQ only has those authorities specifically granted in the West Virginia Code and supporting regulations promulgated thereunder. The DAQ only has jurisdiction over air emissions. DAQ does not have any authority over water usage, water resources, or acid mine water. The DAQ has no authority to approve or disapprove a permit application on the basis of the availability of a raw material.*

Comment – Jarrett Jamison, III, continued

Emissions of mercury is too high. Currently streams and creeks are polluted in and around Fort Martin, WV, with mercury. The Monongahela River is polluted with chlordane and PCBs (copy of PA 2004 Fishing Regulations enclosed). I think we better clean up the problems that exist now! Before Longview's permit goes any further. There is no sense of putting pollution on top of pollution.

Response: See above response. See heading(s) entitled Mercury, in the "Response to Comments #1" document.

Comment – Jarrett Jamison, III, continued

Why is UAI Environmental, Inc., from Coatesville, PA submitted to DEP wrong layout of the Longview Plant? UAI submitting one drawing to you then the DEP and Longview submitting another drawing of plant to the PSC? Layout difference? Why?

Response: The plot plan of a proposed source will often change from the time a source is proposed until construction begins. Any change to a plot plan only affects air quality issues if the UTM coordinates of stacks change, which may change the modeling.

Comment – Jarrett Jamison, III, continued

In UAI submittal of the meteorological data states five years winds were calm. And then you average these numbers. This is wrong. So DEP-DAQ is telling Fort Martin community that at least 15 times to 23 times a year we are going to be polluted with Longview emissions because the winds being calm. Along with Fort Martin Power Station pollution. This is uncalled for!

Currently this will be ten power stations within 20 mile circle of Morgantown and only 6'200 feet from Ft. Martin 2 stacks. It doesn't take a P. E. to know power plants are too close.

Response: See heading(s) entitled Modeling, Monitoring, NAAQS, Plant Choice/Siting, in the "Response to Comments #1" document.

Comment – Jarrett Jamison, III, continued

Where exactly is Longview water coming from? Is this going to be acid mine water from Pennsylvania? What kind of treatment plant is Longview going to have?

Response: The Director of the DAQ only has those authorities specifically granted in the West Virginia Code and supporting regulations promulgated thereunder. The DAQ only has jurisdiction over air emissions DAQ does not have any authority over water usage, water resources, or acid mine water. The DAQ has no authority to approve or disapprove a permit application on the basis of the availability of a raw material.

It is the understanding of the DAQ that the mine water will be treated by a separate entity under the guidance, rules, regulations and laws of Pennsylvania and the Pennsylvania Department of Environmental Protection prior to its use by Longview.

Comment – Jarrett Jamison, III, continued

Please deny Longview's draft permit R14-0024. It is incomplete and the emissions are too high! Please take a long look in Longview's problems before giving Longview anything. No one in Fort Martin community wants this!

Response: See heading(s) entitled *Acid Mine/Rain/Deposition, Mercury, Mining/Quarrying Operations, Modeling, NAAQS, Permit and Process, Plant Choice/Siting, For/Against in the "Response to Comments #1" document.*

Comment – Larry Schwab MD

Trading SO₂ emissions with awarding emission credits Longview does not protect Dolly Sods or Laurel Fork Wilderness Areas or even the Shenandoah National Park in Virginia. This does not prevent other emission sources from emitting more SO₂, and the net effect will be to further darken our skies and contribute to an already unacceptable burden of acid rain.

Heavy metals, especially mercury, are highly toxic, especially to children, and the revised permit does not restrict by tightened monitoring the emission of this aerial poison and lead, beryllium, selenium, cadmium and arsenic. There must be controls for these agents. Adequate monitoring systems should also be required.

The WVDEP should carefully review and require quite stringent of BACT systems. The review as presented in December in Morgantown at the public hearing at the Health Sciences Center obviously was inadequate.

Despite Longview claims, there is no new technology proposed for the new plant. It is still just another coal-fired power plant that, if constructed, will be the ninth in a 25-mile radius of Morgantown. The overburden of particulate and gaseous pollution the proposed Longview plant juxtaposed to the old and filthy Fort Martin plant is simply unacceptable to our citizens, our children and our county.

Response: See heading(s) entitled *Acid Mine/Rain/Deposition, BACT, Class I, Mercury, Modeling, NAAQS, Offsets, Other Plants, Ozone, in the "Response to Comments #1" document.*

Comment – Gary F. Somers for Douglas K. Morris, Superintendent, Shenandoah National Park

We have reviewed the information provided by the West Virginia Division of Air Quality (WVDAQ) for the Additional Public Comment Period for the Longview Power, L.L.C. (Longview) plant in Monongalia County, West Virginia. The facility proposed by GenPower will be a new 600 MW Pulverized Coal (PC) boiler near Fort Martin, 173 km northwest of Shenandoah National Park, a Class I air quality area managed by the National Park Service (NPS). Under the Clean Air Act, I have an affirmative responsibility to protect the visibility and other air quality related values of Shenandoah National Park, from the adverse impacts of air pollution.

The Longview facility will be a major source of sulfur dioxide (SO₂ @ 3,217 tons per year (TPY)), nitrogen oxide (NO_x @ 2,183 TPY), particulate matter (PM₁₀ @ 528 TPY), and sulfuric acid mist (201 TPY). Our detailed comments regarding the Best Available Control Technology analysis, the air quality analysis, the Mitigation Plan, and procedural concerns are enclosed and summarized below.

We continue to acknowledge that the Longview facility would be well-controlled, and we agree with the proposed revisions to SO₂ and NO_x emission limits in the draft permit. We are also proposing some revisions to the PM₁₀ limits and monitoring requirements that we believe to be reasonable improvements upon a very well-crafted draft permit.

The air pollutant dispersion modeling analyses presented to date indicate that short-term PSD Increments for SO₂ would be violated at Shenandoah National Park. As you know, if it is determined that Longview contributes significantly to an Increment violation, then the burden of proof shifts to the applicant to demonstrate that it does not cause or contribute to an adverse impact. On December 12, 2003, WVDAQ and GenPower agreed to re-compile the cumulative Increment emission inventory based upon the March 31, 2003 date on which the Longview application was deemed complete by WVDAQ, and make the results of the revised cumulative Increment analysis available for review. However, NPS has not been provided that subsequent analysis and therefore cannot determine if Longview contributes significantly to any of the Increment violations. Furthermore, it may also be necessary for West Virginia to join Virginia to address these Increment violations in revisions to their State Implementation Plans.

Response: Longview e-mailed the supplemental modeling report and mailed copies of the disks to the FLMs and DAQ on January 26, 2004. Longview agreed to perform this supplemental analysis, for informational purposes only, to address the concerns of the FLMs. The supplementary analysis confirms the results of the modeling set forth in the December 2003 modeling update and is offered to supplement, not replace, the December 2003 modeling update.

WVDAQ is still reviewing the information to better identify the source or sources that may be contributing to the modeled impacts. As this work continues we are in contact with USEPA as to our progress and if a violation is confirmed WVDAQ will move ahead to correct the problem as required by State Regulations, Federal Rules and the West Virginia State Implementation Plan (SIP).

Comment – Gary F. Somers for Douglas K. Morris, continued

We are pleased that GenPower has proposed an innovative approach toward addressing our concerns about the impacts of Longview's emissions upon Air Quality Related Values at Shenandoah National Park. We believe that, with some "fine tuning," GenPower's proposal to purchase SO₂ Allowances sufficient to more than offset the impacts of Longview's emissions at Shenandoah National Park represents a "win-win" solution for all parties. Our suggestions for improving the offset proposal are described in the enclosed analysis.

However, we continue to be concerned about certain procedural issues that hamper the abilities of the NPS and the general public to understand the impacts of this project and effectively evaluate its consequences. For example, as noted above, we have not been provided the information necessary to evaluate Longview's contributions to modeled Increment violations at Shenandoah National Park. And, contrary to the requirements of the Code of Federal Regulations Title 40, Part 51.307, the public was not advised of our September 25, 2003 Finding of Adverse Impact when WVDAQ published its December 5, 2003 Notice. We continue to believe that the West Virginia State Implementation Plan may be deficient because it does not conform to federal requirements. Any permit issued with procedural deficiencies may be subject to appeal.

Response: *The Federal Land Managers have been sent copies of all document and information concerning the Longview project from almost the first moment the project was discussed more than 2 years ago. They were sent copies of the modeling protocols, copies of the application, and any and all documents as they were received. Our file shows that the FLMs regularly sent in comments and questions and were part of the discussions of the project as the application process was happening. Once the DAQ completed its review and developed the Preliminary Determination and draft permit these documents were overnighted and e-mailed to the FLMs, the Morgantown Public Library, EPA and surrounding states so that they would have these documents once the "official" public notice period began. The DAQ held the first public meeting on September 15, 2003, well over 60 days after the FLMs received a copy of the complete application as required by Title 40, part 51.307 and the West Virginia SIP.*

The West Virginia SIP, as approved in the Federal Register of April 11, 1986 specifically incorporates the provisions of part 52.21(p) (4), (5), (6) and (7). Please note that part 52.21 for State PSD programs includes the language referred to in part 51.307 for the Federal PSD program. This provision requires that "the Administrator shall provide notice of any permit application for a proposed major stationary source or major modification....to the Federal Land Manager..." Which the DAQ did. The Rule continues, "Such notification shall include a copy of all information relevant to the permit application and shall be given within 30 days of receipt and at least 60 days prior to any public hearing on the application for a permit to construct. Such notification shall include an analysis of the proposed source's anticipated impacts on visibility in the Federal Class I area". This information was sent to the FLMs within this time frame. Under Section (p) the Rule also requires, " The Administrator shall also provide the Federal land manager and such Federal officials with a copy of the preliminary determination required under paragraph (q) of this section, and shall make available to them any materials used in making that determination, promptly after the Administrator makes such determination." As stated above, this was done. The West Virginia SIP is not deficient and it does conform to the Federal requirements.

45 CSR 14, Section 12.2 reads, "The Federal Land Manager of the affected lass I area may present to the Director during the public review process described in Section 16 a demonstration that the emissions from the proposed major stationary source or major modification would have an adverse impact on the air quality related values (including

visibility) of any Federal mandatory Class I lands,....If the Director concurs with such demonstration, the Director shall deny the permit to construct.”

At the time of publication of the Notice for the first, thirty day comment period the DAQ had only the preliminary comments from the FLMs that there may be what the FLMs considered to be an adverse impact on the Class I area(s). Since the first public meeting the DAQ has reviewed the “official” comments submitted by the FLMs and included a mitigation plan for SO2 in the Draft permit for a second public notice and public meeting. The Federal Land Managers were part of the discussion, review and approval of the mitigation plan to address concerns about visibility and acid deposition in Class I areas. DAQ was under the impression that this alleviated the concerns of the FLMs. The mitigation plan was put before the public in a second, thirty day comment period and public meeting. The notice of the second comment period specifically identified the mitigation plan for Class I areas. Also, the DAQ sent out a letter to everyone who had commented or attended the first public meeting (for whom we had an address) that in addition to informing them of the second public comment period and second public meeting, specifically mentioned the mitigation plan and identified that more detailed information was available in the Addendum to the Preliminary Determination. On pages 11 through 12 of the Addendum the mitigation plan is discussed and the following stated, “This plan was presented to the FLMs and the DAQ by Longview power, LLC as a means to offset impacts from the PC boiler in the Class I Areas. After changes that were agreed upon by the applicant and FLMs during a November 12 meeting, the FLMs agreed that this was a viable option at this time that could offset the impacts related to this project.” It should be noted that many of the comments received during and after the first public meeting specifically asked that DAQ give more time and deference to the FLMs concerns. The evidence shows that the DAQ has met the requirement of notification as required by Federal Regulations and State Rules.

Comment – Gary F. Somers for Douglas K. Morris, continued

Thank you for the opportunity to review the Longview PSD permit application and related materials. We would be happy to again meet with you and GenPower representatives to discuss our concerns. If you have any questions regarding our comments, please contact Don Shepherd of our Air Resources Division in Denver at (303) 969-2075, or Gordon Olson at Shenandoah National Park at (540) 999-3497.

**Department of the Interior Additional Comments on the Longview, L.L.C.
Power Plant Prevention of Significant Deterioration Permit Application
January 5, 2004**

Background

GenPower proposes to construct and operate a new 600 MW Pulverized Coal (PC) Longview Power (Longview) Project near Fort Martin in northern West Virginia, 173 km northwest of Shenandoah National Park (NP), a Class I air quality area managed by the National Park Service (NPS). Annual average SO₂ emissions would be controlled to 3,217 tons per year (tPY) @ 0.15 lb/MMBtu (3-hr average) and 0.12 lb/MMBtu (24-hr average) by a Wet Limestone Scrubber (WLS); NO_x to 2,183 tPY @ 0.080 lb/MMBtu (24-hr average) by Selective Catalytic Reduction (SCR); sulfuric acid mist to 201 tPY by Dry Sorbent Injection; and total PM₁₀ to 528 tPY @ 0.018 lb/MMBtu by a fabric filter (baghouse). The project is also subject to PSD for beryllium (0.02 tPY) and no additional controls are proposed for this pollutant.

In response to comments received during the initial Public Comment period which began August 29, 2003 and ended September 29, 2003, the West Virginia Division of Air Quality (WVDAQ) announced an Additional Public Comment Period beginning December 5, 2003 and ending January 5, 2004 to solicit comments on a revised draft permit that includes a mitigation plan for Class I areas. We have not received the information necessary to evaluate the revised PSD Class I increment modeling analysis and are basing the following comments upon information available to this office as of December 29, 2003 in order to meet the deadline for submitting comments. It is likely that, as more information becomes available, we shall have additional comments.

***Response:** Longview e-mailed the supplemental modeling report and mailed copies of the disks to the FLMs and DAQ on January 26, 2004. Longview agreed to perform this supplemental analysis, for informational purposes only, to address the concerns of the FLMs. The supplementary analysis confirms the results of the modeling set forth in the December 2003 modeling update and is offered to supplement, not replace, the December 2003 modeling update.*

WVDAQ is still reviewing the information to better identify the source or sources that may be contributing to the modeled impacts. As this work continues we are in contact with USEPA as to our progress and if a violation is confirmed WVDAQ will move ahead to correct the problem as required by State Regulations, Federal Rules and the West Virginia State Implementation Plan (SIP).

Comment – Gary F. Somers for Douglas K. Morris, continued

Best Available Control Technology (BACT) Analysis

A source impacting a Class I area is typically held to a higher standard and may be required to install additional controls or take additional operational measures to

minimize impacts at that Class I area. Because of the significant modeled impacts upon Shenandoah NP, we believe that this approach is especially critical. We continue to believe that GenPower should provide additional information supporting its discussion of coal cleaning technology to reduce SO₂ emissions, as well as expand upon its discussion of Circulating Fluidized Bed (CFB) clean coal combustion technology with add-on emission controls. For example, the NEVCO-Sevier project in Utah consists of a CFB plus dry lime injection and proposes to achieve a 24-hour SO₂ emission rate of 0.04 lb/MMBtu. Rather than reiterate our comments from September 25, 2003, please refer to that letter with respect to Coal Cleaning and Clean Coal Technologies.

While we recognize that GenPower has provided additional information regarding the costs and benefits of coal washing in its November 24 submittal, that analysis focused only upon the incremental cost of coal washing and did not address total costs. GenPower should address this deficiency by providing an analysis of the total annualized costs and associated total annual emission reductions resulting from washing the coal and scrubbing the emissions.

Response: See heading(s) entitled BACT, in the "Response to Comments #1" document and similar comments within this document. Coal-fired units are designed and constructed with different process configurations partially because of the constraints, including the properties of the fuel to be used, placed on the initial design of the unit. Accordingly, these site-specific constraints dictate the process equipment selected, the component order, the materials of construction, and the operating conditions. A mine mouth plant means there should be little pyritic sulfur that can be washed out of the entire fuel coal that will be burned.

Comment – Gary F. Somers for Douglas K. Morris, continued

Conventional PC Boiler BACT

SO₂: GenPower has proposed wet limestone scrubbing, which represents a top-rank SO₂ control technology, at 97% efficiency. The 0.15 lb/MMBtu three-hour rolling average and the 0.12 lb/MMBtu 24-hour block average proposed by WVDAQ are the lowest we have seen when compared with the actual performance of similar PC boilers burning similar coal. We have no information to show that any PC boiler burning coal with greater uncontrolled SO₂ emissions is permitted for, or achieving, a lower SO₂ emission rate. Nor do we have information for any PC boiler burning coal with lower uncontrolled SO₂ emissions and achieving higher removal efficiency. (The only boiler achieving a higher SO₂ removal efficiency on cleaner coal is the NEVCO-Sevier CFB project in Utah.) We therefore conclude that the emission limit proposed by WVDAQ represents BACT for a PC boiler burning the proposed coal.

Sulfuric Acid Mist--H₂SO₄: See our September 25, 2003 comments.

Response: See heading(s) entitled BACT, in the "Response to Comments #1" document.

Comment – Gary F. Somers for Douglas K. Morris, continued

NO_x: We agree with WVDAQ that a 24-hour average limit of 0.08 lb/MMBtu for NO_x using Low NO_x Burners and Selective Catalytic Reduction (SCR) represents BACT for a boiler burning the proposed eastern bituminous coal.

PM₁₀: See our September 25, 2003 comments. GenPower and WVDAQ have noted that the test results cited in that document for the Northampton boiler in PA may be misleading due to the way condensible PM₁₀ was measured; we are investigating this issue and appreciate GenPower and WVDAQ bringing it to our attention.

In a submittal dated November 26, 2003, GenPower provided a "Summary of SO₂/PM Control Costs" for the Longview project. Taken at face value, that analysis indicates that an Electrostatic Precipitator could achieve a PM₁₀ emission limit of 0.01 lb/MMBtu at a much lower cost-per-ton than the fabric filter proposed by GenPower at 0.018 lb/MMBtu. However, it is our experience that a fabric filter is typically more effective in capturing very fine particles, including those containing hazardous air pollutants such as mercury. We suggest that GenPower either provide more information to support the results presented in the "Summary" table, or commit to meeting an additional permit limit of 0.012 lb filterable PM₁₀/MMBtu (as is required in the WYGEN2 permit issued by Wyoming to Black Hills Power). Such a supplemental PM₁₀ limit would insure that Longview is controlling both filterable PM₁₀ and total PM₁₀ to levels considered BACT.

WVDAQ has included both filterable and condensible PM₁₀ in its permit limit, and proposed that PM₁₀ emissions be monitored by a Continuous Emissions Monitor (CEM) within 18 months of boiler start-up or when performance specifications for such monitors are promulgated, whichever comes later. We commend WVDAQ for this approach and believe that CEMs are an important tool for monitoring compliance. For that reason, we recommend that the PM CEM be installed upon startup, or within 18 months of when performance specifications for such monitors are promulgated, whichever comes later.

Response: See heading(s) entitled BACT, in the "Response to Comments #1" document.

Comment – Gary F. Somers for Douglas K. Morris, continued

Beryllium--Be: See our September 25, 2003 comments.

In summary, we agree with the type of control technologies selected by GenPower for a PC boiler. However we believe that the Longview facility could achieve lower emission limits by washing the coal, choosing an inherently cleaner coal combustion technology, or making more effective use of the PM control technology chosen for the PC boiler.

Response: See heading(s) entitled BACT, Mercury in the "Response to Comments #1" document.

Comment – Gary F. Somers for Douglas K. Morris, continued

Applicant's/WVDAQ's Air Quality/ Air Quality Related Values (AQRV) Modeling Analysis Methodology

Single Source Analysis: Because the draft permit sets limits in terms of three-hour rolling and 24-hour block averages, and includes condensible PM₁₀ in its PM₁₀ limit, the emissions modeled by Longview are consistent with the draft permit.

Cumulative Analysis: GenPower and WVDAQ included sources that reduced SO₂ and NO_x in their cumulative analyses. While this is appropriate for National Ambient Air Quality Standards and Increment modeling, it is not appropriate for visibility analyses. (Modeling of emission reductions for visibility impacts was not discussed in the modeling protocol.)

On December 12, GenPower and WVDAQ agreed to re-compile the inventory of sources used for the cumulative increment analysis based upon information available as of March 31, 2003, the date the application was deemed complete by WVDAQ. This inventory is intended to contain all stationary sources that affected increment as of that date. The final details of the re-compiled inventory were resolved on December 15, 2003, and a new cumulative increment consumption analysis was to be conducted. However, NPS has not received the results of that new increment analysis and therefore cannot comment upon its accuracy or meaning.

It must be noted that the December 12 agreement discussed above invalidates the modeling previously conducted by WVDAQ and described in Chris Arrington's memo of December 3, 2003. The major effects of the December 12 agreement are to include several sources in Virginia that were previously excluded, and exclude emission reductions from the Mt. Storm power plant that were previously included.

Response: Longview e-mailed the supplemental modeling report and mailed copies of the disks to the FLMs and DAQ on January 26, 2004. Longview agreed to perform this supplemental analysis, for informational purposes only, to address the concerns of the FLMs. The supplementary analysis confirms the results of the modeling set forth in the December 2003 modeling update and is offered to supplement, not replace, the December 2003 modeling update.

WVDAQ is still reviewing the information to better identify the source or sources that may be contributing to the modeled impacts. As this work continues we are in contact with USEPA as to our progress and if a violation is confirmed WVDAQ will move ahead to correct the problem as required by State Regulations, Federal Rules and the West Virginia State Implementation Plan (SIP).

Comment – Gary F. Somers for Douglas K. Morris, continued

Air Quality Impact Analysis Results

The modeling results summarized below are based on data reported in the August 11, and December 3, 2003, analyses conducted by WVDAQ. The CALPUFF modeling results for the Longview Project are summarized below:

PSD Increment Consumption:

The revised Longview Project PSD increment modeling results are summarized in Table 1. The model predicts concentrations above the Class I significant impact levels for PSD increment consumption at Shenandoah NP. The Class I increment significant impact levels are exceeded for short-term SO₂ concentrations (both 3-hour and 24-hour averages). For other pollutants (PM₁₀ and NO_x) and annual mean SO₂ concentrations, the maximum impacts are less than their respective significant impact levels. Because the SO₂ Class I increment significant impact levels were exceeded, the need for a cumulative CALPUFF modeling analysis was triggered.

**Table 1 – Class I PSD Increment Modeling Results
(micrograms per cubic meter)**

Pollutant	Significant Level & PSD Increment	Shenandoah National Park
Longview Project Only		
Sulfur dioxide (SO ₂)		
3-hour	1.0/25	1.74
24-hour	0.2/5	0.4860
Annual	0.1/2	0.0239
Particulate matter (PM-10)		
24-hour	0.3/8	0.2435
Annual	0.2/4	0.0117
Nitrogen dioxide (NO ₂)		
Annual	0.1/2.5	0.0098

In the cumulative analysis based upon 1996 meteorological data, the CALPUFF modeling predicted that the 3-hour and 24-hour Class I PSD increments for SO₂ would be violated after considering increment-consuming emissions at Shenandoah NP. However, as discussed elsewhere, not all SO₂ increment-consuming sources were modeled, and one increment-expanding source was incorrectly included, so the WVDAQ results are underestimates of increment consumption as of March 31, 2003. WVDAQ reported that Longview did not contribute significantly to any of the predicted Class I increment violations at Shenandoah NP. A new analysis using the re-compiled increment inventory and additional documentation to support the WVDAQ's claim is required before this statement can be validated and accepted.

If the Longview cumulative analysis is valid, then increment violations have been demonstrated at Shenandoah NP, and we understand it is the responsibility of the Virginia Department of Environmental Quality to correct these violations. On October 3, 2003, letters were sent by the Superintendent of Shenandoah NP to both Virginia and

EPA Region III advising them of these findings. It may also be necessary for West Virginia to join Virginia to address these Increment violations in revisions to its State Implementation Plan.

Response: See Response above.

Comment – Gary F. Somers for Douglas K. Morris, continued

Visibility

See our September 25, 2003 comments. The proposed revision to the 3-hour SO₂ limit does not affect the previous visibility modeling results because those results are based upon 24-hour average emissions which do not change. The analysis still yields one day in 1996 in which the change in extinction at Shenandoah NP due to Longview exceeds 10%.

Response: See heading(s) entitled *Class I, Modeling*, in the “Response to Comments #1” document.

Comment – Gary F. Somers for Douglas K. Morris, continued

Deposition

See our September 25, 2003 comments. The proposed revision to the 3-hour SO₂ limit does not affect the previous deposition modeling results because those results are based upon 24-hour average emissions which do not change. It should be noted that Longview's deposition modeling results are based upon the assumption that it would emit at its proposed 24-hour SO₂ limit of 0.12 lb/MMBtu for every hour of the year. It is likely that, on an annual average basis, Longview's SO₂ emissions would be substantially lower, because it is not likely that Longview could operate consistently exactly at its 24-hour limit. However, we cannot assume that Longview's annual emissions will be any less than the 3,217 TPY presented in the Public Notice unless WVDAQ inserts a condition into Longview's permit to further limit annual SO₂ emissions. If that is done, Longview's sulfur deposition would decrease in direct proportion to the decrease in annual SO₂ and sulfuric acid mist emissions.

Response: See heading(s) entitled *Acid Mine/Rain/Deposition*, in the “Response to Comments #1” document.

Comment – Gary F. Somers for Douglas K. Morris, continued

Summary of Modeling Results: To summarize our findings from the modeling results presented in the March 2003 permit application for Longview Power and the WVDAQ's analysis:

- The modeling demonstrates that the Class I PSD short-term SO₂ increments (3-hour and 24-hour) are violated at Shenandoah NP. WVDAQ states that

Longview is not a significant contributor, but does not provide an adequate demonstration of this assertion. NPS has discovered several omissions from the emissions inventory upon which the analysis is based, and concludes that the impacts are therefore underestimated. Additional analysis is needed to verify WVDAQ's assertion that Longview does not contribute significantly to an increment violation.

- Visibility at Shenandoah NP would be perceptibly affected by the emissions from Longview Power alone and in combination with other sources.
- Sulfur deposition from Longview Power would still affect stream-water chemistry at Shenandoah NP. However, the proposed Mitigation Plan described below could adequately reduce the impact of Longview's sulfur deposition by requiring purchase of SO₂ allowances in sufficient quantities to more than offset Longview's SO₂ emissions.

Response: See above responses.

Comment – Gary F. Somers for Douglas K. Morris, continued
Procedural Concerns

According to 40CFR51.307, WVDAQ should have provided us with all information relevant to the permit application at least 60 days prior to the public hearing, which was held on December 18, 2003. Instead, WVDAQ did not provide its revised staff analysis and the draft permit until December 5, 2003, and reports and modeling files necessary for NPS to evaluate WVDAQ's conclusions regarding the cumulative increment analysis were not provided. Without this information, it was impossible for the FLMs to fully evaluate the impacts of those emissions. We therefore believe that the permit for this facility should be held in abeyance until it is determined that Longview would not contribute significantly to an increment violation.

On September 25, 2003, the Office of the Assistant Secretary for Fish and Wildlife and Parks advised WVDAQ of our adverse impact finding due to concerns about the effects of Longview's emissions upon visibility and stream-water quality in Shenandoah National Park. However, the public was not notified of the NPS' concerns or the reasons why the WVDAQ agrees or disagrees, as required by 40CFR51.307 (a)(3). This compromises the public's ability to comment on this important issue, as envisioned by procedural requirements in the federal regulations.

WVDAQ has stated that it was following the public notification procedures in its State Implementation Plan (SIP). NPS tried to address this problem informally by suggesting that WVDAQ enter into a Memorandum of Understanding (MOU); WVDAQ rejected our suggestion. We therefore believe that, because the WV SIP does not conform to the requirements of 40CFR51.166 and 301, the WV SIP is deficient and should be revised as soon as possible. In the meantime, no PSD permits or related Title V permits should be issued until these deficiencies are remedied. A temporary remedy could consist of the aforementioned MOU.

Response: See response earlier in this comment. See heading(s) entitled *Comment Extension, Permit and Process, Rule 14 and Part 52, in the “Response to Comments #1” document.*

Comment – Gary F. Somers for Douglas K. Morris, continued

Potential Mitigation Measures

GenPower has proposed that SO₂ emission allowances would be purchased from other sources in the area. Permit condition 17 outlines how this would be done. GenPower would purchase and retire SO₂ allowances each year, in addition to those required by the Acid Rain Program (Title IV CAAA 1990). The permit condition stipulates that the credits will come from facilities that were originally allocated sulfur dioxide allowances and are located within the modeling domain used in the air quality analyses. The amount of allowances purchased would depend on where the source was located in relationship to the Class I areas. In general, the applicant would purchase 110% of its actual SO₂ emissions if the source from which the allowances were purchased were located in either of the two western quadrants of the domain. If the source were located in either of the two eastern quadrants of the domain, 440% of actual emissions would be purchased and retired. This process would occur annually, and the vintage year of the allowances would be the same as the calendar year being mitigated. The permit condition outlines a process for transferring the allowances to an account administered by EPA where they would be permanently retired from use. The applicant is required to report annually to WVDEP the total sulfur dioxide emissions, information that identifies the allowances, and proof that the allowances have been transferred into the account with EPA.

Subpart f is an important part of this permit condition. It recognizes that, in the future, a source may come forward that is willing to make emission reductions with some financial assistance. Subpart f allows the applicant to take advantage of this opportunity in lieu of purchasing and retiring SO₂ credits each year. This is advantageous to the Class I areas, because it would result in actual emission reductions at a specific location and the benefit to the Class I area could be quantified. However, we prefer that actual tons of SO₂ not be defined in the permit, because the amount of SO₂ reduction needed to mitigate the Class I impacts would vary depending on the location of the source in relationship to Shenandoah NP. Likewise, we do not want to restrict this option to sources only located within the modeling domain. Potential reductions to the northwest of Shenandoah NP, but beyond the boundary of the modeling domain, should be allowed. Finally, the effectiveness of the reductions would need to be demonstrated through appropriate modeling, because amount of reduction needed to mitigate Longview’s impacts would vary depending on the distance and direction of the source from the Class I areas. We recommend the following rewrite of subpart f. The words in italics represent our changes.

“At any time, the Director, *with concurrence from the Federal Land Managers*, may approve an alternative mitigation plan in lieu of this condition. At a minimum, such a plan shall result in actual sulfur dioxide reductions from an

existing stationary source(s) *such that the impacts to visibility and deposition at Dolly Sods and Otter Creek Wildernesses, and Shenandoah National Park, from Longview, are offset.* Such reductions must be *federally enforceable and the effectiveness of the alternative mitigation plan on visibility and acid deposition must be demonstrated through appropriate modeling.*”

We have two additional concerns regarding the condition 17. We believe that the coordinates provided in 17.b. may not accurately reflect the actual modeling domain and they should be verified. We are also concerned that, because the "Offset Ratios" are based upon the relative impacts of emissions increases and decreases upon Dolly Sods Wilderness Area, they may not accurately reflect the relative impacts upon Shenandoah NP 100 km to the east; we suggest that this later issue could be resolved by conducting a similar analysis for Shenandoah NP and setting the offset ratios to approximate the maximum values needed to offset impacts at Dolly Sods, Otter Creek, and Shenandoah NP.

With the above changes, we accept permit condition 17 as a means to address our concerns for impacts to the Class I areas from construction and operation of Longview Power. We do this fully realizing that there is no guarantee that the emission reductions resulting from retiring the allowances would occur where they are purchased, because the credits are fully fungible across the US (EPA Clean Air Markets).

Response: *The Director cannot share authorities granted under the WV Code. The DAQ will agree to provide the FLMs at least 30 days to comment prior to making any final decision on any proposed alternative mitigation plan and will add such language in the permit under Specific Requirement A.17. The DAQ can't require that any alternative mitigation plan be "Federally Enforceable" as the source that will be making actual emissions reductions may be located in another state (e.g., Virginia). WV has no authority to bind a source in another state through a WV permit. It is expected that if the source is located in another state that WV would pursue a consent order/agreement between the source, the other state, WV and Longview. Such an order/agreement should require the source seeking the actual reductions to make these reductions federally enforceable, most likely through the permitting process in the other state. If the source is located in WV then the source would go through the DAQ permitting process, which includes public notice (notification of the FLMs and EPA). Any permit issued in WV is federally enforceable under the WV SIP.*

*The DAQ agrees the amount of SO₂ reductions needed to mitigate the Class I impacts would vary depending on the location of the source in relationship to the Class I Areas. To address this issue the FLMs, representatives of Longview and the DAQ developed the modeling domain and the offset ratios set forth under Specific Requirement 17.b. As it is acceptable under the mitigation plan to find and purchase SO₂ emission credits within this domain, it is acceptable under the alternative mitigation plan that any source achieving actual SO₂ emission reductions must be located within this same domain. The alternative mitigation plan requires that a **minimum** reduction in emissions be equal to the actual emissions from Longview multiplied by the offset ratio. The DAQ will specify that actual emissions is equal to an average of the last two years actual emissions of*

SO₂. As it is expected that any alternative mitigation plan would involve installation of controls at a source emitting more than Longview and therefore achieving more reductions in emissions than required, then Longview's requirement to achieve reductions equal to actual emissions multiplied by the offset ratio is appropriate. The DAQ will agree that modeling will be required to demonstrate the effectiveness of the alternative mitigation plan.

Comment – Gary F. Somers for Douglas K. Morris, continued

Conclusions and Recommendations

The draft permit proposed by WVDAQ remains one of the most well-crafted permits we have seen for a coal-fired boiler. We commend WVDAQ for the stringency of the emission limits it has proposed for SO₂ and NO_x--they are the lowest such rates we have seen when one considers the quality of the coal to be burned. We also commend WVDAQ for insuring that the averaging periods established for each pollutant are protective of the relevant National Ambient Air Quality Standards, PSD Increments, and AQRVs. We also believe that the measures proposed by WVDAQ to insure that compliance with the proposed permit limits is accurately monitored are exemplary.

The air pollutant dispersion modeling analyses presented to date indicate that short-term PSD Increments for SO₂ would be violated at Shenandoah NP. NPS has not been provided the information necessary to allow it to evaluate these analyses to determine if Longview contributes significantly to any of these Increment violations. GenPower should provide additional information for its cumulative impact analysis. It may also be necessary for West Virginia to join Virginia to address these Increment violations in revisions to their State Implementation Plans.

Even at the relatively low emission rates contained in the proposed permit, and even when NPS accepts WVDAQ's approach to accounting for the effects of weather upon visibility impairment predictions, the impacts of those emissions upon visibility in Shenandoah National Park could result in one day per year in which there would be more than a 10% change in light extinction, one of the NPS visibility thresholds of concern. The cumulative impact of new emissions sources also results in impacts that far exceed the 10% threshold of concern.

The ecosystems of Shenandoah NP are already adversely impacted by excessive acidic deposition, and the additional sulfur burden placed upon them by Longview is predicted to exceed our level of concern. However, the proposed Mitigation Plan could result in an overall net reduction in sulfur deposition.

Greater attention should be given to application of new and cleaner ways to burn coal to make electricity such as CFB boilers. We also believe that it may be feasible to remove impurities such as sulfur by washing the coal before it is burned, and by better utilization of proposed control equipment.

We commend GenPower for its proposal to mitigate the effects of Longview's SO₂ emissions by purchasing SO₂ allowances from within the modeling domain, and believe that this approach would represent a major step toward alleviating our concerns. However, until the issues concerning the cumulative SO₂ increment analysis and the Offset Ratios are resolved, the NPS cannot withdraw its adverse impact determination. We therefore recommend that WVDAQ make available the results of its revised cumulative increment analysis using the re-compiled March 31, 2003 inventory and provide an additional analysis of the impacts of emission reductions on Shenandoah NP as soon as possible. If those results show that Longview does not contribute significantly to any violations of PSD increments at Shenandoah NP, and that the proposed Mitigation Plan would, indeed, offset Longview's impacts at Shenandoah NP, then we would not object to issuance of the permit.

Response: See above responses within this comment. Also, see the "Response to Comments #1" Document.

Comment – Paula J. Hunt

Thank you again for meeting with other members of CALP and me on December 2, 2003. I am disappointed that DAQ did not change the date of the public hearing, as we requested in that meeting. December 18th was after the WVU semester ended and was too close to the holidays. Holding a 30-day comment period over the Christmas and New Year's holidays appears to be calculated to work in Longview Power's favor. The DAQ should put the citizens of West Virginia ahead of an out-of-state power plant broker.

The following is the list of my comments on the second draft of Longview Power's PSD permit:

SO₂ Emissions Offsets – At first glance, the proposed sulfur dioxide offset scheme appears to be a very creative way of dealing with the problem of increased acid deposition at Class I Areas. However, the new draft permit does not prevent the sources from which Longview is purchasing offsets to reduce their own emissions by the offset amount. This could result in a net increase of SO₂ emissions in the region defined by the quadrants and an increase in acid deposition at Class I Areas if the sources other than Longview purchase offsets from outside the region. In fact, the new SO₂ scheme could promote unsound offsets trading with sources within the region buying cheaper offsets from outside the region while selling offsets to Longview Power at a presumably higher price. I ask that you include a legally enforceable provision in the permit that any source within the region defined by the quadrants that sells offsets to Longview Power decrease its own emissions by an amount equal to the offsets.

Net Allowable Emissions Rates and Rolling Averages – The allowable yearly emissions for SO₂ and VOCs have actually been increased from the first draft of the permit. In addition, the rolling averages for NO_X, SO₂ and PM₁₀ have been increased from three hours. I oppose these increases.

Other Provisions of the Draft Permit – Because the above two items are the only substantive changes in the permitted emissions, I feel I must reiterate those comments from the first draft of this permit that have not been addressed in the second draft:

GenPower has publicly stated that coal will be delivered via conveyor directly from the mine; resulting in no coal-truck traffic to or from Longview Power. This company cannot be trusted.

The environmental performance of supercritical CF with additional pollution-reduction equipment was compared to CFB with no additional equipment. This is hardly a fair comparison. Please ask Longview to recalculate the information in Table #15 of the original Fact Sheet using CFB with NOX and SOX-reducing technologies added.

Natural Gas Combined Cycle (NGCC) with NOX emissions of 0.028 lb/MMBtu and little to no SO2 emissions should be given more consideration. The “cost of coal” referenced in the document only considers the cost to get the coal out of the ground. It does not consider the cost of human health and environmental degradation from gob piles, acid deposition, acid mine drainage, miner’s health, subsidence and respiratory health of people living near the CF power plant. If these costs were taken into consideration, coal would be a much more expensive fuel than natural gas. The reviewer notes an oversupply of CCCT and CT generation capacity. If an oversupply exists, why do we need new power plants? It is illogical.

It appears that Integrated Gasification Combined Cycle Technology (IGCC or IGCT) was not considered adequately in the BACT analysis. It was given a cursory mention on page 25, but was not discussed in the Evaluation/Comparison on pages 25 and 26. DOE Fact Sheet 014.p65 (attached) shows that IGCT was “state of the art” in 2000 (3 years ago!) With NOX and SO2 emissions much lower than those proposed by Longview. The cost of IGCT is only \$0.002/kWh higher than supercritical PC (Longview), and it results in much much lower NOX and other emissions. Capital costs are not much more either (\$1,200/kWh as opposed to \$1,200 for supercritical PC), according to the DOE Fact Sheet (a table from that DOE Fact Sheet is below). Please ask Longview to redo its BACT analysis and consider IGCC. Please see the attached table.

IGCT was not considered in the BACT analysis for NOX. DOE Fact Sheet 014.p65 shows that IGCT was “state of the art” three years ago in 2000 with NOX emissions of 0.04 lb/MMBtu. As already stated, cost of IGCT is only \$0.002/kWh higher than supercritical PC (Longview), and it results in much much lower NOX and other emissions. Capital costs are not much more either (\$1,200/kWh as opposed to \$1,200 for supercritical PC), according to the DOE Fact Sheet.

NGCC was not considered in the BACT analysis for NOX. DOE Fact Sheet 014.p65 (attached) shows that NGCC was state of the art in 2000 with NOX emissions of 0.028 lb/MMBtu.

It is my understanding that economic, environmental and energy impacts must be reviewed in BACT analysis under 45CSR14. Using SCR in series with low NOX burners is not BACT because cleaner technologies exist which are cost effective – especially when more than one pollutant is considered at a time.

IGCT was not considered in the BACT analysis for SO₂. DOE Fact Sheet 014.p65 (attached) shows that IGCT was “state of the art” in 3 years ago in 2000 with SO₂ emissions of 0.02 lb/MMBtu. As discussed previously, IGCT is only \$0.002/kWh higher than supercritical PC (Longview), and capital costs are not much more either (1,200/kWh as opposed to \$1,200 for supercritical PC), according to the DOE Fact Sheet.

Also, NGCC with little to no SO₂ emissions, was not even considered in the BACT analysis.

Since WFGD with lime is a cleaner technology than the technology chosen by Longview, and the economic analysis for this technology was flawed in the application, it does not appear that Longview’s chose SO₂-reducing technology meets the definition of BACT. Longview needs to re-evaluate SO₂-reduction technologies.

Your Table #21 of the original Fact Sheet indicates that 0.018 lb/MMBtu is not BACT. I found seven lower PM₁₀ emissions in the RACT/BACT/LAER list (attached). Longview can do better than the 0.018 lb MMBtu allowed in the permit and should be required to do so.

The document states, “However the proposed configuration would only work with the exhaust temperature down to 280 degrees F, which is not low enough to allow mercury to precipitate out of the stream.” Is Longview’s mercury emissions estimate flawed?

Table #23 of the original Fact Sheet says it all. Longview plans to spend \$0 and reduce Carbon Monoxide 0%. How can this be acceptable? Catalytic Oxidation will reduce both Carbon Monoxide and VOCs, but that is not reflected in the economic analysis. Was the cost of electricity for operation of oxidizers in the economic analysis a retail cost? Presumably, an electric power station does not pay retail for its own electricity. A reduction of 2,500 tons of carbon monoxide is worth an increase of 58 tons of NOX. I believe the prices listed in the economic analysis have been inflated. Also, the fact that VOCs will also be treated by oxidation was not considered in the economic analysis. Good Combustion Practices are not BACT. The permitted amount of carbon monoxide should be 0.0165 lb/MMBtu.

This comment is similar to the one above. This time, Table #27 of the original Fact Sheet says Longview plans to spend \$0 and reduce VOCs 0%. This is not acceptable! Catalytic Oxidation will reduce both VOCs and Carbon Monoxide, but that is not reflected in the economic analysis. Was the cost of electricity for operation of oxidizers in the economic analysis a retail cost? Presumably, an electric power station

does not pay retail for its own electricity. Good Combustion Practices are not BACT; they are a cop out. The permitted amount of VOCs should be 0.0002 lb/MMBtu.

DAQ should require Longview to produce economic analysis as is required. It is not up to DAQ to find data to support Longview. If Longview and Robinson Run are the same and if Longview is going to use the “multi-pollutant control device” discussed in the Robinson Run application, why didn’t Longview include that information in its application? DAQ should not be doing Longview’s job.

Again, DAQ says Longview can do better, but then makes excuses for Longview and gives Longview the emissions it requests.

Longview will supposedly consume 94% of the PM10 24-hour increment based on modeling. Given that modeling can only be an approximation of reality and 94% is pretty close to 100%, I request that Longview conduct Tier III of the analysis (modeling its emissions in addition to other significant sources in the area to check compliance with NAAQS). We have some very large particulate generators within a few miles of Longview (particularly the Fort Martin and Hatfield’s Ferry Power Stations). They need to be included in any model that is run for Longview.

This project has been touted as “the best thing to happen to this area in the past decade” (verbal statement from Scott Rotruck, President of the Morgantown Area Chamber of Commerce during a public meeting on March 12, 2003 at South Middle School in Morgantown). Economic analyses from the construction trades union and professor Tom Witt, stating the large number of jobs created and the increase in economic benefits from the plant, were included in the GenPower Longview permit application. In fact, GenPower’s own website for Longview states the following:

During the construction phase, expected to take about three years, up to 1200 workers will be employed. About 50 to 60 highly skilled, high paying permanent jobs would be associated with Longview.

Tom Witt, an economic development analyst with West Virginia University, has made preliminary calculations of direct and indirect economic impacts from Longview, based on information provided by GenPower and standard economic-development assumptions. Direct and indirect economic impacts during the construction phase could top \$1 billion, Witt said.

The money spent locally to operate Longview, including employee wages, would lead to the creation of about 600 new jobs, including about 200 at MEPCO.

The Longview project has been pitched to the community as a huge boon to the economy. How can it have no effect on population and traffic? Please ask Longview/GenPower to consider its own growth estimates and resubmit the permit application. Longview should also be required to consider the cost to human health and the environment that will result from its air pollution.

Monongalia County has a relatively low unemployment rate . . . Several new construction projects, such as additions to the Health Sciences Center, the university hospital, and a new biometrics research facility, are coming online in the area. Workers at the Longview plant and the MEPCO mine, that will supposedly increase its employment because of Longview, will likely come from far outside the county and will DRIVE to work. Maidsville, West Virginia's location necessitates that workers drive long distances on rural roads to reach it. All of these extra vehicle miles must be considered in the total impact of Longview on air quality. Please ask Longview/GenPower to redo their Additional Impacts Analysis and resubmit the results.

While population in West Virginia may be declining overall, the Morgantown/Westover/Star City area (which is most of the population of Monongalia County) has been growing rapidly – so much so that it attained “urban area” status from the U. S. Census Bureau, based on data from the 2000 census. From President David C. Hardesty, Jr., West Virginia University, August 13, 2003, Remarks to WVU fall housing, enrollment projections to media: “Because of the record first year class last year and the robustness of enrollment in recent years, the student body in Morgantown is now the largest in WVU history – well over 24,500. (By comparison, last year's record enrollment was 23,492.)

This upward trend in WVU enrollment is expected to continue. Most students have their own car and bring it to Morgantown and they DRIVE.

From the original Fact Sheet, “No measurable impacts upon local soils are anticipated due to the proposed Longview Power Project . . .” I feel this statement is vague and without supporting documentation. It is not properly justified in the application or the documentation accompanying the draft permit.

My earlier comments have shown that Longview is not using BACT, as it is required to do. As far as I know, local visibility was not modeled by GenPower/Longview, only Class I areas located away from the local area. Please ask Longview/GenPower to model the visibility effects their plant will have on the immediate area.

We also do not know if old, polluting power plants will be grandfathered in any future legislation. The Longview permit cannot be justified on legislation that does not exist! I ask that you reconsider granting this permit with its present allowable emissions in light of the fact that this area already carries a heavy pollution burden and no old power plants will be shut down because of Longview.

If clean fuels were used for the main boiler, we would not have to deal with all the ash Longview will produce!!

Thank you again for your time in reviewing all of these comments.

Response: See heading(s) entitled *Acid Mine/Rain/Deposition, Additional Impacts Analysis, BACT, Class I, Comment Extension, Modeling, Monitoring, NAAQS, Offsets,*

Other Plants, Ozone, Permit and Process, Plant Choice/Siting, Truck Traffic, For/Against in the "Response to Comments #1" document.

Comment – Robert R. Mercer, Ph.D.

I oppose the Longview Power Plant. I consider a plant of its kind one of the worst polluters. Alternatives and/or abandonment of this proposed plant need to be strongly considered for the physical health of the community.

Response: See heading(s) entitled *Health, NAAQS, Plant Choice/Siting, For/Against in the "Response to Comments #1" document.*

Comment – Donna Meadowcroft

As a resident of Morgantown, WV, I oppose the Longview Power Plant. I understand the needs for jobs in this State; however, I also understand the need for continuous clean air – not just an average of clean air over the year.

We need responses to the scientist that oppose this plant – the scientific opposition to Longview Power Plant and the modules used that was voiced at the December 18th meeting in Morgantown, so that they can ascertain the effectiveness of modules used in the studies. We need further studies.

We need an alternative to the Longview Power Plant. We do not need this type of plant and potential health hazards with it. The long-term harm will outweigh the short-term gain.

Response: It is unclear what "modules" the commenter is referring to. However, information on the air dispersion models run for this application review can be found in the Preliminary Determination, the Addendum and the heading entitled Modeling in the "Response to Comments #1" document.

Comment – Supplemental comments submitted on behalf of Wendy Radcliff and Appalachian Center regarding the mercury BACT issue:

ACI estimates include a capital cost of \$40 to 50 million. But this is the cost of a stand-alone COHPAC baghouse. This would not be needed at Longview because they are already planning to install a FF. It appears that Longview is trying to push some of the baghouse costs to Hg control.

Problem areas related to mercury in the application submitted by Longview:

"Most Hg is emitted as elemental" – this is not true in the case of bituminous coal.

“The MACT work group in 2002 recommended an annual averaging time.” This statement is incorrect. This was advocated by utility stakeholders not all stakeholders said it should be 30-days.

It is highly unlikely that the captured Hg would cause the waste to be hazardous. Productive uses of the waste have been found and used by other developers.

The applicant said that there aren't any plants achieving 90 percent reduction. This is an incorrect statement. The average of the top 12% of tested boilers average 90 reduction. The recent report Toxic Neighbors on cleartheair.org includes a recent analysis of TRI data that shows the same result when data from all reporting boilers is considered.

A case-by-case MACT determination is required by Section 112(g) and (j) of the Clean Air Act.

While an 80% emission reduction is making an effort, Longview can get 90% with the configuration it is installing – even without ACI.

A continuous Hg CEM monitor should be required. EPA has proposed this type of monitoring requirement. A performance test every 5 years is ludicrous.

Response: See heading(s) entitled Mercury, in the “Response to Comments #1” document.

Comment – James L. Laurita, Jr., President, MEPCO, Inc.

In response to your letter dated December 22, 2003, concerning the loss of my public comments made September 15, 2003, I submit the following information, to the best of my memory, as to what I testified to.

My name is James Laurita, Jr., President of MEPCO, Inc., the proposed coal supplier for the proposed Longview Power Station.

MEPCO is locally owned and operated by my family, in Morgantown. My family has been mining coal in the Sewickley coal seam in Maudsville for three generations, approximately 35 years.

The Longview Station will provide a substantial amount of coal mining jobs and huge positive economic impacts for over 30 years, which I have made of record at other hearings. The Station will clean up several streams in and around the Maudsville area by consuming Acid Mine waters in local abandoned mines and it will provide modern clean power for the nation.

I have been hearing tonight at this public hearing from some commenters about how bad the air is in the community and how it will be worse if Longview is built. I disagree. I can remember as a teenager in the early 1970s that every morning before

going to school that there would be an air index shown on Channel 4 News and it would indicate the Air Pollution danger level expected for the day. There would be a lot of days that it would recommend not to go outside. Black smoke would emit from most factories, power plants, heating plants, etc., etc. Even Milt Cohen who's been around for a lot more years than me testified to that fact.

Today, since the enactment of the Clean Air Act, you don't see that kind of pollution.

Even the Monongahela River was dead, but now is alive again.

I'm concerned about the air in our community too. Because of some negative comments concerning air quality that I have heard at other public meetings concerning this project, I did some of my own research and found these facts as published by the EPA and the Energy Information Agency:

Since 1970:

Overall energy consumption has grown in this country by 41%.

U. S. population has grown by 38% – pretty much matching energy consumption.

The number of registered vehicles grew by 99%.

But what is surprising is:

Airborne lead emissions have dropped by 98%.

Particulate matter, PM10 emissions dropped by 75%.

Volatile Organic Compounds, VOC emissions, which cause smog, dropped by 42%.

Sulfur dioxide emissions dropped by 38%.

Carbon Monoxide emissions dropped by 28%.

This confirms my own visual observations over the last three decades: The air is getting better over time with the Clean Air Act.

The presently operating local power stations will be required to operate cleaner in the future to comply with EPA mandates. The Longview Power Project will be the most modern and efficient plant around and in combination with the reductions in pollution that other local plants will be required to comply with in the future, will not further degrade our environment.

Thank you for the opportunity to speak for myself, my family and our employees.

Response: No response necessary.

Comment – Cheat Lake Environment and Recreation Association

There needs to be a public hearing held as a replacement for the lost transcript. Neither the first nor the second draft air permit for Longview Power incorporates consideration of the public hearing comments.

The immediate issue is the loss of the transcript of the September 15th public hearing held in Morgantown. This loss was not announced until a second hearing was being completed on December 18th, also in Morgantown, based upon revisions which did not consider the transcript of the first hearing. Therefore, the proposed permit has been advanced in favor of Longview without due consideration of the public input.

On December 22nd, the Division of Air Quality mailed letters to those who testified at the September 15th hearing, asking for written copies of the original input. However, this cannot suffice as a substitute for a replacement public hearing so as to redo the lost testimony. Many of those who testified spoke extemporaneously, without notes or written text; so, these persons are being unfairly penalized without a new hearing at which they can re-deliver their own individual message.

Response: On December 22, 2003 the DAQ mailed a letter to all 41 people who made oral comments at the September 15, 2003 public meeting. All of these people were informed that DAQ had not yet received the transcript from the September 15 public meeting and offering them the chance to submit these comments, in writing, to the DAQ by January 15, 2004. Those written comments are included in this response to comments document.

The DAQ pursued all options, including legal, in our efforts to obtain the tapes or transcript of the first public meeting. DAQ had contracted with the independent court reporter to record the proceedings and provide a transcript to assist the agency in responding to oral comments received at the meeting. The agency had made numerous attempts over the past several months to obtain the information to no avail. Tapes, a partial transcript, a letter of apology and explanation from the court reporter were delivered to the Division of Air Quality's Charleston office Friday morning, January 30, 2004. A hearing had been slated for 10:30 a.m. in Kanawha County Circuit Court on the agency's request for an injunction to require the court reporter to deliver the material. All documents and tapes received by the DAQ on January 30, 2004 were copied and mailed to the Morgantown Public library and the Fairmont Regional Office on February 6, 2004.

John Benedict, Director of the DAQ attended both public hearings on the Longview project. He has heard all oral comments and reviewed all written comments before making a final decision on the permit for the Longview project. Since the tapes of the first public meeting have been reacquired, these tapes have been listened to ensure that the spirit, if not the specific language, of those comments is included in at least one of the two response to comments documents.

45CSR14, Sections 16 and 17 set forth the public review procedures and public meeting requirements that specifically discuss the handling of information submitted by the public. The DAQ has met these requirements.

Comment – Cheat Lake Environment and Recreation Association, continued

Also, under the WV State Code how can a PILOT agreement be authorized by Monongalia County for a major coal-fired merchant power plant for which there is no local need for the electricity, as well as no participation by the WV Public Service Commission, nor the WV Development Office, nor the Federal Energy Regulatory Commission. [An application for a "siting certificate" is moving forward in the absence of rules for granting siting certificates by the WV-PSC].

More generally, the "lease agreement" among the Monongalia County Commission, the Monongalia County Development Authority, and Longview Power, LLC, is incredibly detailed and complex such that a review by the WV Attorney General is needed to examine the "payment in lieu of taxes" and other provisions contained therein. This lease agreement impacts the State of West Virginia in many different ways, not least of which is the transfer of payments to the Monongalia County Board of Education rather than the WV State Department of Education.

Response: *When the public is concerned over siting, zoning, or other issues such as the decision to bring a business to their area, they should contact their local officials such as the Mayor, city council, county commission, zoning board, etc. The DAQ has no control or influence over these matters. See heading(s) entitled Legal, Plant Choice/Siting, in the "Response to Comments #1" document.*

Comment – Cheat Lake Environment and Recreation Association, continued

Note: The Board of Directors of the Cheat Lake Environment And Recreation Association have decided by vote that the proposed Longview coal-fired power plant would bring an unnecessary burden of pollutants to the Cheat Lake area of Monongalia County and southwestern Pennsylvania. The human health impacts would be of primary concern. The damages to the environment would be significant. And, the esthetic impact of the tall stacks would be a major detriment to tourism and the recreational values of the area.

Response: *See heading(s) entitled Acid Mine/Rain/Deposition, Additional Impacts Analysis, Air Quality Board, BACT, Class I, Clear Skies Initiative, CO2, Comment Extension, Health, Legal, Mercury, Mining/Quarrying Operations, Modeling, Monitoring, NAAQS, Noise, Odors (45CSR 4), Offsets, Other Plants, Ozone, Permit and Process, Plant Choice/Siting, Rule 14 and Part 52, Stack Height, Truck Traffic, For/Against in the "Response to Comments #1" document.*

Comment – Sue Madhavan

I am absolutely opposed to the proposed Longview Power Plant. But I concede that I have little power to prevent it. It seems that the powers that be, from the governor on down, want it to happen. However, I implore you to hold Genpower, which I know stands to make more than \$100 million on the project, to the highest possible EPA standards as they relate to the emissions that the plant is allowed to produce. For the sake of all of us who live close to the proposed plant, and for all those pristine park and river areas that could be effected by its pollution. Thank you for your consideration of this matter.

Response: See heading(s) entitled *BACT, Permit and Process, For/Against, in the "Response to Comments #1" document.*

Comment – Jennifer Robertson-Honecker

My name is Jennifer Robertson-Honecker. My husband and I have lived in West Virginia all of our lives but just recently moved to Morgantown where we bought a house in which we soon hope to raise a family. I am also currently pursuing a Ph.D. in analytical chemistry which I feel gives me a keen insight into the Longview power plant issue. Acronyms like Hg, CO₂, NO_x, and AMD aren't merely letters to me, they represent complex systems in which terms like lipophilicity, free or chelated, ionic state, oxidation state, half-life, multi-equilibria, and diffusion rate, play important roles in determining toxicity, reactivity, and distribution. I was present at the meeting in September. Maybe your hands are tied by current laws and regulations that are weak and growing weaker, but it came off as either a lack of understanding or concern. The gaussian plume calculator software and other mathematical calculations used by your team do little to model the actual repercussions this plant will have on this area and those around it. The following are just some of the things I've been thinking about and wanted to share with you:

Acid Rain Effects

The actual height of the Longview power plant will be 550 feet tall, adding in the elevation of where the plant will be built and the plume height, the effective stack height will be close to 1000 feet. Sulfur and nitrogen oxides produced by this plant will be carried hundreds or even thousands of miles depending on wind speeds. During this time, the pollutants will be chemically transformed and return to earth as precipitation in the form of sulfuric and nitric acid (now a water quality issue) or as dry deposition like sulfate and nitrate (not currently regulated). The pollution originating from this one plant will cross provincial, state, and agency borders. It will affect areas such as Shenandoah National Park, Dolly Sods, and Otter Creek, which have a lower buffering capacity and therefore are more vulnerable to the effects of acid rain. These pollutants will cause the current pH levels of our lakes, rivers, and streams, already some of the lowest in the nation, to fall. Low pH levels not only affect the reproductive rates and populations of local aquatic life but can also mobilize metals like aluminum, iron, mercury, and lead already present in the water. Once mobile, these metals can then bioaccumulate in local fish making them unfit for human consumption.

Response: See heading(s) entitled *Acid Mine/Rain/Deposition, Class I, Modeling, NAAQS, Offsets, Other Plants, Stack Height*, in the “Response to Comments #1” document.

Comment – Jennifer Robertson-Honecker, continued

Mercury and Lead

Longview will emit both mercury and lead and while both will be at levels below those currently regulated, current studies show that these levels are too high and should be lowered. Neither chemical is removed during the filtration process of drinking water. Mercury is very lipophilic and therefore readily bioaccumulates. Once in humans, it crosses the blood-brain-barrier and stores in the brain causing nervous damage and eventually death. Mercury is also a fetotoxic that readily crosses the blood-placental barrier to the developing fetus. Bioconcentrations of mercury found in the fetus are typically much higher than those of the mother. Lead also crosses the blood-brain barrier and is far more dangerous for children than adults.

Response: See heading(s) entitled *Health, Mercury*, in the “Response to Comments #1” document.

Comment – Jennifer Robertson-Honecker, continued

Air Quality

West Virginia and this area in particular, ranks among the top 30% of all counties for the dirtiest air and the 5th worst for asthma. The cancer risk for peoples living in Monongalia County is more than 100 times the goal set by the Clean Air Act. The people most at risk are children and the elderly who currently represent 20% of the total state population and are expected to make up nearly one third by the year 2025.

Response: See heading(s) entitled *Health, NAAQS*, in the “Response to Comments #1” document.

Comment – Jennifer Robertson-Honecker, continued

Conclusions

It doesn't take a scientist or fancy computer models to see we're already in serious trouble here in Morgantown. A walk along the Decker's Creek Trail to see the “yellow boy” lining the creek bed, a look at the acid deteriorated figures carved in the stones of Stewart Hall, or a view of our mucky brown haze we call a sunset is proof enough. This plant has proposed the use of new technology (although there is even better technology available) than current power plants in our area. If it were replacing an older less efficient power plant or the power it was producing was even needed in the state, I might reconsider. Because neither of these is the case, I am adamantly opposed to the building of Longview power plant. I strongly urge each of you to carefully consider this issue. Is the money generated from the PILOT agreement and the fifty permanent jobs upon the completion of this project really worth jeopardizing the health and beauty of an ecosystem? There comes a time when we all must decide whether we

want to be part of the problem or part of the solution. Giving the Longview power plant project the go-ahead in an area that already has eight coal burning power plants and produces more power than it consumes is not a solution!

Response: See heading(s) entitled *BACT, Permit and Process, Plant Choice/Siting*, in the "Response to Comments #1" document.

Comment – Beth Yoke

As a resident of Morgantown, I am writing to you to voice my strong opposition to the proposed Longview Power Plant. Morgantown and its surrounding area already has 7 power plants. Any additional power plants will put unwanted pollution into the air and endanger the health of both humans and the environment. I don't care how "clean" GenPower says their plant will be. ANY pollution is too much pollution. Additionally, in the current political climate where EPA regulations are being relaxed at a frightening pace, it is possible that the proposed pollution control guidelines for the plant that look safe to some now, could in the future be weakened. Releasing extremely dangerous substances such as mercury into the environment should not be tolerated at any amount now or in the future.

Let me further say that I was at the first public hearing about this proposed plant and it seemed to me that the DAQ was very much in favor of building this plant. Well, if that is the case, then let it be built in your back yard and not mine. It horrified me to see that an organization that is charged with protecting the public could be so partial. I can't stress enough how ridiculous this project is. It will not bring significant money or jobs to West Virginia. Instead it will rob West Virginians of good health and a safe, clean environment.

Response: See heading(s) entitled *Health, Mercury, Permit and Process, Plant Choice/Siting*, in the "Response to Comments #1" document.

Comment – Adam Polinski

I am writing to voice my opposition to the proposed Longview Power Plant here in my County of Monongalia. If it is indeed built, not only are we going to breathe its discharge, smell its pollution, and hear the truck traffic keeping it fueled, but we're going to see it, too.

The tower of this unnecessary power plant will dominate the view for miles in every direction. The tower will be clearly visible throughout the Cheat Lake area, one of the fastest growing areas in the entire state. This area is composed of neighborhoods -- people lead their lives there -- quite different than if this huge stack were only visible from an industrial area. It will be visible from schools, homes, businesses, and from the lake itself, which is a very busy recreation destination point. Perhaps worst of all, the tower will be visible from many areas within Coopers Rock State Forest, the largest and most popular State Forest in West Virginia. Already established is the power plant's threat to that area's high quality streams, among the best in the county, on the west side

of Chestnut Ridge, but the issue of the general public who visit Coopers Rock to the tune of 350,000 / year (DNR statistics) cannot be forgotten or dismissed. Visitors to Coopers Rock do not want their experience to be dominated by the overpowering presence of this huge, unnatural structure, when they go to Coopers Rock for a natural experience.

Considering the fact that this power plant is not necessary, and considering the cumulative effect of all the negative impacts, including the repugnant visual pollution this structure will cause (have you been through Luke, Maryland lately?) I request that all permits for it be denied. At the very least, there should be a public hearing, as a proposal of this magnitude needs further rounds in the court of public opinion, or else it is sure to end up in the court of law.

I am opposed to the construction of Longview Power plant on many grounds, including the negative visual impact it will have if constructed.

Response: See heading(s) entitled *Permit and Process, Plant Choice/Siting, Stack Height, Truck Traffic, For/Against in the "Response to Comments #1" document.*

Comment – H. H. Rieke

I am protesting DEP's potential issuance of an air quality permit for the proposed Longview Power Plant. My challenge to this approval is based on the following points.

The DEP's egregious disdain of citizen input until after the decision to permit is made. It is inconceivable that the DEP does not take into consideration public concerns as part of the review process of the permit application review.

Response: *It is the responsibility of the DAQ to apply the rules and regulations of the state of West Virginia and of the U.S. EPA as they apply to air quality. The public participation process, as a matter of law, cannot make permitting decisions contingent upon the popularity or lack thereof of a proposed project. Rather, it is a means of providing information to the public, of receiving information relevant to the permitting decision from the public, and of reviewing the work performed by the DAQ. If the DAQ determines that a proposed facility will comply with the Air Pollution Control Act and all applicable state and federal regulations, the DAQ must issue that facility a permit.*

When the public is concerned over siting, zoning, or other issues such as the decision to bring a business to their area, they should contact their local officials such as the Mayor, city council, county commission, zoning board, etc. The DAQ has no control or influence over these matters.

Comment – H. H. Rieke, continued

The lack of insuring a proper audit trail for the transcription of public comments of the Sept. 15 meeting, which was DEP's responsibility. This resulted in unwarranted public aggravation at the Dec. 18 meeting and will cost the State of West Virginia's

scarce resources to correct. The public has a right to know what court action has been taken and/or what penalties have been assessed the reporter.

Response: *On December 22, 2003 the DAQ mailed a letter to all 41 people who made oral comments at the September 15, 2003 public meeting. All of these people were informed that DAQ had not yet received the transcript from the September 15 public meeting and offering them the chance to submit these comments, in writing, to the DAQ by January 15, 2004. Those written comments are included in this response to comments document.*

The DAQ pursued all options, including legal, in our efforts to obtain the tapes or transcript of the first public meeting. DAQ had contracted with the independent court reporter to record the proceedings and provide a transcript to assist the agency in responding to oral comments received at the meeting. The agency had made numerous attempts over the past several months to obtain the information to no avail. Tapes, a partial transcript, a letter of apology and explanation from the court reporter were delivered to the Division of Air Quality's Charleston office Friday morning, January 30, 2004. A hearing had been slated for 10:30 a.m. in Kanawha County Circuit Court on the agency's request for an injunction to require the court reporter to deliver the material. All documents and tapes received by the DAQ on January 30, 2004 were copied and mailed to the Morgantown Public library and the Fairmont Regional Office on February 6, 2004.

John Benedict, Director of the DAQ attended both public hearings on the Longview project. He has heard all oral comments and reviewed all written comments before making a final decision on the permit for the Longview project. Since the tapes of the first public meeting have been reacquired, these tapes have been listened to ensure that the spirit, if not the specific language, of those comments is included in at least one of the two response to comments documents.

45CSR14, Sections 16 and 17 set forth the public review procedures and public meeting requirements that specifically discuss the handling of information submitted by the public. The DAQ has met these requirements.

Comment – H. H. Rieke, continued

DEP's inability to perform due diligence. The apparent manipulation of input data into the adopted computer air quality-modeling application to favor GenPower application. Special concern is incorrect values for sulfur content of the proposed "mineable" Sewickley coal, and the lack of consideration of the heavy metals and their amelioration, especially mercury, from any coal to be supplied to the power plant. The West Virginia Geological Survey can provide the DEP engineers with the appropriate variations in the coal chemical properties and their values. With respect to the Sewickley coal component values were published in the August 2003 issue of the International Journal of Coal Geology.

Response: *The Longview facility is designed to handle a wide range of coal conditions, including variable sulfur and ash contents. The facility will blend the coal in order to maintain as homogenous as possible a mix sent to the boiler. The facility must meet the emission rates set forth in the permit and the required continuous emission monitors (CEMs) will ensure the facility is in compliance.*

See heading(s) entitled BACT, Modeling, in the “Response to Comments #1” document.

Comment – H. H. Rieke, continued

A DEP deficiency for not considering, not requiring, advance clean coal utilization such as integrated coal gasification with combined cycle boiler pollution reduction technology that is researched and promoted by DOE/NETL facilities in Morgantown.

Response: *See heading(s) entitled BACT, in the “Response to Comments #1” document.*

Comment – H. H. Rieke, continued

The ruse promoted by the DEP that this project is economic development, which will better the lives and employment opportunities for our citizens in northern West Virginia. After construction there will be a minimum economic impact as prescribed by the Pilot Program agreement. GenPower has not to date put a coal-fired power plant in service. One gas-fired power plant is operating in Maine; all others apparently have not been put into operation.

No consideration by the State of West Virginia for decommissioning such a power plant facility and how this will meet pollution controls.

Response: *See heading(s) entitled Permit and Process, Plant Choice/Siting, in the “Response to Comments #1” document.*

Comment – David White

Please accept the following comments regarding the proposed issuance of Permit R14-0024 for the construction of an electric power generating facility at Madsville in Monongalia County:

The determination that 0.12 pounds of sulfur dioxide per million Btu of heat input meets best available control technology [BACT] described in the Addendum to the Preliminary Determination/Fact Sheet is incorrect. At page 5 of 13 of the Addendum, the Division of Air Quality states that, “Assuming that a 98% reduction of SO₂ is achievable with the MEL [magnesium enhanced lime] process, then the PC Boiler SO₂ emission rate would be 0.075 lb/MMBtu.” Any greater emission limit would not satisfy the definition of BACT at 45 CSR 14.2.9. Whether based upon the MEL process or studies showing wet limestone scrubbing with forced oxidation technology achieving a

98% reduction, the selected 0.12 lb/MMBtu limit will not meet the maximum degree of reduction for sulfur dioxide.

The proposed facility has been demonstrated to result in days of up 34% decreases in visibility in impacted Class I areas. The Federal Land Manager is under a regulatory mandate to protect the air quality values of Class I areas, 40 CFR 51.166(p), and has through his comments demonstrated that the proposed source would have an adverse impact upon such values. As confirmed in a Memorandum of December 3, 2003, the West Virginia Division of Air Quality [DAQ] has found that modeled emissions would result in days of up to 34% reduction in visibility in the Shenandoah National Park. Based upon the documented concurrence by the DAQ, and despite the DAQ position that on other days the proposed source emissions will result in improvements in visibility of up to 183%, the Director of the DAQ is required under the provisions of 45 CSR 14.12.2 to deny the permit to construct.

In general, the DAQ has incorrectly determined BACT requirements for the facility and should review each such determination. It is apparent that DAQ has not followed the requirements of 45 CSR 14 in making such determination and should further evaluate each such BACT determination and appropriately document such finding before concluding that all appropriate rules, regulations and requirements are met by the proposed issuance of Permit R14-0024.

Thank you for the opportunity to provide the above comments.

Response: See heading(s) entitled *BACT, Class I, Legal, Modeling, Permit and Process, Rule 14 and Part 52, in the "Response to Comments #1" document.*

Comment – Charles "Larry" Harris, Ph.D.

I am speaking on behalf of the 220 members of the P. Pendleton Kennedy Chapter of Trout Unlimited (TU), centered here in Morgantown. We are part of a National organization dedicated to the protection, preservation and restoration of coldwater watersheds (trout waters). We have serious environmental concerns about the Longview Power Plant being proposed and met with Mr. Wheble of Gen Power to discuss our concerns. Gen Power did not alter anything as the result of our meeting. The Longview plant is a conventional coal burning power generator, which will add an additional burden of pollution in the form of sulfur dioxide and nitrogen oxides to the atmosphere. This plant will add to the burden of air pollution from two other power plants in the immediate vicinity, and 8 in a 24 mile radius. The emissions from the proposed plant will have damaging effects on our trout streams, as these gases will combine with water and fall on our mountains as acid rain. Acid rain has already obliterated hundreds of miles of trout waters in our region. Specifically, it has been determined that this proposed power plant will have negative impacts on Dolly Sods and Otter Creek wilderness: two places where native brook trout streams are already severely impacted by acid rain.

Mr. Wheble assured us that the boiler being proposed is state of the art and will remove 95 to 98% of the nitrogen and sulfur oxides from the effluent. This may be true,

but this company has never designed a coal burning plant before and cannot point to a successful coal burning plant of this type. In addition, they will burn Sewickley coal, a high sulfur coal containing up to 2.5% sulfur. If they burned low sulfur coal the emissions could be reduced by another 90%. Mr. Wheble commented that the economics would not allow burning low sulfur coal or adding additional scrubbers to reduce emissions.

There is an additional problem with high sulfur coal: its mining produces more acid mine drainage. The demand for coal for this plant may result in reopening some of the worst AMD mines in our area, and the loss of even more trout streams. The combination of coal mining and coal burning has literally destroyed nearly half of our trout streams in West Virginia.

Trout Unlimited has also been active in the State with efforts to restore former trout waters to health...to reclaim some of the streams lost to acid rain. We have projects designed to reestablish the native brook trout and other wild trout to impacted streams by adding limestone fines. Such treatment has a cost and currently this cost is being borne by TU and the DNR. Acid rain continues to fall and the proposed power plant will only make things worse.

We feel that the Department of Environmental Protection should do better than what is being proposed in this draft permit. Since there is sure to be negative impacts from Longview, we feel the DEP should alter the permit to lower emissions sufficiently to eliminate this threat. Since the electricity from this plant will not benefit West Virginia, and will be sold to the grid, why should they be allowed to harm our State's air and water? I would like to know that my grandchildren will be able to know the joy of catching and releasing a native brook trout. But if you continue to permit power plants such as Longview it is likely that no viable trout streams will be there for them. So we challenge the DEP to take another look and either revoke this permit or lower the allowed emissions to eliminate the threat to our wild trout waters.

My name is Larry Harris and I am commenting tonight both as a citizen of Morgantown and as an appointed member of the Governors' DEP Public Advisory Council. This is a 6 member council composed of 2 environmental, 2 business and 2 public service or community members. As such, the Council serves in an advisory capacity to the DEP and meets with the Secretary and Division Heads three times a year. I intend to provide some advice and to propose some questions tonight.

First let me begin as a citizen. I start my day as most people do, putting on the coffee and going outside to take a breath of morning air and get the paper. Increasingly, that first breath is followed by a cough and a sulfur taste on the lips. As a scientist who studied air pollution and its abatement I know the origin of both the taste and smell: emissions from local power plants. I do not need any sophisticated modeling to tell me the condition of this air. It contains more sulfur dioxide and particulates than is healthy for me to breathe.

Lately Cindy and I took a hike to the top of Dorseys' Knob, one of the best views in Morgantown. From the top one can see three power plants and their plumes. In addition to the water vapor from the cooling towers we saw a yellowish smoke trail that followed the entire horizon. This is existing pollution and is the reason why we are here again tonight. This increase in particulates and SO₂ is why the wilderness regions are threatened by another power plant.

Now I put on my DEP Public Advisory hat. We have here a power plant proposal that will add sulfur dioxide and other noxious compounds to the air. The DEP follows the law and the dictates of the EPA when they award pollution permits, such as tonight's consideration. However, I am concerned that they are not acting in the best interests of the people of this area or those downwind of Longview. They are proposing to allow Longview to add another powerplant to the already large number of plants in this region. And that is the problem. What the DEP should be doing is drawing a line and denying any increase in pollution. It is this piecemeal permitting of plants that add to the already unsafe atmosphere that is the problem. The DEP went along with the EPA to grandfather in old dirty powerplants when the Clean Air Act first began. If they were truly a Department of Environmental Protection they would do what their name suggests.

We hear tonight that the Longview proposal now includes local offsets taken from the allowances of other regional power generators. On the surface this sounds good. However, my concept of this plan is that most power plants are permitted at emission levels far above their operating levels. Otherwise they would be in violation most of the time. It is the emission allowances that are being talked about here. This is a theoretical reduction, not a real reduction of emissions by other plants to make room for Longview. My question is: Is my explanation of how these allowances work correct?

In closing, Morgantown is a very nice place to live... certainly cleaner than Nitro, where the DEP offices exist. However, the existence of so many nearby power generators is making our air unhealthy to breathe. I am advising that you make the emission standards even stricter by asking Longview to use low sulfur coal or increase their abatement methods. You should also be acting on behalf of the people of West Virginia to force the dirty power plants to clean up their emissions. Indeed, if the proposal were to close Fort Martin and replace it with the proposed Longview plant, no one here would be objecting.

Response: See heading(s) entitled *Acid Mine/Rain/Deposition, BACT, Class I, Monitoring, NAAQS, Offsets, Ozone, Permit and Process, Plant Choice/Siting, Rule 14 and Part 52, in the "Response to Comments #1" document.*

Comment – Joy M. Oakes and Daniel R. Holmes, National Parks Conservation Association

We are grateful for DAQ's flexibility in being willing to allow us to submit comments through today on the proposed Longview Power, L.L.C. (Longview) facility in Monongalia County, West Virginia, as stated by Director John Benedict in a phone

conversation on January 5, 2004 with Joy Oakes of NPCA. The following expands on the comments submitted on that date, and corrects typographical errors. Our technical comments are prepared by Dr. Phyllis Fox, PE, who has more than 30 years of experience in environmental engineering (resume attached).

We appreciate the efforts to date by both the West Virginia Division of Air Quality and GenPower to reduce proposed emissions from the Longview facility, and respectfully request that those efforts continue.

The following comments are submitted on behalf of the National Parks Conservation Association (NPCA) and the Piedmont Environmental Council (PEC). With 300,000 members nationwide, NPCA is a nonpartisan nonprofit advocacy group dedicated to protecting, restoring, and enhancing America's national parks for this and future generations. PEC promotes and protects the rural economy, natural resources, history and beauty of the northern Virginia Piedmont.

Our comments can be summarized as follows: First, WV DAQ must repost the draft permit for review by the public and by federal land management agencies at a time when all relevant information and materials are available for review. A significant deficiency in the public notice published December 5, 2003 is the lack of information regarding the September 2003 Finding of Adverse Impact by both the U.S. Forest Service and the National Park Service, including the reasons why the WV DAQ agrees or disagrees with these highly relevant federal actions. While 45-CSR-14 does not specifically require the state to notify the public of such a determination, the federal Clean Air Act does (40-CFR-51.307 (a)(3)). The state implementation plan should be revised as soon as possible to conform to federal requirements, and no new permits issued until its deficiencies are addressed.

Moreover, because the state did not provide all relevant information including the revised SO₂ Class I increment modeling to the federal agencies at least 60 days prior to the public hearing on December 18, 2003 as required by 40-CFR-51.307, the results of further agency review of all relevant and updated information also were not available to the public, a serious deficiency as well.

Second, WV DAQ must set enforceable permit conditions that would demonstrably eliminate adverse impacts on Shenandoah National Park and other affected Class I areas. The current draft permit falls short of this necessary goal (45-CSR-14-1.1). We oppose the use of unenforceable offsets to mitigate significant visibility and acid deposition impacts that do not guarantee real reductions in the affected Class I areas. We urge WV DAQ to address these critically important issues through source control by requiring more stringent emission limits.

Proposed industrial sources that would degrade air quality and related values in national parks such as Shenandoah and other "Class I" areas under the federal Clean Air Act appropriately are subject to thorough analysis, and required to be as clean as technically possible. The law requires the imposition of BACT and the permit, as drafted, does not impose BACT for most of the pollutants that cause visibility and acid deposition impacts. Not only do the resources and visitors of national parks benefit from

these additional measures, but area communities and local economies also benefit from more healthful air quality.

Shenandoah National Park today is a park under siege from air pollution. In 2003 NPCA named Shenandoah one of America's Ten Most Endangered National Parks due to air pollution and other threats. Despite national pollution reductions achieved under the 1990 Acid Rain Program, acid deposition continues to make streams in Shenandoah more acidic and less able to support even the acid-tolerant native Appalachian brook trout. The park is one of a number of national parks that may be designated nonattainment for ozone under the 8-hour ozone standard to protect human health. Scenic views that should extend more than 100 miles (annual average) instead average about 25 miles on an annual basis due to fine particle pollution, the same pollution that triggers 30,000 premature human deaths each year across the country.

Thank you for the opportunity to provide comments on this draft permit. If you would like to see any of the documents referred to in our comments, please contact Joy Oakes.

Longview Power, LLC (“Project”) is a new 600-MW pulverized coal (“PC”) boiler proposed to be located in Monongalia County, near Fort Martin, West Virginia, 173 km northwest of Shenandoah National Park, a Class I air quality area managed by the National Park Service. The facility will be located adjacent to the mine and will burn coal from the Sewickley seam. The Longview facility will be a major source of sulfur dioxide (SO₂), nitrogen oxides (NO_x), particulate matter (PM), sulfuric acid mist (SAM), and beryllium (Be). The proposed permit is being issued under the Prevention of Significant deterioration (“PSD”) program.

The Class I PSD modeling analysis indicates that Longview will have adverse impacts on visibility and acid deposition in nearby Class I areas, including the Shenandoah National Park. The Permit seeks to remedy these impacts by requiring that the applicant obtain and permanently retire SO₂ allowances. (Permit, Condition A.17.) We oppose the use of unenforceable offsets to mitigate significant visibility and acid deposition impacts that do not guarantee real reductions in the affected Class I areas. This approach, at best, will allow the cooling tower and main boiler plumes from Longview to be more visible, degrading the visual airshed in these Class I areas. These impacts should be mitigated at the source by properly implementing BACT for NO_x, SO₂, H₂SO₄, and PM/PM₁₀ and MACT for acid gases and assuring that the resulting limits are actually met by curing the many enforceability problems currently in the draft Permit. We are also concerned about the deposition of mercury and other trace elements in these Class I areas and believe that these impacts could be mitigated by properly implementing MACT.

Response: See heading(s) entitled *Acid Mine/Rain/Deposition, Additional Impacts Analysis, Air Quality Board, BACT, Class I, Clear Skies Initiative, CO₂, Comment Extension, Health, Legal, Mercury, Mining/Quarrying Operations, Modeling, Monitoring, NAAQS, Noise, Odors (45CSR 4), Offsets, Other Plants, Ozone, Permit and*

Process, Plant Choice/Siting, Rule 14 and Part 52, Stack Height, Truck Traffic, For/Against in the "Response to Comments #1" document.

Comment – National Parks Conservation Association, continued

I. BACT WAS NOT REQUIRED FOR SO₂ FROM PC BOILER

The draft Permit establishes SO₂ limits of 0.15 lb/MMBtu based on a 3-hour rolling average (Permit, Condition A.3) and 0.12 lb/MMBtu based on a 24-hour rolling average. (Permit, Condition A.4.) These would be achieved using wet flue gas desulfurization. This is not BACT for SO₂ because the BACT analysis did not evaluate all technically feasible technologies and thus did not select the top technology. Further, these limits do not represent the "...maximum degree of reduction..." as required by the definition of BACT. 45CSR14-2.9. Lower SO₂ limits have been achieved and permitted.

IA Greater SO₂ Reductions Are Feasible

BACT is an emission limitation "...based on the maximum degree of reduction..." 45CSR14-2.9. The proposed SO₂ emission limits would be met with a wet flue gas desulfurization ("WFGD") process designed to remove 97% of the SO₂ from coal with 2.5% sulfur. (BACT Analysis, p. 5-14; 12/4/03 PD, p. 4.) This does not represent the maximum degree of reduction that has been achieved for SO₂.

Three SO₂ removal processes that were not evaluated in the applicant's BACT analysis – the Pahlman process, the Chiyoda CT-121 bubbling jet reactor, and circulating dry scrubbers ("CDS"). These processes have achieved >97% SO₂ removal from coal with sulfur contents similar to or higher than proposed for Longview. I presented testimony on these processes before the Kentucky Office of Administrative Hearings and can provide the transcript on request.

The Chiyoda CT-121 is a second-generation FGD process which employs a unique absorber design, called a jet bubbling reactor, to combine conventional SO₂ absorption, neutralization, sulfite oxidation, and gypsum crystallization in one reaction vessel. This process is licensed by Black & Veatch, the U.S. distributor.

The CT-121 process has consistently achieved >99% SO₂ removal during long-term operation at the Shinko-Kobe power plant in Japan. This facility consists of two 700-MW coal fired utility boilers. This technology has been guaranteed by Chiyoda to achieve 99% SO₂ removal on three coal-fired boilers in Japan. In addition, the technology has been demonstrated in the U.S. at Plant Yates in Georgia in 1994, which continues to use the process. These tests showed that the CT-121 can sustain removal efficiencies above 98% over a range of boiler loads using 2.5% sulfur coal. The removal efficiency is controlled by adjusting the depth of submergence of the flue gas spargers. Thus, it is relatively simple to compensate for variations in coal content, thereby maintaining SO₂ removal efficiency, consistent with long-term operating experience in Japan.

The Pahlman process, a multipollutant removal process offered by EnviroScrub Technologies, has been demonstrated to achieve 99.8% SO₂ control on a range of coals, including eastern bituminous, western PRB, and a blend of PRB and eastern coal at tests at DTE Energy, Minnesota Power's Boswell Energy Center, and Ameren Energy's Huntsonville Power Station. Other multipollutant removal processes have also achieved SO₂ removals of 98% to 99%.

Finally, a circulating dry scrubber ("CDS") is able to achieve >97% SO₂ control while simultaneously removing nearly 100% of the H₂SO₄ in high sulfur applications. However, it was not evaluated by the applicant and was eliminated as technically infeasible for high sulfur coals by the DAQ. The DAQ concluded that "a dry scrubbing system could not handle the SO₂ concentration level that is generated by firing coal with a sulfur content greater than 2% while achieving 90% or better removal control efficiency for SO₂." (8/26/03 PD, p. 31.) This is incorrect.

Dry scrubbers have been successfully used in Europe in high sulfur applications. See two Graf papers cited above. Further, two vendors – Lurgi and Wulff – proposed to guarantee 98% SO₂ control for the 1500-MW Thoroughbred project, with a design coal sulfur content of 4.24%, nearly twice as high as the 2.5% Sewickley coal proposed for Longview. Lurgi, for example, wrote in their proposal: "We believe that the CFB scrubber is the most suitable application for this project with low capital costs, simple to operate, reliable performance, high availability, lowest evaluated cost. And the ability to meet the high SO₂ (SO₃) removal needs of 98 to 99%. An additional value of the proposed CFB scrubber is its ability to remove Hg without modification to the existing configuration... We would also like to mention that more than 21 CFB scrubber installations supplied by Lurgi and its former licensee EEC since 1980 are still in operation with proven track records."

In addition, some vendors offer enhancements to the basic WFGD process selected by Longview that could increase the SO₂ removal efficiency. These include the use of a spray tower, performance enhancement plates, and the use of additives, such as dibasic acid. These enhancements have been included in the design of WFGD systems proposed for two 1500-MW coal-fired power plants -- the Thoroughbred Generating Station, permitted in Kentucky in December 2002 and the Prairie State Generating, currently being permitted in Illinois. Alstom Power has proposed to guarantee 98% SO₂ removal for both Thoroughbred ("The basic WFGD system is designed to have an SO₂ removal efficiency of 98% based on the worst case coal.") and Prairie State ("The basic WFGD system is designed to have an SO₂ removal efficiency of 98% based on the worst-case coal.") The Thoroughbred permit contains a 30-day and 24-hr SO₂ limit based on 98% SO₂ control. The administrative draft of the Prairie State permit contains a 30-day SO₂ limit based on 98% SO₂ control.

The BACT analysis evaluated a 98% control efficiency based on magnesium enhanced limit technology (12/4/03 PD, pp. 4-5), but did not evaluate a higher SO₂ control efficiency based on other processes, including enhancements to the basic WFGD system, the Chiyoda CT-121 process, multipollutant removal processes, or a CDS. The above-cited information indicates that >97% SO₂ control efficiency is technically

feasible and has been achieved on coals with similar and higher sulfur contents. Thus, a higher sulfur removal efficiency should have been thoroughly evaluated in the BACT analysis.

Response: *By definition, BACT is not a particular control device or a control efficiency. BACT is an emission limitation. When an emission standard is infeasible, a design, equipment work practice, operational standard or combination thereof, may be prescribed.*

The Prairie State and Thoroughbred BACT determinations were reviewed by DAQ. Please see the BACT section of the Preliminary Determination. In our review, DAQ found three determinations which had a lower SO₂ BACT than what Longview had proposed. One of these sources has a higher SO₂ limit on a short term. Another one has the lower BACT on a 12-month rolling average basis. The third source is a PC Boiler with a MDHI of 2200 MMBtu/hr, where the BACT technology was a dry limestone scrubber system. This third source only had a removal efficiency of 94% for SO₂. Of the proposed SO₂ BACT determinations, there is only one facility that had proposed a limit less than 0.12 lb/MMBtu. However, this facility's proposed limit was on a yearly basis.

The DAQ has determined that 0.12lb/MMBtu of SO₂ on a 24 hour rolling average is BACT for the proposed Longview facility. See heading(s) entitled BACT, in the "Response to Comments #1" document.

Comment – National Parks Conservation Association, continued

I.B Lower SO₂ Limits Have Been Permitted and Achieved

The National Park Service has compiled SO₂ emission data on operating coal-fired power plants and summarized SO₂ emission limits from permits and applications for coal-fired power plants. This list shows that there are 12 coal-fired power plants currently meeting lower 3-hr SO₂ limits and one that has been proposed with lower 3-hr SO₂ permit limits than proposed for Longview. These are:

3-hr SO₂ Emission Rates/Limits

Plant	State	S (%)	Boiler Type	Boiler Rating (MW)	3-hr SO ₂ (lb/MMBtu)	Year
Bonanza	UT	0.40	PC	400	0.117	2000
Colstrip #3	MT	0.75	PC	778	0.139	2000
Colstrip #3	MT	0.75	PC	778	0.119	2001
Colstrip #4	MT	0.75	PC	778	0.124	2000
Colstrip #4	MT	0.75	PC	778	0.121	2001
Intermountain Power #1	UT	0.48	PC	820	0.123	2000
Intermountain Power #1	UT	0.48	PC	820	0.110	2001
Intermountain Power #2	UT	0.48	PC	820	0.092	2000

Plant	State	S (%)	Boiler Type	Boiler Rating (MW)	3-hr SO ₂ (lb/MMBtu)	Year
Intermountain Power #2	UT	0.48	PC	820	0.109	2001
Navajo #1	AZ	0.53	PC	803	0.064	2000
Navajo #2	AZ	0.53	PC	803	0.050	2001
Navajo #3	AZ	0.53	PC	803	0.084	2001
NEVCO Sevier	UT	0.75	CFB	270	0.04	

Similarly, the NPS list includes six operating plants that are currently meeting lower 24-hour SO₂ limits and one that have been proposed with a lower 24-hr SO₂ limit than proposed for Longview. These are:

24-hr SO₂ Emission Rates/Limits

Plant	State	S (%)	Boiler Type	Boiler Rating (MW)	24-hr SO ₂ (lb/MMBtu)	Year
Intermountain Power #1	UT	0.48	PC	820	0.100	2001
Intermountain Power #2	UT	0.48	PC	820	0.082	2000
Intermountain Power #2	UT	0.48	PC	820	0.092	2001
Intermountain Power #2	UT	0.48	PC	820	0.109	2001
Navajo #2	AZ	0.53	PC	803	0.086	2000
Rawhide	AZ	0.20	PC	265	0.102	2001
NEVCO Sevier	UT	0.75	CFB	270	0.04	2001/2

All of these limits were achieved using lower sulfur, subbituminous coals. However, this is irrelevant for the Longview BACT determination for four reasons.

First, BACT is an emission limit “based on the maximum degree of reduction...” 45CSR14-2.9. The top-down process does not contemplate rejecting a low limit due to fuel differences. NSR Manual, Chapter B. The burden is on the applicant to demonstrate why a particular limit achieved by another source, such as those listed above, cannot be met, regardless of the type of coal it burns. However, the BACT analysis contains no such demonstration.

Second, the top-down BACT process has historically considered clean fuels, which led to the explicit incorporation of the term “clean fuels” in the federal definition of BACT in the 1990 Amendments to the Clean Air Act. The West Virginia definition of BACT has not yet been updated to incorporate this revision. However, case law supports the use of clean fuels to meet BACT. Almost 20 years ago, the US EPA notified a power company that requiring low sulfur fuel is an acceptable technique to meet a BACT standard. Hawaiian Electric Company v. US EPA, 723 F.2d 1440, 1442 (9th Cir. 1984). Thus, clean fuels, such as those represented by the limits in the above two tables, should have been considered in the BACT analysis.

Third, the proposed SO₂ limits are not based on the maximum degree of SO₂ reduction that has been permitted or achieved in practice. The information reviewed in Comment I.A indicates that control efficiencies of 98% to 99% are feasible for Longview. The DAQ itself admits that the WFGD systems at the three 600-MW units at the Harrison Power Station have demonstrated a removal efficiency of greater than 98% on an annual basis. (8/26/03 PD, p. 31.) Even though this is reported on an annual basis, short term excursions can be controlled by using additives for upset conditions. The 24-hour SO₂ limit based on 98% reduction would be 0.075 lb/MMBtu and based on 99% SO₂, it would be 0.0375 lb/MMBtu. These limits are consistent with those that have been achieved in practice and summarized above.

The DAQ rejected the magnesium enhanced lime process recommended by the EPA because it had not been demonstrated using high sulfur coals. (12/4/03 PD, p. 6.) The DAQ also rejected higher SO₂ control efficiencies based on certain higher sulfur coals. (8/26/03 PD, p. 35.) However, this is inconsistent with the top-down BACT process.

For control technologies that are not demonstrated in a specific application, say on a PC boiler burning high sulfur coal, the technology is still considered “demonstrated” if it is “available” and “applicable.” A technology is “available” if it can be obtained through commercial channels. It is “applicable” if it can be reasonably installed and operated on the source under consideration. NSR Manual, Sec. IV.B. This approach is widely used to make BACT determinations. For example, an EPA BACT expert recently made SO₂, PM₁₀, and NO_x BACT determinations for the Baldwin Generating Station in Illinois. He concluded: “The control alternatives evaluated should include not only existing controls for the source category in question, but also (through technology transfer) controls applied to similar source categories and gas streams, and innovative control technologies. In addition, the technology that will achieve the greatest emission reduction technically possible...is considered available for BACT purposes, must also be included as a control alternative and usually represents the ‘top’ alternative.”

Fourth, SO₂ control processes are capable of achieving a wide range of emission performance levels. In such cases, “the applicant should use the most recent regulatory decisions and performance data for identifying the emissions performance level(s) to be evaluated in all cases.” NSR Manual, p. B.23. As discussed above, the most recent regulatory decisions and performance data indicate that 98% to 99% SO₂ control is feasible. “The most effective level of control must be considered in the BACT analysis...when reviewing a control technology with a wide range of emission performance levels, it is presumed that the source can achieve the same emission reduction level as another source unless the applicant demonstrates that there are source-specific factors or other relevant information that provides a technical, economic, or energy or environmental justification to do otherwise.” NSR Manual, p. B.24.

No such showing has been made. The DAQ suggests that SO₂ removal efficiency declines as coal sulfur content increases. This is generally not true. The coal sulfur content and corresponding inlet SO₂ concentration are design parameters. Increasing

concentrations of SO₂ do not degrade the performance of the SO₂ control processes if properly designed. The SO₂ removal efficiency is either independent of the inlet SO₂ concentration (CT-121), or increases as the inlet SO₂ concentration increases (Pahlman, WFGD). For example, for the CDS process, a given removal efficiency, for example 98%, can be achieved as coal sulfur content increase by simply using more lime. The achievable SO₂ removal efficiency in a given application is a cost consideration, not a technical feasibility issue.

Thus, the DAQ should require that the applicant either demonstrate that it is infeasible to comply with a lower limit based on a higher control efficiency, or the DAQ should impose a lower limit based on selecting a low sulfur fuel or by using post-combustion controls discussed above that are capable of achieving a higher control efficiency.

Response: See response above. The commenter argues in favor of low sulfur fuel as BACT. The fuel substitution issue then becomes dependent on the regional differences in coal characteristics and the subsequent feasibility of placing a burden on units that are located further from the better/best seams. The EPA feels that the intent of the CAA is to develop standards that, to the greatest extent reasonably possible, are consistent across the industry and avoid actions that create regional disparities. Coal sulfur content is relevant as low sulfur coal fuels are much more expensive and not as readily available in West Virginia. The sources listed in the comment were all built and operating in the Western United States where lower sulfur coal is readily available.

Comment – National Parks Conservation Association, continued

II. BACT WAS NOT REQUIRED FOR PM10 FROM PC BOILER

The draft Permit establishes a PM/PM10 limit of 0.018 lb/MMBtu, based on a 6-hour rolling average. This limit includes both filterable and condensible PM10. (Permit, Conditions A.5, A.6.) However, lower total PM/PM10 limits have been permitted and achieved. We do not have time to list all of them. However, the PM10 limit in the final permit for the Springerville Generating Station in Arizona is 0.015 lb/MMBtu, including both filterable and condensible PM10. See permit cited elsewhere in these comments. Further, a source test conducted at Deseret Generation's Bonanza Power Plant measured 0.016 lb/MMBtu total PM. Thus, we encourage the DAQ to revisit the PM10 BACT determination.

Response: Condensible PM is defined by the U.S. EPA as material that is a gas at the stack temperature at the sampling location which condenses into a liquid or solid within a few seconds of leaving the stack. In terms of stack testing, condensible PM passes through the filter media and is captured in the sampling train impinger solution. Methods 201/201A focus on filterable PM sampling. The sampling train impinger solution must be analyzed separately according to EPA Method 202 to determine the condensible PM. Once quantified, the condensible PM can then be added to the filterable PM₁₀ to estimate the true total PM₁₀.

Sulfate compounds (e.g., sulfuric acid mist) are the most widely recognized forms of condensible PM emitted by combustion sources. Most of this sulfate is formed from the emission of sulfur dioxide and subsequent downwind oxidation/conversion to particulate SO₄. However, a portion of this sulfate is emitted directly from the stack as condensible PM. In addition, particulate SO₄ may form in the flue gas of combustion units using emission control technologies (e.g., SCR) that add ammonia to the gas stream. The extent of formation of these compounds depends greatly on the sulfur content of the fuel being burned.

The two facilities specifically mentioned in your comment burn lower sulfur fuel. Longview is expected to burn high sulfur content coal. The PM and PM₁₀ emission limits, including condensibles is BACT for this source. See heading(s) entitled BACT, in the "Response to Comments #1" document.

Comment – National Parks Conservation Association, continued

III. BACT WAS NOT REQUIRED FOR H₂SO₄ FROM PC BOILER

The draft Permit establishes an H₂SO₄ limit of 0.0075 lb/MMBtu based on a 3-hour rolling average, to be achieved using dry sorbent injection in conjunction with a fabric filter. (Permit, Condition A.9.) The BACT analysis is inadequate to support this limit. Further, information developed by DAQ indicates that this is not BACT.

First, the applicant claims that it selected the top technology, dry sorbent injection ("DSI"). (BACT Analysis, p. 5-26.) However, the BACT analysis does not contain enough information to allow one to reasonably review this choice. The analysis is conclusory, stating without support that Longview is implementing the top ranked technology. (BACT Analysis, p. 5-26.) However, none of the design criteria required to determine BACT were revealed. The injection location, injection process, and sorbent were not identified. The H₂SO₄ concentration was not revealed. Finally, the assumed percent H₂SO₄ control efficiency was not stated. Thus, it is impossible to evaluate whether the applicant has in fact selected the top technology. Design parameters are essential to determine BACT. See, for example, the NSR Manual, Sec. IV.D.2.a and *In re Steel Dynamics, Inc.*, PSD Appeal Nos. 99-4 & 99-5 (EAB, Jun. 22, 2000). Therefore, the BACT analysis should be revised to identify the design basis of the selected technology and to support its choice.

Second, the applicant and the DAQ only evaluated two control technologies, dry sorbent injection and wet electrostatic precipitators. (BACT Analysis, p. 5-26; 8/26/03 PD, p. 49.) However, the most effective method to control H₂SO₄ is the use of a CDS, which removes nearly 100% of acid gases, including H₂SO₄, HCl, and Hf. See Comment I.A. Therefore, the BACT analysis for H₂SO₄ is incomplete and should be revised to include a CDS.

Third, the BACT analysis eliminated the wet electrostatic precipitator ("WESP"), which can remove >98% of the H₂SO₄ (see Alstom letters, cited elsewhere) and instead selected dry sorbent injection, which typically removes <95% of the H₂SO₄. A WESP,

for example, is proposed for the Thoroughbred and Prairie State coal-fired power plants, designed to remove 98% of the H₂SO₄. Both of these facilities will burn high sulfur eastern bituminous coal. See Alstom letters cited elsewhere in these comments. When the most effective control technology is eliminated, a showing must be made that it is technically infeasible (the DAQ concluded it was feasible) or that it has unacceptable energy, cost, or environmental impacts. NSR Manual, Chapter B. The record contains no basis for eliminating the WESP technology.

Fourth, the DEP's BACT analysis identified two lower H₂SO₄ limits, but does not adopt them for Longview. (8/26/2003 PD, pp. 50-52.) The first, 0.00497 lb/MMBtu, which is in the final Thoroughbred permit, was not adopted because it was required to mitigate visibility impacts. The second, 0.0061 lb/MMBtu, proposed for the Plum Point facility, was not adopted because the feed coal contains less sulfur.

These are not valid reasons to eliminate the lowest emission rate under the top-down BACT process and are inconsistent with the definition of BACT. BACT is an emission limit based on "...the maximum degree of reduction..." The emission limit does not have to be adopted pursuant to a BACT analysis to qualify as BACT.

The Thoroughbred limit corresponds to a reduction of 98% and represents the maximum degree of reduction for H₂SO₄ that we are aware of. See March 10, 2002 Alstom letter cited elsewhere in these comments. Therefore, absent a demonstration that this limit is not technically feasible, or would result in adverse energy, cost, or collateral environmental impacts, BACT for H₂SO₄ for Longview should be no greater than 0.00497 lb/MMBtu. Because the design basis sulfur content of Thoroughbred's coal is 4.24%, while the design basis sulfur content of Longview's coal is 2.5%, the corresponding H₂SO₄ limit for Longview would be 0.0029 lb/MMBtu.

***Response:** The proposed H₂SO₄ emission rate for Thoroughbred was set to achieve a modeling demonstration that would meet the visibility impact threshold values set in the FLAG document (Protection of Mammoth Cave) and is not based upon BACT. The DAQ considers this to be a mitigation plan for visibility impacts. The Longview permit also includes a mitigation plan to minimize impacts to Class I areas. The difference between the DAQ BACT limit for Longview and the Plum Point facility is only 0.0014 lb/MMBtu. Taking into consideration that Plum Point was based on using low sulfur coal, the difference in BACT emission rates is acceptable. The DAQs BACT review for H₂SO₄ can be found on pages 48 through 52 of the Preliminary Determination.*

Comment – National Parks Conservation Association, continued

IV. BACT WAS NOT REQUIRED FOR THE AUXILIARY BOILER

The facility includes a 225 million Btu per hour ("MMBtu/hr") auxiliary boiler that exclusively fires natural gas. The operation of this boiler is limited to 3,000 hours per year and the use of 675 million standard cubic feet ("MMSCF") of pipeline quality natural gas per year. (Permit, Condition A.20.)

IV.A NO_x BACT For The Auxiliary Boiler

The Permit establishes a NO_x limit of 0.098 lb/MMBtu (82 ppm @ 3% O₂), achieved using low NO_x burners and good combustion practices (Permit, Condition A.21), based on the applicant's BACT analysis. (8/26/03 PD, p. 58; BACT Analysis, p. 5-41.) The DAQ failed to explain why lower limits that it reviewed do not establish BACT and failed to identify all relevant BACT determinations.

The DAQ tabulated BACT determinations from the RACT/BACT/LAER Clearinghouse for similar natural gas fired boilers. Twenty-nine of these have lower NO_x limits than the limit of 0.098 lb/MMBtu proposed as BACT for Longview. These lower limits range from 0.035 to 0.095 lb/MMBtu. (8/26/03 PD, Table 33.) The DAQ provides no justification for not imposing the lowest reported limits on this project, consistent with the definition of BACT.

BACT is "an emissions limitation... based on the maximum degree of reduction." 45CSR14-2.9. The top-down guidance in the NSR Manual sets out a very strict standard that must be met when the top limit is not picked, as here, *viz.*, "In the event that the top candidate is shown to be inappropriate, due to energy, environmental, or economic impacts, the rationale for this finding needs to be fully documented for the public record." (NSR Manual, pp. B. 26, B.29.) No reason is provided for not picking the top limit included in DEP's BACT Review.

Much lower limits than those included in the DEP's tabulation have been established and published in BACT Clearinghouses maintained by the California Air Resources Board ("CARB") and the South Coast Air Quality Management District ("SCAQMD"). The NSR Manual specifically recommends that the SCAQMD database, as well as other sources, be consulted in making BACT determinations. (NSR Manual, p. B.11.)

The limit proposed by DAQ corresponds to a NO_x concentration of 82 ppm at 3% O₂, achieved with low-NO_x burners. Low-NO_x burners are capable of meeting much lower NO_x concentrations, without increasing CO. Recent advances in burner technology allow low-NO_x burners to meet ≤ 9 ppm NO_x using ultra low NO_x burners, which were not included in the BACT analysis. These have been installed and successfully used on many boilers and can achieve NO_x limits of 7 ppm to 9 ppm at 3% O₂.

Thus, absent a demonstration to the contrary based on environmental, economic, or energy considerations, the DEP's review indicates that BACT for NO_x from the auxiliary boiler is an emission limit of 0.035 lb/MMBtu, achieved using low NO_x burners. (8/26/03 PD, p. 57, 222 MMBtu/hr boiler at the Philadelphia Naval Shipyard.) The BACT clearinghouses maintained by other agencies indicate that NO_x BACT may be even lower than 0.035 lb/MMBtu for the auxiliary boiler. Thus, the DAQ should require that the applicant revisit its NO_x BACT determination for the auxiliary boiler.

Response: By definition, BACT is not a particular control device or a control efficiency. BACT is an emission limitation. When an emission standard is infeasible, a design, equipment work practice, operational standard or combination thereof, may be prescribed.

A review of the results of the RBLC search showed that low NO_x burners with Flue Gas Recirculation was the selection of choice in most of the determinations. However, the BACT emission rate varied from 0.036 to 0.425 lb/MMBtu with an arithmetic mean of 0.095 lb/MMBtu. The difference between Longview's proposed limit and the arithmetic mean equates to 0.069 lb of NO_x per hour or one ton of NO_x per year. The NO_x BACT emission limit is 0.098 lb/MMBtu for the auxiliary boiler using low NO_x burners and good combustion practices with an operational limit of 3,000 hours per year.

Comment – National Parks Conservation Association, continued

IV.B PM10 BACT For Auxiliary Boiler

The draft Permit limits PM/PM10 emissions from the auxiliary boiler to 0.05 lb/hr (2.22×10^{-5} lb/MMBtu) based on a 6-hour average. (Permit, Condition A.23.) These limits are inconsistent with each other and with the BACT analysis, precluding any meaningful review of the proposed limits.

The auxiliary boiler firing rate is limited to 225 MMBtu/hr. (Permit, Condition A.20.) Thus, the limit of 2.2×10^{-5} lb/MMBtu corresponds to an emission rate of 0.005 lb/hr, not 0.05 lb/hr as indicated in the draft Permit. Alternatively, if one assumes that 0.05 lb/hr is correct, the corresponding concentration would be 2.22×10^{-4} lb/MMBtu, not 2.2×10^{-5} as indicated in the draft Permit. Thus, apparently, either the emission rate of 0.05 lb/hr or the concentration of 2.22×10^{-5} lb/MMBtu is incorrect. Further confounding matter, the BACT analysis in the PD concludes that BACT for PM/PM10 from the auxiliary boiler is 0.008 lb/MMBtu. (8/26/03 PD, p. 61.) And this conclusion is inconsistent with the PD's review of BACT determinations for similar boilers, which show that the lowest permitted limit is 0.002 lb/MMBtu. (8/26/03 PD, pp. 60-61.)

Thus, the BACT determination for PM/PM10 from the auxiliary boiler should be revisited. The review contained in the PD indicates that the PM/PM10 BACT limits should be 0.002 lb/MMBtu and 0.45 lb/hr.

Response: Permit condition A.20 contains two typographical errors. The emission limits should be 0.5 lb/hr (2.22×10^{-3} lb/MMBtu). This corresponds to 0.0022 lb/MMBtu which is BACT. The DAQ had made changes to this limit prior to the first public notice period but had mistakenly left the original BACT limit (0.008 lb/MMBtu) in the Preliminary Determination. These changes have been made to the permit.

Comment – National Parks Conservation Association, continued

IV.C CO BACT For Auxiliary Boiler

The draft Permit proposes a CO BACT limit of 9 lb/hr or 0.04 lb/MMBtu for the auxiliary boiler. (Permit, Condition A.24.) This is inconsistent with the BACT analysis and the clearing house review in the PD. (8/26/03 PD, pp. 62-64.)

The PD states that Longview proposed a CO limit of 0.0027 lb/MMBtu, while the Permit is based on 0.04 lb/MMBtu. This discrepancy should be resolved.

The DEP compiled CO BACT determinations for similar boilers from the EPA RACT/BACT/LAER Clearinghouse. Two of these have lower CO limits, 0.034 and 0.035 lb/MMBtu. (8/26/03 PD, pp. 62-63.) The PD provides no justification for not imposing the lowest reported limit, consistent with the definition of BACT.

Thus, the Permit should be revised to impose a CO BACT limit of either 0.0027 lb/MMBtu or 0.034 lb/MMBtu, unless the applicant demonstrates that such limits are infeasible for this facility.

Response: See the Preliminary Determination pages 61 through 64. The RBLC was reviewed and the lowest determinations were 0.04 lb/MMBtu with only one determination lower at 0.035 lb/MMBtu. The difference between 0.04 and 0.034 is 1.3 lb/hr or less than 2 tons per year. Given that the auxiliary boiler will operate a maximum of 3,000 hours per year, 0.04lb/MMBtu was determined to be BACT.

Comment – National Parks Conservation Association, continued

IV.D VOC BACT Limit For Auxiliary Boiler

The draft Permit proposes a VOC BACT limit of 1.21 lb/hr or 5.4×10^{-3} (0.0054) lb/MMBtu for the auxiliary boiler. (Permit, Condition A.25.) This limit is inconsistent with the BACT analysis reported by the DEP.

The DAQ compiled VOC BACT determinations for similar boilers from the EPA RACT/BACT/LAER Clearinghouse. Seventeen of these, or 71% of the total, have lower VOC limits, ranging from 0.001 to 0.005 lb/MMBtu. (8/26/03 PD, pp. 63-64.) The PD provides no justification for not imposing the lowest reported limit, consistent with the definition of BACT. The Permit should be revised to impose a VOC BACT limit of 0.001 lb/MMBtu and 0.22 lb/hr for the auxiliary boiler, unless the applicant demonstrates that such limits are infeasible for this facility.

Response: The commenter fails to take into account the limitation on hours of operation for the auxiliary boiler. Operational limitations can be part of a BACT determination. The commenter also incorrectly states that BACT is the lowest limit for a pollutant. A BACT analysis must take into account how a particular emission limit may effect other pollutant emission rates (e.g., Lower NOx emission results in increased CO for natural gas combustion sources). The VOC emission limit of 1.21 lb/hr or 5.4×10^{-3} (0.0054) lb/MMBtu is BACT for the auxiliary boiler.

Comment – National Parks Conservation Association, continued

V. FUEL SULFUR CONTENT OF 0.05% NOT BACT FOR DIESEL ENGINES

The facility includes two diesel-fired internal combustion engines, an emergency generator and a fire pump, that will be used only on an emergency basis and limited to 500 hours of operation per year each. (8/26/03 PD, p. 66.) The draft Permit limits the sulfur content of the fuel to 0.05% by weight. (Permit, Condition A.29.b.)

However, this condition incorrectly states that the fuel is fuel oil. The PD and the BACT analysis both state that these engines would burn diesel fuel. Further, the sulfur content was selected without performing a BACT analysis and is not BACT. Ultra low sulfur diesel with 15 ppm to 30 ppm sulfur is currently available in many areas accessible to the facility and has been required in many permits for similar engines at power plants. See, for example, the Preliminary Determination for the Elm Road Generating Station, which requires 0.003% (30 ppm) fuel oil.

Further, the EPA has adopted stringent fuel regulations that limit the sulfur content of diesel fuel to 15 ppmw. These regulations go into effect in June 2006, at which point ultra low sulfur diesel will be widely available in West Virginia. Therefore, DEP should perform a BACT analysis for fuel sulfur and as part of this analysis, investigate the local market to determine the current availability and the future availability (when the facility commences operation) of ultra low sulfur diesel. The Permit should be revised to require < 30 ppm sulfur diesel, when available, but no later than June 2006.

***Response:** The DAQ has removed the word oil from the permit condition. The commenter fails to take into account the limitation on hours of operation for the emergency generator and fire pump. Operational limitations can be part of a BACT determination. The emergency generator and fire pump have a maximum operational limit of 500 hours per year. For a source of very limited operation setting a maximum Fuel sulfur content of 0.05%, by weight, is BACT. This does not preclude Longview from using lower sulfur diesel fuel.*

Comment – National Parks Conservation Association, continued

VI. BACT WAS NOT REQUIRED FOR THE COOLING TOWER

The draft. (Permit, Condition A.30.) These limits are too high and the selected control technology does not represent BACT.

It is unclear why DAQ selected these values as BACT for the Longview cooling towers. The PD indicates that three approaches were evaluated to determine BACT: (1) AP-42, which is what the limits in the draft Permit are based on; (2) treating the cooling water using reverse osmosis, yielding a PM10 limit of 0.0025 lb/hr; and (3) not treating the water, but limiting the TDS to 15,000 ppm, yielding PM10 emissions of 0.148 lb/hr.

The PM10 limits derived using the latter two methods are much lower than the limits in the draft Permit. BACT is an emission limit "...based on the maximum degree of reduction..." 45CSR14-2.9. Neither the PD nor the applicant's revised BACT analysis contains any justification for the choice of the highest emission limit and a control technology, a 0.002% drift eliminator, that does not yield the maximum degree of reduction.

The major cooling tower vendors (e.g., Hamon, Psychrometric, Marley) indicate that single layers of drift eliminators typically achieve drift rates of 0.001% and 0.005% for cellular and blade type designs, respectively. Lower drift rates require the in-series installation of two layers of drift eliminators, usually of the cellular type. These vendors are willing to guarantee drift rates as low as 0.0005% using two layers of cellular drift eliminators. The application for the Baldwin Expansion Project, for example, noted "The Project solicited cooling tower manufacturers for drift performance guarantees based on use of state-of-the-art drift eliminators. Based on this solicitation, it was concluded that drift eliminators could reduce drift by about 97.5%, to a guaranteed level of 0.0005% of circulating water flow." A similar solicitation for the Thoroughbred Energy Campus, a 1500-MW coal-fired power plant in Kentucky yielded a quote of 0.0005% for both a douglas fir and fiberglass counterflow, anti-fouling film fill 345,370 gpm cooling tower.

Many recent power plant projects have been permitted to achieve drift rates of 0.0005% to 0.0006%. These include: the Tesla Power Project, Metcalf Energy Center, Contra Costa Power Plant Unit 8 Project, Delta Energy Center, the Pittsburg District Energy, La Paloma Generating Project, the High Desert Power Plant Project, and Springerville, among others. In its comments on the Preliminary Determination of Compliance for the La Paloma Project, EPA Region 9, for example, specifically recognized the use of drift eliminators with a drift rate of 0.0006% as BACT for cooling towers. The administrative draft of the permit for the 1500-MW Prairie State coal-fired power plant requires the use of drift eliminators designed to limit the loss of water droplets to not more than 0.0005% of the circulating water flow rate. Although some of these projects are gas-fired plants, the cooling towers are independent of the fuel used by the power plant.

The PD and the applicant's BACT analysis did not evaluate the availability and technical feasibility of different eliminator designs and configurations and their effectiveness. The Permit should be revised to require the use of a 0.0005% high efficiency drift eliminator. The lb/hr and ton/yr emission limits in the draft Permit should be revised accordingly, using the estimated TDS of the circulating water, measured circulating water flow rate, and vendor-guaranteed, confirmed by testing drift rate, rather than unrepresentative values from AP-42.

Response: See pages 75-76 of the Preliminary Determination. The permit limits PM10 from the cooling towers to 0.90 lb/hr and 3.9 tons/yr using a 0.002% drift eliminator or an equivalent control technology. This is BACT.

Comment – National Parks Conservation Association, continued

VII. COAL WASHING IMPROPERLY ELIMINATED FROM BACT ANALYSIS

The definition of BACT includes “fuel cleaning or treatment.” 45CSR14-2.9. The DAQ determined that coal washing is not BACT for Longview based on a confidential cost analysis. (12/4/03 PD, p. 6.) However, about 80% of the coal that is burned in the eastern U.S. is washed. Therefore, it is not believable that coal washing would not be cost effective within the meaning of BACT for a new coal-fired power plant. BACT is required by law and its costs are an integral part of the overall cost of producing electricity. “[W]here a control technology has been successfully applied to similar sources in a source category, an applicant should concentrate on documenting significant cost differences, if **any**, between the application of the control technology on those other sources and the particular source under review.” (NSR Manual, p. B.31, emphasis in original).

The applicant and DAQ have not documented any significant cost differences between coal washing for Longview and coal washing for any other coal-fired power plant where it is currently used or currently proposed to be used. The applicant only provided a summary of a “detailed study” of coal washing costs provided by a coal supplier which Longview did not identify and which Longview claimed was “commercially sensitive and can not be publicly disclosed.” (Knee 11/24/03, p. 3.) It is unclear whether this analysis was specific to Longview, or prepared for a different coal, a larger power plant, or a central facility selling coal to many power plants.

The *sine qua non* of a cost effectiveness analysis for BACT is the design basis of the process being costed. “Before costs can be estimated, the control system design parameters must be specified... In general, the BACT analysis should present vendor-supplied design parameters.” NSR Manual, p. B.32. “The basis for equipment cost estimates also should be documented.” NSR Manual, p. B.33. The Environmental Appeal Board has upheld this interpretation, remanding a PSD permit because the agency’s “cost-effectiveness analysis was incomplete.” “On remand, IDEM is directed to perform a complete analysis of SCR’s cost-effectiveness, including comparisons of costs to other facilities and to other technologies, document its findings, submit those findings to public review...” *In re Steel Dynamics, Inc.*, PSD Appeal Nos. 99-4 & 99-5 (EAB, Jun. 22, 2000).

The costs are clearly overestimated. The applicant reported that costs would increase by \$18,745,524 per year for a 2.25 million ton per year coal washing facility. (Knee 11/24/03, p. 3.) This equates to \$8.33 per ton of coal washed. This is inconsistent with market information on the incremental cost of washed coal. Further, a recent industry presentation quoted the incremental cost of washed coal as ranging from \$2.70 to \$4.08 per ton. The upper end of this range, \$4.08/ton, is less than half of the \$8.33/ton price claimed by Longview. Therefore, clearly, Longview has overstated the costs of coal washing.

The cost analysis itself is not consistent with the procedures recommended in EPA's Cost Manual for preparing BACT cost effectiveness analyses and omits many considerations which would lower the BACT cost-effectiveness of coal washing.

First, coal washing has many benefits besides sulfur reduction, leading to lower SO₂ emission, the only benefit considered by Longview. Coal washing would also significantly decrease ash content and trace metals, reducing PM/PM10 and trace metal stack emissions. A study using Sewickley Seam coal, proposed for Longview, demonstrated that conventional coal cleaning would reduce ash content by 65%, arsenic by 51%, mercury by 25%, and lead by 47%. Further, it would reduce H₂SO₄. These benefits were not considered in the BACT analysis and should have been.

Second, the analysis did not consider the reduction in capital and operating costs of the fabric filter, dry sorbent injection, or WFGD system and handling of resulting waste products.

Third, the cost analysis only evaluated incremental costs. However, where a technology is widely employed, such as here, the average cost effectiveness should be used. NSR Manual, p. B.31.

Thus, the detailed cost study should be revised to follow standard BACT cost estimating procedures and to reveal the design basis of the analysis, supporting assumptions and calculations. The revised analysis should be made publicly available and the Permit recirculated for review to assure that a proper SO₂ BACT determination has been made.

Finally, the applicant argued that "in selecting a control technology as BACT, the applicant is not required to choose multiple technologies so long as the most effective technology is selected." (Knee 11/24/03, p. 3.) This is incorrect. The applicant is required to select the emission limit that corresponds to the "maximum degree of reduction for each regulated pollutant..." 45CSR14-2.9. The maximum degree of reduction can be achieved with either a single pollution control technology or with multiple technologies. For example, the applicant concluded that BACT for NO_x is low NO_x burners and SCR. As discussed in Comment I, the maximum degree of SO₂ reduction is 99%. Thus, the applicant must either use a single post-combustion control method that is capable of reducing 99% of the SO₂ or use a combination of technologies that can meet this control levels, e.g., fuel cleaning, clean fuel, or innovative fuel combustion techniques. 45CSR14-2.9.

Response: See heading(s) entitled BACT, in the "Response to Comments #1" document.

Comment – National Parks Conservation Association, continued

VIII. IGCC AND CFB IMPROPERLY ELIMINATED FROM BACT ANALYSIS

The definition of BACT requires that "innovative fuel combustion techniques" be evaluated. 45CSR14-2.9. The applicant argued that BACT does not require the redesign of a facility when considering control technology alternatives. (BACT

Analysis, p. 5-62.) However, at the request of the DEP, the applicant compared the proposed emission limits for Longview to those for circulating fluidized beds (“CFBs”) and integrated gasification combined cycle technology (“IGCC”) and concluded that proposed emissions from Longview would be equivalent to those from IGCC or CFB. (BACT Analysis, p. 5-64 and Table 5-8.) The DAQ apparently accepted this analysis, as the 12/3/03 PD does not dispute it.

However, the applicant’s review is incomplete. The October 2002 McIlvaine FGD and DeNO_x Newsletter reviewed the emission limits for a number of CFB and IGCC projects. This review is attached to these comments as Exhibit 1. It shows that three IGCC projects, Kentucky Pioneer (0.03 lb/MMBtu), Wabash (0.1 lb/MMBtu), and Global Energy – Lima (0.038 lb/MMBtu) have lower SO₂ limits. It also shows that all of the IGCC and CFB projects save one have lower PM₁₀ limits than Longview. Further, the draft permit for the Elm Road Generating Station, cited elsewhere in these comments, proposed a 24-hour SO₂ limit of 0.03 lb/MMBtu, a 3-hour H₂SO₄ limit of 0.0005 lb/MMBtu, and a total PM₁₀ limit of 0.011 lb/MMBtu, including back half condensibles, for IGCC. Finally, the CO and VOC emissions from both IGCC and CFB are typically lower than from PC boilers. Thus, this is not a reasonable basis to eliminate IGCC and CFB from the BACT analysis.

The DAQ must evaluate IGCC and CFB as innovative fuel combustion technologies because West Virginia’s BACT definition includes “innovative fuel combustion techniques.” 45CSR14-2.9. The rule is well established that regulatory interpretation starts with the plain language. See generally *Fratzke v. Murphy*, 12 S.W.3d 269, 273 (Ky 1999). The plain language mandates that BACT must include an evaluation of innovative fuel combustion techniques.

The applicant proposed a supercritical PC coal combustion technique. However, for coal, there are multiple fuel combustion techniques. One of these fuel combustion techniques is CFB. (“Key benefits of this process are fuel flexibility and reduced emissions). See also *United States v. Ohio Edison Company*, Case No. 2:99-CV-1181 (S.D.Ohio Aug. 2003) at 14, n. 6 (noting that Steam - Its Generation and Use is the authoritative text on coal-fired electric utilities.) US EPA has already identified CFB as a “proven” control technology. *Sur Contra la Contaminacion v. EPA*, 202 F.3d 443, 447 (1st Cir. 2000). The applicant’s and DAQ’s refusal to reasonably consider the fuel combustion technique of CFB is contrary to the plain language of its regulation.

Similarly IGCC is a combination of a fuel treatment and cleaning and a combustion technique. In IGCC, coal is treated by a chemical process to remove pollutants such as sulfur and mercury, and gasified to produce a syngas that is used to drive a gas turbine. This reduces emissions compared to conventional coal combustion processes. Thus, once again, the applicant’s and the DAQ’s refusal to consider IGCC conflicts with the plain language of the regulation which requires the DAQ to consider fuel cleaning or treatment in determining what the BACT emission limit should be.

The plain language of the regulation is consistent with EPA’s interpretation. For example, in *Sur Contra la Contaminacion v. EPA*, 202 F.3d 443, 446 (1st Cir. 2000),

citizens challenged a PSD permit for a new coal fired power plant. For its BACT analysis :

[The permit applicant] proposed a novel combination of three proven control technologies: **circulating fluidized bed boilers** with limestone injection; low sulfur coal; and a dry scrubber. The company claims that this combination will lead to "one of the world's cleanest coal-fired power plants." Though this combination has not been used before, the EPA believes that this control technique is "technically feasible" and "will result in a real decrease in impacts." It, therefore, accepted the combined technologies as the BACT.

Id. at 447 (emphasis added).

In fact, requiring a particular combustion technique is a fairly common basis for achieving a BACT emission limit. See, e.g., *Alaska v. U.S. Environmental Protection Agency*, 298 F.3d 814, 816-817 (9th Cir. 2002)(Alaska requires Low NOx, a combustion process, to achieve BACT); *Citizens for Clean Air v. U.S. EPA*, 959 F.2d 839, 842 (9th Cir. 1992)(Combustion technologies is part of what is need to achieve BACT for an incinerator); *Solar Turbines, Inc. v. Seif*, 879 F.2d 1073, 1075 (3rd Cir. 1989) (EPA notes that BACT requires injection of water or steam into the combustion zone).

The Citizens case is useful for two other points. In it, the court pointed out that BACT can, if scientific evidence is presented, go so far as to require recycling be used for an incinerator. Citizens, 959 F.2d at 844, n.4 citing 56 FR 5488, 5496 (1991). Citizens also explained that

The focus of the [New Source Performance Standard] program . . . is upon the "affected facility" component in a stationary source, *i.e.* the particular *apparatus* to which a standard is applied. The NSPS program is therefore equipment oriented. On the other hand, the PSD program covers the whole stationary source, and focuses on where the plant will be located and its potential effect on its environs. The PSD program is therefore site oriented.

Citizens, 959 F.2d at 849, n.11.

Finally, at least three states have required coal fired boilers to consider IGCC in their BACT analysis -- Illinois, New Mexico and Georgia.

Response: See heading(s) entitled *BACT*, in the "Response to Comments #1" document.

Comment – National Parks Conservation Association, continued

IX. THE PERMIT IS NOT ENFORCEABLE

The emission limits in a permit "must be met on a continual basis at all levels of operation (e.g., limits written in pounds/MMBtu or percent reduction achieved), demonstrate protection of short term ambient standards (limits written in pounds/hour) and compliance verification and recordkeeping requirements)." NSR Manual, p. B.56.

Response: See heading(s) entitled *BACT, Permit and Process*, in the “Response to Comments #1” document.

Comment – National Parks Conservation Association, continued

IX.A Testing Protocol Deferred To Future

The Permit requires periodic source testing but defers the details of this testing to a future “test protocol” that would be developed 30 days prior to the test date. (Permit, Condition B.3.) This “protocol” would likely not be subject to public notice and review requirements. Therefore, relying on a future source test protocol allows for specification of the terms of the PSD permit outside of the PSD permitting process, depriving the public of an opportunity to comment on the protocol.

According to EPA, “the permit must... specify a reasonable compliance averaging time consistent with established reference methods [and] contain reference methods for determining compliance.” (NSR Manual, p. B.56, underlining added.) Moreover, the construction permit should state how compliance with each limitation will be determined, and include, but not be limited to, the test method(s) approved for demonstrating compliance. These permit compliance conditions must be very clear and enforceable as a practical matter (see Appendix C). The conditions must specify:

- when and what tests should be performed;
- under what conditions tests should be performed;
- the frequency of testing;
- the responsibility for performing the test;
- that the source be constructed to accommodate such testing;
- procedures for establishing exact testing protocol; and
- requirements for regulatory personnel to witness the testing. (*Id.*, p. H.6.)

The draft Permit does not specify a specific test method for NO_x, SO₂, filterable PM/PM₁₀, condensible PM in stack gases, or metals in coal for the PC boiler. It also does not specify test methods for most parameters for the minor sources, e.g., NO_x and PM/PM₁₀ for the auxiliary boiler, S content of fuel oil used in the emergency generator and fire pump, S content of natural gas burned in the auxiliary boiler, TDS of the cooling tower circulating water. The Permit should be revised to identify specific test methods for each parameter that will be monitored to determine compliance for each emission unit.

The draft Permit is also silent on test conditions, most notably the load conditions. The Permit conditions apply during all load conditions. However, some pollutants, such as CO and VOC, increase as load decreases. Further, pollution control systems are not operable during all loads. The SCR system, for example, typically is not operable until >50% load. Thus, the initial source tests should be conducted for a range of loads, including startup and 40%, 75%, and 100%.

Response: Throughout the permit test methods or rules that specify test methods are clearly stated. Testing must follow EPA approved methods. The requirement of the

protocol is to ensure that the testing will follow the methods and to allow the DAQ to observe such testing. EPA approved test methods specify the operational conditions for testing.

Comment – National Parks Conservation Association, continued

IX.B Periodic Testing Every 5 Years Is Not Adequate

The draft Permit proposes source testing every 5 years for H₂SO₄, Hg, Be Pb, HCl, and HF. Monthly coal sampling would also be used to determine compliance with the Hg, Be, Pb, HCl, and HF limits.

The facility must comply with the Compliance Assurance Monitoring (“CAM”) rule at 40 CFR 64, which requires continuous compliance. Further, “BACT emission limits or conditions must be met on a continual basis at all levels of operation... and be enforceable as a practical matter.” NSR Manual, p. B.56. The limit on H₂SO₄ is a BACT limit.

The subject constituents (S, Hg, Be, Pb, Cl, F) are highly variable in the feed coal. Further, the coal content is not necessarily directly related to stack emissions. Some metals, for example, have been observed to accumulate in pollution control devices and be released in pulses. Thus, one stack test every 5 years coupled with a monthly grab sample is not adequate to assure continuous compliance with these emission limits. We recommend a minimum of annual stack tests for each of these parameters. In addition, we recommend the use of CEMs where feasible and surrogates that can be continuously monitored where CEMs are not feasible.

Response: See heading(s) entitled, *BACT, Mercury*, in the “*Response to Comments #1*” document.

Comment – National Parks Conservation Association, continued

IX.B.1 Continuous Emission Monitors (CEMs)

Continuous emission monitors (“CEMs”) have been developed and widely used for both HCl and Hg. Hg CEMs, for example, are currently widely used in Europe for compliance purposes, primarily in Germany. Hg CEMs are installed at over 100 facilities, including fossil fuel boilers and municipal waste combustors. Hg CEMs have also been required on coal-fired power plants in the U.S. in Consent Decrees, e.g., PSEG Fossil. The Indiana Department of Environmental Management (“IDEM”) reviewed the use of Hg CEMs for coal-fired power plants, concluded that they were technically feasible, and recommended their use for the Thoroughbred Generating Station.

Response: See heading(s) entitled, *BACT, Mercury*, in the “*Response to Comments #1*” document.

Comment – National Parks Conservation Association, continued

IX.B.2 Surrogate Parameters

Surrogate parameters that can be continuously monitored that are related to the parameter of interest can also be used to demonstrate continuous compliance. The EPA, for example, notes this is a valid approach for “[o]nly those parameters that exhibit a correlation with source emissions...” New Source Review Manual at H.6.

Commonly used surrogates include SO₂ for the acid gases, H₂SO₄, HCl, and HF and PM/PM₁₀ and baghouse and scrubber operating parameters for metals associated with particulate matter (Pb, Be). The applicant, for example, proposed SO₂ as a surrogate for HCl and HF (BACT Analysis, p. 5-35) and PM/PM₁₀ as surrogates for non-mercury metallic HAPs. (BACT Analysis, p. 5-34.) However, this approach is not reflected in the draft Permit.

A surrogate should only be used if a scientific study demonstrates a good correlation ($r^2 = \geq 80\%$, $p < 0.05$) over the long term (based on at least 6 months of data) between these parameters. Absent a good correlation, compliance should be demonstrated using at least quarterly source tests for the first two years of operation, reduced to annual source tests if the quarterly source tests consistently show compliance.

Thus, we recommend that the Permit be modified to require the use of surrogates to determine continuous compliance with the proposed limits on Pb, Be, H₂SO₄, and HF if a study demonstrates an acceptable correlation between the parameter and the surrogate. The relationship developed in the study should be validated annually by simultaneous source testing and coal sampling, allowing for the residence time through the facility.

Response: *The permit requires mercury, beryllium, lead, chlorine and fluoride content testing in the coal for mercury, beryllium, lead, HCl and HF compliance. The permit also requires a CEM for SO₂. See heading(s) entitled, BACT, in the “Response to Comments #1” document.*

Comment – National Parks Conservation Association, continued

IX.C **Monthly Coal Sampling Is Not Adequate**

The Permit requires monthly coal sampling to determine compliance with Hg, Be, Pb, HCl, and HF limits. However, these (and other) constituents are highly variable in coal. For example, information in the application indicates that the Hg content of the Sewickley Seam coal that would be used by Longview ranges from 0.04 to 0.29 ppm, or over a factor of seven. (BACT Analysis, p. 5-29.) The plant would burn 260 tons per hour or over 2 million tons per year of coal. It is not believable that only 12 samples could reasonably represent the quality of coal combusted and hence emissions. Thus, if coal sampling is retained as a compliance method, we recommend that it be increased to a grab sample every three hours (the averaging time specified in the draft permit),

composited monthly. If any monthly average exceeded the Permit limit, each hourly composite should be analyzed to determine compliance with the 3-hour limit.

Response: *The DAQ notes that the proposed mercury rule (published January 30, 2004 Federal Register/ Vol. 69, No.20) suggests the use of a 12-month rolling average in determining compliance for Mercury. The EPA considers the use of an averaging period to be appropriate because mercury is not an acute health hazard in the context of its emission from Utility Units. See heading(s) entitled, Mercury, in the "Response to Comments #1" document.*

Comment – National Parks Conservation Association, continued

IX.D Auxiliary Boiler Testing Is Inadequate

The draft Permit requires a single initial source test to demonstrate compliance with the NO_x, PM/PM₁₀, and CO limits for the auxiliary boiler. (Permit, Conditions A.21, A.23, A.24.) No testing at all is required to demonstrate compliance with the VOC and opacity limits. (Permit, Conditions B.23, B.25, B.26.) As discussed in Comment IX.B, continuous compliance is required for all sources. Further, emissions on initial startup represent "new and clean" conditions. Performance degrades and emissions increase over time. Thus, the Permit should be revised to require annual source tests for NO_x, PM/PM₁₀, and CO in the exhaust gases of the auxiliary boiler.

The only testing required to demonstrate compliance with the SO₂ limit for the auxiliary boiler is "annual records of the sulfur content of the natural gas consumed." (Permit, Condition A.22.) The sulfur content of natural gas can be highly variable. Thus, the Permit should be revised to require that the sulfur content of natural gas used in the auxiliary boiler be analyzed each time the auxiliary boiler is fired and at least daily during operation of the boiler. The samples should represent a 3-hr average because the SO₂ emission limit is expressed as a 3-hr average.

Response: *The DAQ believes it has set appropriate testing requirements for a natural gas fired boiler that will operate a maximum of 3,000 hours per year.*

Comment – National Parks Conservation Association, continued

IX.E Cooling Tower Emission Testing Is Inadequate

The draft Permit requires monthly monitoring of TDS in treated make-up water to verify compliance with cooling tower PM₁₀ limits. This is not sufficient to determine compliance. The calculation of cooling tower PM₁₀ emissions requires that the circulating water flow rate be multiplied by the concentration of TDS in the circulating water and the drift fraction. The Permit does not require that the circulating water flow rate or the drift fraction be measured. Further, it requires that the TDS be monitored in the wrong water stream, the makeup water, rather than the circulating water. A fraction of the circulating water, not the makeup water, is emitted as drift. The circulating water

has higher TDS than the makeup because the water is cycled multiple times through the tower. Thus, the TDS in the circulating water must be measured.

The Permit should be revised to require at least daily (to determine compliance with an hourly PM10 limit) monitoring of TDS in the circulating water and daily monitoring of the circulating water flow rate. The Permit should also be revised to require an annual performance test by a licensed Cooling Tower Institute drift testing firm to verify the operating efficiency. The DAQ should require a vendor guarantee to confirm the permitted drift rate and other cooling tower design details, e.g., circulating water flow rate, TDS, cycles of concentration, at least 30 days prior to commencement of construction. Finally, a source test should be required at least once every five years to confirm compliance with the emission limits.

Response: The monitoring requirements are appropriate for a source that will emit a maximum of 3.9 TPY of particulate.

Comment – National Parks Conservation Association, continued

IX.F Internal Combustion Engine Testing Is Inadequate

The draft Permit limits the sulfur content of the fuel oil that will be combusted in the emergency generator and fire pump engines and sets specific emission limits for SO₂, PM10, CO, NO_x, and VOC. (Permit, Condition A.29.) However, the draft Permit does not require any monitoring to determine compliance with these limits. The Permit should be modified to require at least an initial compliance source test and subsequent tests at least every five years.

Response: Monitoring of fuel use and hours of operation is appropriate for sources that are for emergency purposes and are expected to operate less than 500 hours per year.

Comment – National Parks Conservation Association, continued

IX.G Initial Compliance Testing Omitted For 3-hr SO₂ Limit

The Permit requires initial compliance testing using EPA test methods for all pollutants except the 3-hr SO₂ limit. This appears to have been an oversight. Thus, we recommend that Condition A.3 be expanded to require initial compliance testing with the 3-hr SO₂ limit.

Response: The initial testing requirement for SO₂ emissions was mistakenly placed under the 24 hour average emission rate instead of the 3 hour average emission rate. The permit requirement has been moved. See Specific Requirement A.3.a. in the permit.

Comment – National Parks Conservation Association, continued

IX.H PM10 Limits Are Not Federally Enforceable

IX.H.1 PM CEM Should Be Required On Startup

The Permit requires the installation of a PM CEM “within 18 months of start-up of the PC Boiler or when the performance specification (PS-11) is promulgated, which ever comes latter (sic).” (Permit, Condition A.5.b.) We support the use of a PM CEM. However, the language currently in the draft Permit would allow the facility to operate for at least 18 months with no compliance demonstration beyond the initial source test required in Condition A.5.a. And if performance specification PS-11 is never promulgated, a PM CEM would never be required.

PM CEMs have been widely used for many years in both the U.S. and other countries and routinely pass rigorous performance specifications, such as those of the non-profit German certifying agency, TÜV. PM CEMs have been required to monitor PM from coal-fired power plants in several Consent Decrees between the United States and various energy companies, including Wisconsin Electric Power Company, Virginia Electric and Power Company, and Tampa Electric Company. The PM CEM required by the TECO consent decree was installed in 2002 and has reportedly been successfully operating.

In addition, in the U.S., PM CEMs have been installed and evaluated on liquid hazardous waste burning sources, cement kilns, copper smelters, a glass furnace, and oil- and coal-fired boilers. In Canada, many PM CEMs are in use at pulp and paper mills. In England, PM CEMs are used at municipal waste combustors, power plants, and cement kilns. In Germany, PM CEMs are required on coal- and oil-fired power plants larger than 50 MW and gas-fired units larger than 100 MW and on waste incinerators. In Denmark, PM CEMs are used at coal-fired power plants.

Given this long and successful history, we recommend that the Permit be modified to require the installation and use of the PM CEM to determine compliance on startup.

Response: *The only pollutant for which the performance specifications had not yet been promulgated was particulate matter. On January 12, 2004 the final rule was promulgated setting forth the specifications and test procedures for particulate matter continuous emission monitoring systems at stationary sources. This final rule is part of 40 CFR 60 and is known as Performance Specification 11 (PS-11). Specific Requirement A.5 of the permit has been updated to reflect the promulgation of this rule.*

Comment – National Parks Conservation Association, continued

IX.H.2 Source Test Every 3 Years Is Not Adequate

The BACT analysis concluded that BACT for PM/PM10 is an emission limit of 0.018 lb/MMBtu for total PM10, including condensibles. (8/26/03 PD, pp. 40-41.) The Permit confirms that the PM10 limit “includes filterable and condensibles” and specifies EPA Methods 201 or 201A for compliance. (Permit, Condition A.6.) However, it does

not contain similar language for the PM limit in Condition A.5, thus leaving ambiguous the question of whether condensibles are included.

Further, the proposed PM CEM only measures filterable PM. Therefore, the draft Permit only requires compliance with total PM every 3 years because the condensible fraction of PM is only measured in the source test. This is not adequate to demonstrate continuous compliance because PM10 emissions are highly variable. The Consent Decrees cited in Comment IX.H.1 require both PM CEMs *and* annual stack testing. Further, the NSR Manual requires that “BACT emission limits or conditions must be met on a continual basis at all levels of operation... and be enforceable as a practical matter.” (NSR Manual, p. B.56.)

It is well known that “[m]annual stack tests are generally performed under optimum operating conditions, and as such, do not reflect the full-time emission conditions from a source.” (40 FR 46241 10/6/75.) A widely used handbook on CEMs notes, with respect to PM10 source tests, that: “Due to the planning and preparations necessary for these manual methods, the source is usually notified prior to the actual testing. This lead time allows the source to optimize both operations and control equipment performance in order to pass the tests.”

Thus, we recommend that the Permit be modified to clarify that the PM limit includes both filterable and condensible PM and to specify Method 201 or 201A to measure condensible PM. We also recommend that the source tests be conducted independently, at the direction of the DAQ and that quarterly PM/PM10 source tests be required during the first year of operation, reduced to annual if the quarterly tests demonstrate compliance.

Response: *Condensible PM is defined by the U.S. EPA as material that is a gas at the stack temperature at the sampling location which condenses into a liquid or solid within a few seconds of leaving the stack. In terms of stack testing, condensible PM passes through the filter media and is captured in the sampling train impinger solution. Methods 201/201A focus on filterable PM sampling. The sampling train impinger solution must be analyzed separately according to EPA Method 202 to determine the condensible PM. Once quantified, the condensible PM can then be added to the filterable PM₁₀ to estimate the true total PM₁₀. The monitoring and testing requirements set forth in the permit are in accordance with approved EPA test methods, state rules and federal regulations. See heading(s) entitled BACT, in the “Response to Comments #1” document.*

Comment – Julieann F. Wozniak

Here are the comments I made, to the best of my recollection, at the September 15th public meeting on Longview Power.

My name is Julieann Wozniak and I have lived in the small coal mining town of Bobtown, Pennsylvania, for most of my life. It is our profound misfortune, in Bobtown,

to reside halfway between Hatfield's Ferry and Fort Martin and beneath the fallout clouds emitted by both pollution-belching monstrosities.

I'd like to tell you this evening that power plant emissions are killing my mother. She has chronic obstructive pulmonary disease, asthma, emphysema, one functioning lung. She uses a nebulizer, three different inhalers and is tethered to any oxygen tank twenty four hours a day, seven days a week. She enjoys no quality of life. Her ability to leave our home is literally dictated by which way the wind is blowing.

I have nothing against Longview, specifically. However, I do resent that we Green Countians are expected to bear up under such an onerous burden of polluted air like good soldiers, without complaint and without any economic benefit.

Response: See heading(s) entitled *Health, Permit and Process, For/Against in the "Response to Comments #1" document.*

Comment – Edna Dillon

To remember my statements after such time elapse and from one of many speaking occasions may produce new specifics, but the major premise remains authentic – the Longview Power Plant permit should be denied by your Agency, on the basis of your jurisdiction: insure the protection of the general public from contaminated air.

At that public meeting on September 15th, I had introduced my commentary with the following observations (gleaned from the fact that the union labor work force packed the audience and restroom commentaries denigrating “academic professors” who should work for a living). My opening words addressed the need to emphasize the consequences of permitting another power plant in such close proximity to other plants. It was not an occasion to spur off on class warfare.

But the fossil fuel industry always trots out “jobs” to justify permitting. We must choose between a healthy economy vs. a healthy environment which is not cost effective. It's too expensive to install proper pollution control equipment, they say. The cost of unhealthy air is ignored and the sciences are dismissed as bogus, unreliable, invalid arguments.

You heard the science at that meeting. You also heard the workers appealing for their prospective construction jobs. You know the history of plants in violation of the Clean Air Act and the smoke of the “Clear Air” legislation. You know where our State stands on the national asthma scale and the states suing for “acid rain” destruction. The medical costs of increased pollution will fall upon those most vulnerable (like that little baby that was displayed at the meeting) and the high school students in attendance at the proposed new school.

The industry chooses not to incorporate the truly latest modern technology. Instead, they chant the plant will be “state-of-the-art.” At least the old Beechurst Plant promised more (barging waste aside). The industry operates without accountability or

impunity and we citizens must rely upon the fair, good will of our government agencies which is (under present D. C. Administration) under pressure to accommodate fossil fuel growth (rather than a sustainable alternate source).

May God give you the wisdom of Solomon as your decision is greater than economic or environmental, it is above all, a moral decision.

Response: See heading(s) entitled *BACT, Health, NAAQS, Permit and Process, Plant Choice/Siting, For/Against* in the "Response to Comments #1" document.

Comment – Linda Cooper

My name is Linda Cooper. I live in Monongalia County. I have reviewed the application and WVAPCC report on the Longview project and I have watched as one county governmental agency after another has rendered their blessing for this project.

I have three quick questions and one observation:

1. What will be the effects of this project in terms of health and life to citizens of Morgantown, Mon. County, and the extended area? And what will be the cost of these effects?

My research indicates that in the U. S.: (Asthma NCHS data) in the last 20 years, the asthma prevalence rate per 1,000 persons has increased 74%; the number of visits to physicians, outpatient departments, and emergency rooms in the last 10 years have increased by 80%; and, that in 2002 alone, the estimated economic cost of asthma (direct and indirect) was \$14 billion.

(Emphysema NCHS data) in the last 10 years, chronic bronchitis rate (per 1,000) has increased by 34%.

(COPD-Chronic Obstructive Pulmonary Disease NCHS data) in the last 10 years has increased 152% (as first listed hospital discharge diagnosis).

Finally, in 2000, more people visited health facilities for respiratory disease than anything else, 9 million visits.

The same statistics for West Virginia or Monongalia County are not available from WVAPCC or the WVBHP.

Can you give us those figures? How many more cases of asthma in Mon County, West Virginia, the U. S. will this cause? How much emphysema, COPD, doctor's visits for respiration complaints?

If we do not know the human cost of the toxics it will spew into the air, then how can we truly assess the impact of this power plant on our lives?

Response: See heading(s) entitled *Health, Monitoring, NAAQS*, in the “Response to Comments #1” document.

Comment – Linda Cooper, continued

2. Have you noticed the black stuff on the white or light roofs on area houses? All over! We are told it is some kind of fungus. Well, sure, but what causes the fungus? And, what is the cost of this fungus to local citizens? Will there be more such damage from this power plant? Why can’t we know before it is constructed?

Response: *The growth of such fungus is usually the result of wet weather conditions. It is not known to be associated with any particular industry.*

Comment – Linda Cooper, continued

3. I want to take this opportunity to thank Senator Byrd for all the money that has come to our State for research in clean coal technology. Millions of dollars over the course of many years and to the great benefit of our local community. But, why is it not being applied more aggressively? Why are we still stuck using, essentially, the same and very dirty technology to address our energy needs?

Response: See heading(s) entitled *BACT, NAAQS, Permit and Process, Plant Choice/Siting*, in the “Response to Comments #1” document.

Comment – Linda Cooper, continued

4. Currently, I am actively pursuing a masters in business administration. It is a new and fascinating field for me. I am about two-thirds through. And, one of the things I have learned for sure is that private businesses are in business to make money!

Well, yes, of course, you say, but please think about it just a wee bit harder.

The bottom line is making money. This power project would not be proposed if it is not projected to MAKE MONEY.

But, are all the costs being considered? Who is going to pay for the health care of those unable to pay?

To who’s best interest, bottom line, best interest is this project directed? Sure we will get a few PILOT funds for local government and a few jobs during construction.

But, then all those other costs are ours to bare while the company takes home its profits for its executive and shareholders.

Profit is fine, but not at the expense of the rest of us.

And these dirty technologies will not go away until you and I demand it.

For these reasons, I thank you for holding this hearing in the local effected community and I thank you all for being here tonight and expressing your concerns.

Response: See heading(s) entitled BACT, Health, NAAQS, Permit and Process, Plant Choice/Siting, For/Against in the "Response to Comments #1" document.

Comment – Duane G. Nichols

Please contact the WV Attorney General as soon as possible to request a determination of the legal status of the Longview Power, L.L.C. permit application R14-0024 now pending with the Division of Air Quality, WVDEP. Question: Should there be a public hearing held as a replacement for the lost transcript?

The immediate issue is the loss of the transcript of the September 15th public hearing held in Morgantown. This loss was not announced until a second hearing was being completed on December 18th, also in Morgantown, based upon revisions which did not consider the transcript of the first hearing. Therefore, the proposed permit has been advanced in favor of Longview without due consideration of the public input.

On December 22nd, the Division of Air Quality mailed letters to those who testified at the September 15th hearing, asking for written copies of the original input. However, this cannot suffice as a substitute for a replacement public hearing so as to redo the lost testimony. Many of those who testified spoke extemporaneously, without notes or written text; so these persons are being unfairly penalized without a new hearing at which they can re-deliver their own individual message.

Response: The DAQ mailed copies of all comments received through the first public comment period to the Morgantown Public Library and the Fairmont Regional Office on October 6, 2003. Copies of all comments received through the second public comment period including the extension for submission of those oral comments from the first public meeting (September 15, 2003) were mailed to the same locations on January 16, 2004. A copy of the transcript from the second public meeting (December 18, 2003) was mailed to the same locations on January 20, 2004. The DAQ has confirmed with the Morgantown Public Library that these documents were received and are in the Longview file.

On December 22, 2003 the DAQ mailed a letter to all 41 people who made oral comments at the September 15, 2003 public meeting. All of these people were informed that DAQ had not yet received the transcript from the September 15 public meeting and offering them the chance to submit these comments, in writing, to the DAQ by January 15, 2004. Those written comments are included in this response to comments document.

The DAQ pursued all options, including legal, in our efforts to obtain the tapes or transcript of the first public meeting. DAQ had contracted with the independent court reporter to record the proceedings and provide a transcript to assist the agency in responding to oral comments received at the meeting. The agency had made numerous

attempts over the past several months to obtain the information to no avail. Tapes, a partial transcript, a letter of apology and explanation from the court reporter were delivered to the Division of Air Quality's Charleston office Friday morning, January 30, 2004. A hearing had been slated for 10:30 a.m. in Kanawha County Circuit Court on the agency's request for an injunction to require the court reporter to deliver the material. All documents and tapes received by the DAQ on January 30, 2004 were copied and mailed to the Morgantown Public library and the Fairmont Regional Office on February 6, 2004.

John Benedict, Director of the DAQ attended both public hearings on the Longview project. He has heard all oral comments and reviewed all written comments before making a final decision on the permit for the Longview project. Since the tapes of the first public meeting have been reacquired, these tapes have been listened to ensure that the spirit, if not the specific language, of those comments is included in at least one of the two response to comments documents.

45CSR14, Sections 16 and 17 set forth the public review procedures and public meeting requirements that specifically discuss the handling of information submitted by the public. The DAQ has met these requirements.

Comment – Duane G. Nichols, continued

Also, under the WV State Code how can a PILOT agreement be authorized by Monongalia County for a major coal-fired merchant power plant for which there is no local need for the electricity, as well as no participation by the WV Public Service Commission, nor the WV Development Office, nor the Federal Energy Regulatory Commission. [An application for a “siting certificate” is moving forward in the absence of rules for granting siting certificates by the WV PSC.]

More generally, the “lease agreement” among the Monongalia County Commission, the Monongalia County Development Authority and Longview Power, LLC, is incredibly detailed and complex such that a review by the WV Attorney General is needed to examine the “payment in lieu of taxes” and other provisions contained therein. This lease agreement impacts the State of West Virginia in many different ways, not least of which is the transfer of payments to the Monongalia County Board of Education rather than the State Department of Education. The DEP should not issue a permit Longview under these circumstances.

Response: *See heading(s) entitled Legal, Plant Choice/Siting, in the “Response to Comments #1” document.*

Comment – James L. Laurita, Jr., President, MEPCO

I would like to submit some additional information based upon some of the comments that I heard presented by various individuals during the last public hearing held on December 18, 2003, in Morgantown.

MEPCO, Inc., and its affiliated companies have been mining and washing the Sewickley coal seam for over 35 years in Maudsville, WV, and therefore have extensive experience in mining, processing and marketing the Sewickley coal seam in the Northern WV, Southwestern, PA energy markets.

There has been some question as to why the coal is being burned raw and not processed. Consuming a raw run of mine coal avoids processing cost, waste disposal, and potential long-term water treatment. The coal washing process typically reduces the mine yield to approximately 70%. Therefore, the raw coal production costs must be inflated 30% to accommodate the lost product. Combine this with the cost to process the coal and the waste disposal costs, the inflated cost to produce a clean ton of coal is approximately ten dollars (\$10) per ton higher than a raw ton.

To process the coal to reduce sulfur content is also not economical. Historically, we see an average reduction of 10 to 15% in sulfur when the coal is crushed and washed. This is not substantial enough to consider this coal to be of lower sulfur content and thus does not garner a higher price in the market. As outlined in the previous paragraph, it is better to ship a raw ton whenever possible to improve the operations economics. There have been several US DOE projects over the years that attempted to substantially reduce the sulfur content of high sulfur coals by processing, to the point that they were considered low sulfur coal, but they have all failed to be economically viable. The latest project that I am aware of was a DOE project in Somerset County, Pennsylvania, called Custom Coals. After only a few years of operation, this forty million dollar plant was scrapped in 2001.

Some question has been raised as to the need for sulfur content averaging periods. When marketing a raw ROM coal, the sulfur content can change dramatically in a short period of time. This is due to the fact that pyritic sulfur content varies substantially within the coal seam, and the roof and floor rock of the mine, and is relative to the type of roof geology in the area being mined. Processing tends to capture the pyrite and thus even out the swings in sulfur content, but again, hurts the economic viability of the mining operation and creates an environmental problem when land filling this acid producing material. The Sewickley coal seam has swings in raw ROM sulfur content, ranging from approximately 1.0% to 4% sulfur depending upon location, with an average of 2.5%.

We attempt to equalize the sulfur contents by planning the layout of our mining operations in such a manner that equal amounts of higher sulfur coals are mined at the same rate as lower sulfur coals. Inevitable production delays result in an imbalance in sulfur delivered and thus sulfur spikes occur. This is part of mining and no amount of pre-planning can eliminate all such imbalances.

Another commenter said that she had knowledge of a large mineable untapped low sulfur reserve nearby the plant and questioned the need to mine the higher sulfur Sewickley coal. I have been in the coal business for over twenty years and know every substantial block of coal that is within fifty miles of the proposed Longview plant. It's my business to know my competitors and their reserves. No such reserve exists . . . if

it did, someone would be mining it right now. The price for low sulfur coal is approximately ten dollars per ton higher than that of the coals normally found in Northern WV. That is why it is cheaper to install and operate pollution controls rather than purchase high cost low sulfur coal and pay to transport it here.

The Sewickley coal reserves are here, proven and unmineable if the abandoned Pittsburgh Mine Pools that lie underneath are not dewatered. The Longview Power Project will enable those reserves to be mined in an economical manner and thus produce economically competitive electricity in a state of the art environmentally sound facility.

Response: *No response necessary.*

Comment – Jarrett F. Jamison, III

I am submitting this information on the public hearing of September 15, 2003, of which the transcripts were lost.

My name is Jarrett Jamison and I live in the Fort Martin Community that is over 150 years old for Longview's information! I live 4/10 of a mile from the proposed Longview plant. I want the DEP to know that the community of Fort Martin residents have been harassed by the Monongalia County Development Authority for the fourth and last time with their cancer causing projects!

There are air pollution problems now with the Fort Martin Power Station. (The Fort Martin Power Station has monthly meetings at Pt. Marion about the fly ash problems now.) With all the heavy truck traffic on Rt. 53/100 and 53/2 where the problems are now.

The Fort Martin citizens invite the DEP to come down one day (no rain) to set up 5 air monitors for 24 hours. By the end of the day, you will have enough – dust – smoke – noise and a list of traffic citations along with all the confusion on the highway.

The Longview draft permit is full of air modeling manipulations to suit Longview. This draft document does not even consider the Fort Martin Longview project setting in the center of our community full of families that would enjoy the peace of mind of continuing to live on a farm without Longview.

The citizens of Fort Martin can believe in the Holy Bible – but never the Longview Project!

I urge the DEP to make Longview lower the emission output for the sake of the people and the environment of the Fort Martin Community and West Virginia.

Look at the big picture!

Response: See heading(s) entitled *BACT, Health, Legal, Mining/Quarrying Operations, Modeling, Monitoring, NAAQS, Other Plants, Ozone, Permit and Process, Plant Choice/Siting, For/Against* in the “Response to Comments #1” document.

Comment – James Kotcon, Sierra Club

Please consider the following comments on behalf of the West Virginia Chapter of Sierra Club and its approximately 1600 members, regarding the proposed air permit for the Longview power plant (R-14-0024 as revised Dec. 4, 2003). These comments will repeat issues we raised at the Sept. 15, 2003 hearing, as well as expand and supplement the information on these issues. We believe that the information we have uncovered raises very serious concerns that the draft permit, even in its revised form, is substantially inadequate and violates numerous provisions of state and federal law.

We appreciate the opportunity being provided by WV-DAQ to address concerns about the lost transcripts from the Sept. 15 hearing, however we repeat our strong objection to the public notification and comment procedures as conducted to date. We do not believe that these meet either the letter or the intent of state rules or the federal Clean Air Act. We insist that WV-DAQ provide a complete file, with a comprehensive emissions inventory and impact modeling, for public review.

According to 40CFR51.307, WV-DAQ was required to notify the public of the Adverse Impact Determination of federal land managers regarding the emissions from the proposed Longview plant. In spite of repeated requests to do so, WV-DAQ still has not done so. We note that the WV-DAQ letter of Dec. 22 inviting our comments was issued several months after the comment period in September when this issue was raised repeatedly by federal agency staff, both during that comment period and in subsequent correspondence. Yet when a revised draft permit was issued in Dec. 5 for public comment, no mention of these Determinations was made, even though the very reason for the permit revisions was to address those Adverse Impact Determinations. The failure of the WV-DAQ to properly inform the public may be inadvertent, but gives the appearance of a deliberate attempt to hide this information from the public.

We have learned that the National Park Service attempted to provide a temporary remedy for this situation in the form of a Memorandum of Understanding. We do not understand why WV-DAQ would object to such a resolution unless WV-DAQ is in fact deliberately trying to hide adverse impact information from the public.

Of equal concern is the inability of the public to properly review a complete file on the project. We have learned of the concern by federal agencies that the emissions inventory on which cumulative impact modeling was based was incorrect and incomplete, making it impossible to determine whether the plant will actually contribute significantly to deterioration of air quality in Class I Areas. Instead of providing a comprehensive inventory and complete modeling analysis to the agencies at least 60 days in advance of the public comment period, we find that the inventory was inaccurate and overstated the allowable increment, and that, as of Jan. 4, the agencies still have not had an opportunity to review and evaluate the impact modeling based on a complete and

accurate inventory. Once again, WV-DAQ is creating the appearance of a deliberate effort to prevent the public from being fully informed and providing informed comment on this draft permit.

To make matters worse, a complete file of comments still is not available at the Morgantown Public Library. As of this week, none of the written comments submitted by the public in the September public comment period have been made available. Numerous objections were raised in the few letters that I have available, yet these are not available for local citizens to review, in direct contradiction to the plain language of 45-CSR-14. Once again, it creates the appearance that WV-DAQ is failing to keep the public fully informed of issues and objections raised, and thereby is preventing informed comment from the public. This failure becomes particularly troubling in the light of misinformation being presented in extensive advertising campaigns from third parties, including the statements at the public hearing from proponents that Longview will make our air cleaner because it will displace generation from older power plants.

Regardless of who is at fault in this situation, WV-DAQ must re-advertise and extend or re-open the public comment period. WV-DAQ, in doing so, must acknowledge adverse impact determinations of federal agencies and correct the misinformation (claims that Longview will make the air cleaner) that has been advertised by third parties. WV-DAQ must specifically inform the public that some previous comments had been lost, and that new issues will be considered. WV-DAQ must provide all relevant information regarding modeling, emissions, and pollution impacts for public review. And WV-DAQ must make available for public inspection copies of those comments that they do have, as required by 45-CSR-14-16.5. We again recommend, due to the complexity of this permit, that a full **60-day comment period be provided AFTER** a complete record (with correct modeling and BACT analyses) is made available for public review.

If WV-DAQ persists in its contention that no such notification is required under West Virginia rules, it is clear that the West Virginia State Implementation Plan is deficient. As such, no permit should be issued for this or any other facility, either for new source construction or for operation of existing sources, (e.g., Title V) until these deficiencies in state rules are corrected.

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that DAQ had not yet received the transcript from the September 15 public meeting and offering them the chance to submit these comments, in writing, to the DAQ by January 15, 2004. Those written comments are included in this response to comments document.

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45CSR14, Sections 16 and 17 set forth the public review procedures and public meeting requirements that specifically discuss the handling of information submitted by the public. The DAQ has met these requirements.

See heading(s) entitled Class I, Comment Extension, Modeling, Offsets, Permit and Process, Rule 14 and Part 52, in the "Response to Comments #1" document.

Comment – James Kotcon, continued

We believe that substantial changes are needed before this permit complies with the Clean Air Act and with 45-CSR-14. We support and attach the comments provided by the National Parks and Conservation Association and their consultant Dr. Phyllis Fox, P. E. This technical evaluation re-affirms our earlier contention from the Sept. 15 hearing that the BACT analysis was inadequate and leads to incorrect conclusions.

Response: *See responses to the National Parks and Conservation Association comments earlier in this "Response to Comments #2" document.*

Comment – James Kotcon, continued

We again repeat our concerns about the hazardous air pollutants that we raised Sept. 15 and are now even more concerned that provisions requiring MACT for HAPs have been improperly omitted from the draft permit. In addition to issues we raised

regarding mercury, heavy metals, and other toxic chemicals, we have since discovered that the application does not contain, nor has WV-DAQ required, a detailed analysis of the mineral elements in the coal to be supplied. The following text and references detail these concerns, and recommends appropriate corrective measures for WV-DAQ.

HAZARDOUS AIR POLLUTANTS

A Case-by-Case MACT Analysis Is Required

The applicant argued that maximum achievable control technology (“MACT”) was not required because emissions of hazardous air pollutants (“HAPs”) would not exceed 10 tons per year (“ton/yr”) for any single HAP or 25 ton/yr for HAPs in aggregate. The applicant also argued that even if MACT were required, the proposed pollution control system would comply with a case-by-case MACT determination. (Application, p. 3-11 and Knee 11/24/03.) We disagree with both of these conclusions. The emissions of hydrogen chloride (“HCl”) alone exceed the 10 ton/yr and 25 ton/yr thresholds, requiring that a case-by-case MACT analysis be prepared for each HAP that would be emitted from Longview. Further, the proposed pollution control train is not MACT for any of the HAPs.

Hydrogen Chloride Emissions Are Underestimated

The HCl emissions were estimated to be 0.00937 ton/yr (8/26/03 PD, p.13.). The Application, p. 3-11, states that HCl emissions were estimated assuming 0.02% (200 ppm) chloride (“Cl”) in the coal and 99.5% control of HCl by dry sorbent injection WV (“DSI”) and wet flue gas desulfurization (“wet FGD”) (Application, p. 3-11.). This would yield HCl emissions of 2.34 ton/yr. However, the supporting calculations show that the 0.00937 ton/yr of HCl was actually calculated using an emission factor of 1.00E-5 lb/MMBtu, a firing rate of 6114 MMBtu/hr, and a control efficiency of 96.5%. (Application, Table B-2.) No support whatsoever is provided for the emission factor of 1.00E-5 lb/MMBtu. It is inconsistent with AP-42, EPA’s emission estimating bible, which reports a controlled HCl emission factor of 1.2 lb/ton. (AP-42, Table 1.1-15.) This is equivalent to 0.051 lb/MMBtu, or over 5,000 times higher than the value assumed in the Application. Thus, the HCl emissions in the PD are clearly underestimated. There are two major problems with the calculations in the Application, which the PD relied on: (1) an excessively low Cl content in the coal was assumed and (2) an unreasonably high HCl control efficiency was assumed. Each is discussed below.

Coal Chlorine Content

The HCl emissions assume a coal Cl content of less than 1 ppm. The Application states that the Cl content of the Sewickley seam coal that would be burned by Longview is 317 ppm (Application, p. 5-13.). Independent information for 10 samples of Sewickley seam coal indicate that Cl ranges from 140 ppm to 380 ppm and averages 280 ppm. If one were to estimate HCl emissions using 317 ppm Cl as reported in the Application, but otherwise retaining the assumptions in Table B-2, the corresponding HCl emissions would be 26.0 ton/yr. If one were to use the upper end of the range,

which is required when calculating potential to emit, the HCl emissions would be 31.1 ton/yr.

These HCl emission alone are high enough to exceed both the 10 ton/yr MACT threshold for a single HAP and the 25 ton/yr threshold for all HAPs. Thus, a case-by-case MACT analysis is required for all HAPs. The applicant argues that the proposed BACT configuration satisfies MACT and BAT for HAPs. However, as discussed below, this is incorrect.

HCl Control Efficiency

Second, the HCl control efficiency of the pollution control train is greatly overestimated. The Application states that 99.5% HCl control would be achieved by the DSI and the wet FGD (Application, p. 3-11), while the actual calculations assumed 96.5%. (Application, Table B-2.) However, both represent substantial overestimates. To our knowledge, this level of acid gas control has never been demonstrated on a coal-fired power plant.

First, no support is provided for this assumption. The description of the DSI in the Application, Section 5.3.5, is inadequate to evaluate the control efficiency of this system for any acid gas because the sorbent, the sorbent injection rate, the sorbent molar ratio, and the injection point are not identified. Similarly, the description of the wet FGD system is inadequate to evaluate its ability to control acid gases. The DAQ should require that the applicant support both the HCl and HF control efficiencies that were used to derive the proposed HCl and HF emissions and permit limits.

Second, the assumed control efficiencies for HCl (and HF), acid gases, are much higher than demonstrated in numerous studies for similar acid gases. Although little data is available for HCl (or HF), substantial information is available for $\text{SO}_3/\text{H}_2\text{SO}_4$. These are similar acid gases that would have similar removal efficiencies in the wet FGD and DSI systems. The DAQ should require that the applicant demonstrate that a 96.5% or 99.5% control efficiency is feasible and has been demonstrated for both HCl and HF.

Wet FGDs typically can achieve up to 70% control of sulfuric acid mist. The EPA reports about 80 % removal of HCl and 29 % removal of HF by wet FGDs. (Maxwell, 3/4/02) Wet scrubbers are generally not very efficient in removing acid gases because they cool the flue gas more rapidly than they can absorb the acidic vapors. Thus, very low control efficiencies have been observed, e.g., 11 %. (Blythe 11/6/2001, p. 4-37.)

Sorbent injection has only been demonstrated to achieve up to about 90% control of sulfuric acid mist on coal-fired boilers in short-term tests at very high molar ratios. (Blythe 11/6/2001; Benson et al, 2003.) An engineering evaluation of a wide range of sorbents and other options to control $\text{SO}_3/\text{H}_2\text{SO}_4$ emissions at the Gavin Station in Ohio concluded the feasible removal efficiency was less than about 65% for several sorbents and 85% for a wet ESP. (Longview did not select the wet ESP, the most effective control, and provided no support for this choice.) Magnesium hydroxide furnace slurry

injection was estimated to achieve 36% SO₃ reduction; calcium hydroxide injection upstream of the ESP was estimated to achieve 45% SO₃ reduction; calcium hydroxide and water injection upstream of the ESP was estimated to achieve about 60-65% SO₃ reduction; and sodium bisulfite injection was estimated to achieve 60% SO₃ reduction. In other studies, the EPA reported that a spray dryer absorber (“SDA”) plus a fabric filter could achieve about 82% removal of HCl and HF, lower than the maximum reported for SO₃/H₂SO₄. (Maxwell 3/4/02.) This configuration is similar to DSI plus fabric filters proposed for Longview, but more effective due to intimate contact between sorbent and gases achieved in an SDA.

Using the upper end of the feasible control efficiency range for wet FGD (70%) and DSI (65%) and assuming the control efficiency for HCl would be roughly equal to that for SO₃/H₂SO₄, the combined HCl (and HF) control efficiency would be no more than about 90%. If a higher control efficiency is used to estimate emissions and permit limits, DAQ should require that the applicant to prove that the selected control efficiency has been demonstrated and should impose permit conditions (such as molar ratios, injection rates and specific absorbents) to assure that the permit limits are continuously met. This is particularly critical as the permit does not require adequate monitoring to assure continuous compliance with the proposed permit limit.

If one were to estimate HCl emissions using 317 ppm Cl as reported in the Application and 90% control, the corresponding HCl emissions would be 74.2 ton/yr. These HCl emission alone are high enough to exceed both the 10 ton/yr MACT threshold for a single HAP and the 25 ton/yr threshold for all HAPs. Thus, a case-by-case MACT analysis is required for all HAPs. The applicant argues that the proposed BACT configuration satisfies MACT and BAT for HAPs. However, as discussed below, this is incorrect.

Response: As stated in the Preliminary Determination, Longview used the appropriate sections of AP-42 to estimate HAP emissions. However, Longview estimated the total HAP emissions from the proposed facility to be about 13 TPY. In his review of the application Ed Andrews, of the DAQ, estimated the facility-wide total HAPs to be about 16 TPY. Longview applied a control device efficiency of 99% when estimating hydrochloric acid and hydrofluoric acid emissions from the PC Boiler for the DSI/Baghouse and WFGD devices.

Through stack testing and monthly coal fuel sampling, Longview is expected to meet the emission rates for HAPs set forth in the permit. See Specific Requirements A.10, A.11, A.12, A.13 which includes a requirement for chlorine content of coal testing, and A.14 which includes a requirement for fluoride content of coal testing. If initial stack testing or coal sampling shows Longview to be in violation of these emission limits the facility will be required to implement a plan to meet the permitted limits.

See heading(s) entitled BACT, Mercury, Permit and Process, in the “Response to Comments #1” document.

Comment – James Kotcon, continued

Mercury Emissions Are Underestimated

The Hg emissions from the PC boiler were estimated to be 0.064 ton/yr or 128 lb/yr. (8/26/03 PD, p. 13.) These emissions were estimated using a coal feed rate of 260 ton/yr and a Hg coal content of 0.14 ppm. (Application, p. 3-11 and Table B-2.) The Application claims that the Hg content of Sewickley seam coal ranges from 0.04 to 0.29 ppm with an average of 0.14 ppm. (Application, p. 5-29.) This underestimates Hg emissions for two reasons.

First, emissions should be based on potential to emit, which is typically calculated with the maximum, not the average, coal content. If the maximum were used, controlled Hg emissions would be 0.13 ton/yr or 264 lb/yr.

Second, trace element data reported on the internet indicate that the Hg content of the Sewickley seam coal is higher than disclosed in the Application. Sixteen samples ranged from 0.08 to 0.68 ppm and averaged 0.26 ppm. If Hg emissions are recalculated using the average of these 16 samples, they would be 0.12 ton/yr or 237 lb/yr, and if the maximum were used, they would be 0.345 ton/yr or 691 lb/yr.

These Hg emissions, 264 lb/yr or 237 lb/yr, exceed the limits in Table 45-13A, 45CSR13-15.1, and the significance threshold of 0.1 ton/yr in 40 CFR 52.21. Thus, BACT is required for Hg. The applicant did not perform a BACT analysis for Hg. We are concerned about the deposition of Hg in sensitive wilderness areas and its subsequent uptake and cycling through the environment.

Response: *The Longview facility is designed to handle a wide range of coal conditions, including variable sulfur and ash contents. The facility will blend the coal in order to maintain as homogenous as possible a mix sent to the boiler. The requirement of monthly mercury coal content testing will aid the facility in showing compliance with the mercury emission limits in the permit. This blending also makes using the average coal mercury content for emission estimates acceptable. The Longview facility is expected to be a mine-mouth plant, meaning that the coal is expected to come from nearby mining operations. However, this is not a requirement of the permit. The facility must meet the emission rates set forth in the permit.*

The purpose of 45CSR13, Table 13-A is to specify emission limits that would require a permit under 45CSR13. If a source subject to 45CSR13 will have HAP emissions, then that source must meet the requirements of Section 15 of 45CSR13. Section 15 of 45 CSR 13 discusses how HAPs are handled under Rule 13 (e.g., information provided by applicant). BACT is a requirement of 45CSR14 and can only be applied to a pollutant emitted in a significant amount as defined by that rule. BACT is not applicable to emissions covered only under Rule 13. Longview is required to get a permit under 45CSR14 (PSD) and 45CSR13 and they have applied for such a permit. Longview is not required to apply BACT for Mercury. See heading(s) entitled BACT, Mercury, Permit and Process, in the "Response to Comments #1" document.

Comment – James Kotcon, continued

MACT Was Not Required

The applicant first asserts that a case-by-case MACT analysis is not required because HAP emissions do not exceed the thresholds that trigger MACT. As discussed above, this argument must fail as the applicant used an erroneously low Cl content and erroneously high acid gas control efficiency to calculate HCl emissions. HCl is the HAP that is typically emitted in highest concentrations from a coal-fired boiler. When the HCl emissions are corrected, HCl emissions exceed the 10 ton/yr threshold for a single HAP and the 25 ton/yr threshold for all HAPs. Thus, a case-by-case MACT analysis is required for all HAPs, consistent with other new coal-fired power plants that have been recently permitted, e.g., Thoroughbred, Elm Road, MidAmerican.

The applicant also argued that MACT was satisfied by its BACT pollution control train, without performing a case-by-case MACT analysis. As discussed below, BACT does not satisfy MACT.

Mercury

The applicant concluded that 80% reduction of Hg complied with the applicable case-by-case MACT requirements and could be achieved with the BACT pollution control train. (Application, pp. 5/32 to 5-33; Knee 11/24/03, p. 3.) The proposed permit limit is 1.46×10^{-2} lb/hr. However, neither this limit, nor the proposed control efficiency of 80% is consistent with the federal definition of MACT:

“Maximum achievable control technology (MACT) emission limitation for new sources means the emission limitation which is not less stringent than (sic) the emission limitation achieved in practice by the *best controlled similar source*, and which reflects the *maximum* degree of deduction (sic) in emissions that the permitting authority, taking into consideration the cost of achieving such emission reduction, and any non-air quality health and environmental impacts and energy requirements, determines is achievable by the constructed or reconstructed major source.” 40 CFR 63.41 (emphasis added).

The proposed Hg emission limits and control efficiency do not represent the “best controlled similar source” nor reflect the “maximum degree of reduction” that is achievable by any source. Numerous sources indicate that MACT for Hg emissions from new coal-fired power plants is greater than 90% control. These include, but are not limited to, the following:

- 90%+ removal: MDEP concluded “demonstrated to be technologically and economically feasible” for retrofit of existing MA power plants firing eastern bituminous coals.
- 90% removal: tests at 1300 MW wall-fired boiler firing OH bituminous coal and 650 MW cyclone boiler firing KY bituminous coal.

- 90%: B&W, How Low Can We Go? Typical high S bituminous coal, Hg oxidation across SCR + PM removal in scrubber using small quantities of additives. The Georgia Department of Natural Resources concluded that the levels in this paper established BACT for new coal fired power plants.
- 90% removal: Consent Decree with PSEG, Hudson Unit 2, Mercer Unit 1, 2.
- 90% removal: 8/27/2002 Institute of Clean Air Companies (“ICAC”) recommendation for bituminous coals.
- >90% removal: NESCAUM study concluded that 90% reduction is technically and economically feasible. “The results indicate that mercury control efficiency of over 90 percent is feasible for power plants, with costs that are comparable to the costs of NOx removal under the federal program to achieve national ambient air quality standards for ozone.”
- 90% removal: Connecticut enacted legislation in June 2003 that requires coal-fired units to meet an emission limit of 0.6 lb/TBtu or 90% removal efficiency, whichever is more readily achievable by July 1, 2008.
- 85%-95% removal: Massachusetts proposed regulations to limit Hg from four power plants in September 2003 to 85% or 0.0075 lbs/GWh by October 2, 2006 and to 95% removal or 0.0025 lb/GWh by October 1, 2012.
- >90% removal: EPA tests on Gaston, Brayton Point.
- 96.5% - >99% removal: bag house + spray dryer absorber and carbon injection with eastern bituminous coal.
- 98% removal: Information Collection Request (“ICR”) database, 4/02 EPA analysis, Table ES-1.
- 98% removal: Based on 10/25/2000 EPA guidance memo. Achieved with bituminous coal using a spray dryer absorber plus fabric filter and an SCR plus a spray dryer absorber plus a fabric filter.

We note that retrofit applications represent a worst case for Hg control because existing plants do not have modern pollution controls that would reduce Hg in a new plant and space constraints and existing plant configuration limit the feasible technologies and increase their costs relative to new plants. We also note that the applicant for the Elm Road Generating Station in Wisconsin also proposed 80% control as MACT for Hg. However, the Wisconsin Bureau of Air Management disagreed and imposed a Hg permit limit of 1.12 lb/TBtu based on 90% Hg control. We urge West Virginia DAQ to similarly impose a higher control efficiency for Hg, no lower than 90%, and a correspondingly lower Hg permit limit.

The proposed emission limit for Longview, 1.46×10^{-2} lb/hr, is also not as low as Hg limits imposed on other new coal-fired power plants or otherwise proposed. The RACT/BACT/LAER Clearinghouse indicates that lower Hg limits have been permitted as BACT. Further, the U.S. EPA recently proposed a Hg MACT standard for new coal-fired power plants burning bituminous coal of no more than 6.0×10^{-6} lb/MWhr. The Longview Hg limit is equivalent to 2.43×10^{-5} lb/MWhr, or over a factor of four higher than the proposed federal MACT standard.

Response: *Several times the commenter states “the applicant argues” or “the applicant asserts” or “the applicant concluded” when referring to the BACT analysis and the determination that BACT is not applicable to Mercury for this source. While the applicant’s information is reviewed, the final determination is the responsibility of the DAQ. The DAQs BACT determination is set forth in the Preliminary Determination on pages 24 through 77 and the Addendum to the Preliminary Determination pages 4 through 11. There are also several pages covering HAPs.*

See heading(s) entitled BACT, Mercury, Permit and Process, in the “Response to Comments #1” document.

Comment – James Kotcon, continued

Non-Mercury Metallic HAPs

The application did not establish individual BACT/BAT limits for HAPs. Instead, it used PM/PM10 as a surrogate for all non-mercury metallic HAPs following EPA’s example in the proposed iron and steel MACT standards, *viz.*, “it is proposed that the BACT limits for PM/PM10 be considered BACT/BAT for non-mercury HAP metals and no individual metallic HAP limits be imposed. As such, the level of control would be equivalent to the $\geq 99\%$ emission reduction achieved by the DSI/fabric filter baghouse control system.” (Application, Sec. 5.4.2.) There are three problems with this approach to regulating non-mercury metallic HAPs.

First, some non-mercury metallic HAPs are volatile, principally Se, and thus are not related to PM/PM10. Significant amounts of Se may be emitted in a gaseous form. Thus, a separate permit limit should be established for Se.

Second, while some of the non-mercury metallic HAPs may be related to PM/PM10, the removal efficiency achieved for the various HAPs is generally lower than the removal efficiency achieved for PM/PM10 because the various HAPs tend to concentrate differently in different PM size fractions, principally in the less than 2.4 micron size which is less efficiently collected by baghouses. (Boward and Gaikwad; Pavlish and Benson 1997.) Typically, less than 99 % of the non-mercury metallic HAPs is collected by fabric filters. To achieve the control efficiency assumed in the non-mercury metallic HAP emission calculations and permit limits, a much more efficient baghouse would be required than that needed to meet the PM/PM10 permit limit.

Third, the draft permit does not require any demonstration that PM/PM10 is a good surrogate for the non-mercury metallic HAPs. A condition should be added to the

permit that requires a demonstration of this assumption. If a good correlation between non-mercury metallic HAPs and PM/PM10 cannot be demonstrated, individual limits should be established and compliance determined by coal sampling and stack testing.

We again appreciate the opportunity to comment and look forward to a properly revised draft permit and re-opened public comment process.

Response: *Specific Requirement 37 of the permit ensures that Longview will be a minor source of HAPs. To that end, Specific Requirement 37.a requires a monthly determination, on a speciated HAP basis, of the HAPs emitted from the facility. While beryllium and lead (non-mercury metallic HAPs) have individual emission limits and testing requirements, all HAPs, including selenium (Se) have monitoring and recordkeeping requirements.*

As Longview will be a minor source of HAPs, case-by-case MACT does not apply. With the addition of the MACT provisions in the 1990 CAAA, HAPs have been removed from the PSD-BACT review except for those pollutants specifically listed in the rule (that are also HAPs). DAQ cannot apply BACT to HAPs. BAT, or Best Available Technology is part of 45CSR27. The requirement of BAT is for a specific list of pollutants emitted from chemical processing units. As a coal fired electric utility, Longview is not subject to this rule.

Comment – Sister Mary Rehmann

My name is Sister Mary Rehmann. I am a resident of Morgantown and a member of the north/central region of the West Virginia Interfaith Global Climate Change Campaign. West Virginia is one of approximately 15 states in which people of faith have come together to promote responsible choices in all activities that may contribute to global warming, particularly through the increase of carbon dioxide emissions. We come from many different faith traditions and share the conviction that human beings are stewards of God's creation and we will be held accountable for that duty. We believe that all of us have a responsibility to do as little damage as possible to our world and to consider the impact of our choices on our neighbors, both near and far. And although carbon dioxide is not itself a regulated pollutant, we believe the WV Department of Environmental Protection (DEP) must consider all the health impacts of projects for which it receives permit applications. Included in that consideration are not only the health impacts on our local population, about which many others are testifying, but also the health of our earth and its ability to continue sustain the great variety of life we have.

Among our regional group are members who work for the National Energy Technology Laboratory (NETL) here in Morgantown. They tell us that more efficient and less polluting technologies are available for coal-burning power plants than what Longview is proposing to use. We believe that when the law prescribes that best available control technology (BACT) be used, then it should be.

We support economic development that is consistent with a resolution adopted by our WVIGCCC Steering Committee, a copy of which is attached. We do not believe

that building Longview in Monongalia County is in the best economic and health interests of our citizens.

Response: See heading(s) entitled *BACT, CO2, Health, NAAQS, Permit and Process, Plant Choice/Siting, For/Against* in the "Response to Comments #1" document.

Comment – Larry Schwab

This is in response to your letter of December 22, 2003, to me regarding the DEP's loss of the transcript of the public meeting held September 22, 2003, on the Longview project in Monongalia County. May I suggest that you – or those you delegate to do so – keep copies of records (including court recordings) or all materials offered in good faith by the public at meetings administered. The embarrassment of bureaucratic incompetency could have been prevented had that simple office procedure been in place.

Response: *The DAQ mailed copies of all comments received through the first public comment period to the Morgantown Public Library and the Fairmont Regional Office on October 6, 2003. Copies of all comments received through the second public comment period including the extension for submission of those oral comments from the first public meeting (September 15, 2003) were mailed to the same locations on January 16, 2004. A copy of the transcript from the second public meeting (December 18, 2003) was mailed to the same locations on January 20, 2004. The DAQ has confirmed with the Morgantown Public Library that these documents were received and are in the Longview file.*

On December 22, 2003 the DAQ mailed a letter to all 41 people who made oral comments at the September 15, 2003 public meeting. All of these people were informed that DAQ had not yet received the transcript from the September 15 public meeting and offering them the chance to submit these comments, in writing, to the DAQ by January 15, 2004. Those written comments are included in this response to comments document.

The DAQ pursued all options, including legal, in our efforts to obtain the tapes or transcript of the first public meeting. DAQ had contracted with the independent court reporter to record the proceedings and provide a transcript to assist the agency in responding to oral comments received at the meeting. The agency had made numerous attempts over the past several months to obtain the information to no avail. Tapes, a partial transcript, a letter of apology and explanation from the court reporter were delivered to the Division of Air Quality's Charleston office Friday morning, January 30, 2004. A hearing had been slated for 10:30 a.m. in Kanawha County Circuit Court on the agency's request for an injunction to require the court reporter to deliver the material. All documents and tapes received by the DAQ on January 30, 2004 were copied and mailed to the Morgantown Public library and the Fairmont Regional Office on February 6, 2004.

John Benedict, Director of the DAQ attended both public hearings on the Longview project. He has heard all oral comments and reviewed all written comments before making a final decision on the permit for the Longview project. Since the tapes of the

first public meeting have been reacquired, these tapes have been listened to ensure that the spirit, if not the specific language, of those comments is included in at least one of the two response to comments documents.

45CSR14, Sections 16 and 17 set forth the public review procedures and public meeting requirements that specifically discuss the handling of information submitted by the public. The DAQ has met these requirements.

Comment – Larry Schwab, continued

Along with many other health professionals in our community and region, I am opposed to construction of the Longview Power Plant in Monongalia County. I urge you to reconsider the issuance of this permit and consider the following points.

Respiratory health has been declining in West Virginia. Dirty air is a significant contributor to the ill health of adults with chronic obstructive pulmonary disease, pneumonia and very significantly, acute and chronic bronchial asthma in children (as well as adults). Particulates, toxic metals and gaseous pollution from coal fired plants contribute greatly to exacerbation of these respiratory conditions.

Response: See heading(s) entitled *Health*, in the “Response to Comments #1” document.

Comment – Larry Schwab, continued

Already documented (and recognized by the DEP representatives who came to Morgantown for their presentation this month) is the fact that Monongalia is near non-attainment levels for ozone. Were it not for an unusually wet summer and early fall, the air we breathe in our communities and county would qualify for non-attainment status.

Response: See heading(s) entitled *Monitoring, NAAQS, Noise, Ozone*, in the “Response to Comments #1” document.

Comment – Larry Schwab, continued

The permit, as it stands, does not require the best available air pollution control technology or BACT in your terminology. There is nothing new in this plant that qualifies as the “high tech” model claimed by the project developers and will augment by 40% more the pollution already emitted by the Fort Martin Power Plant nearby. Despite claims that air pollution will be reduced, we will still sustain an unacceptable overburden of air pollution locally and downwind, further affecting air standard in West Virginia wilderness areas and the Shenandoah National Park in Virginia.

Response: See heading(s) entitled *BACT, Class I, Offsets*, in the “Response to Comments #1” document.

Comment – Larry Schwab, continued

The Longview permit standards for mercury, already a contaminate in soil and West Virginia waters, are inadequate. Further reduction of mercury emissions must be required.

Response: See heading(s) entitled *Mercury*, in the “Response to Comments #1” document.

Comment – Larry Schwab, continued

Although large particulates will be removed, the emission of PM10 and PM2.5 pollution in any quantity further endangers our health. In particular, children are at high risk for development and exacerbation of asthma when exposed to fine particles.

The economic burden of caring for additional patients with pulmonary disease resulting from Longview would be considerable. The further human cost of shortened lives and morbidity in the population of the immediate area cannot be ethically supported by the addition of yet another coal fired power plant in addition to the 10 that exist within a 25 mile radius of Morgantown.

Response: See heading(s) entitled *Health*, in the “Response to Comments #1” document.

Comment – Larry Schwab, continued

Again, for the record, I requested in writing from the DEP specific details on how toxic metal pollutants – especially mercury – could be reduced and monitored. I have had no indication from your office that you have attempted to furnish that information to me. This is a third request. Please comply.

Response: See heading(s) entitled *Mercury*, in the “Response to Comments #1” document.

Comment – Larry Schwab, continued

And finally, for our health and well being, I urge you to disallow the application from Longview Power that would further degrade our collective health and standard of living.

Response: See heading(s) entitled *For/Against* in the “Response to Comments #1” document.

Comment – Gordon Olson for Christi Gordon, Shenandoah National Park

Good evening. My name is Christi Gordon and I am here representing Shenandoah National Park in Virginia.

In the 1916 Organic Act, Congress charged the National Park Service with the responsibility “. . . to promote and regulate the use of the . . . national parks . . . which purpose is to conserve the scenery and the natural and historic objects and the wild life

therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.” The Clean Air Act places upon the Federal Land Manager (e.g., the Department of the Interior’s Assistance Secretary for Fish and Wildlife and Parks), the Park Superintendent, an affirmative responsibility to protect the air quality related values of Class I areas. Shenandoah National Park is a Class I air quality area and is afforded this additional protection.

Longview is seeking a Prevention of Significant Deterioration (PSD) permit to construct and operate a 600 Megawatt coal-fired power plant near Fort Martin. Analyses presented by both Longview and the West Virginia Department of Environmental Protection (DEP) predict significant impacts from the proposed power plant upon air quality, visibility, and acid deposition in Shenandoah National Park. One of the purposes of the PSD program is to “preserve, protection, and enhance” the air quality and air quality related values in national parks and wildernesses designated as Class I areas. The air quality related values at Shenandoah National Park include, but are not limited to, visibility and aquatic life.

While it is primarily the responsibility of the Permitting Authority, in this case, the West Virginia DEP, to ensure that all National Ambient Air Quality Standards and PSD Increments are met by the permit applicant, it is the Federal Land Manager’s job to determine whether or not the emissions from a proposed source will have an adverse impact on any of the Air Quality Related Values in the national parks for which we are responsible.

Because we have only had the information necessary to review the Longview application (including the draft permit and the West Virginia DEP’s analyses) since September 9, we are formally requesting an extension of the Public Comment Period until November 8, 2003, and a new Public Notice and Public Meeting to conform to the requirements of the Code of Federal Regulations Title 40, Part 51.307. We believe that the West Virginia State Implementation Plan is deficient in this respect. Any permit issued with procedural deficiencies may be subject to appeal.

Despite the lack of adequate time to complete our analyses of the Longview application, we do have the following preliminary observations, comments, and concerns.

The draft permit proposed by West Virginia DEP is one of the most well-crafted permits we have seen for a coal-fired boiler. We commend West Virginia DEP for the stringency of the emission limits it has proposed for sulfur dioxide and nitrogen oxides – they are the lowest such rates we have seen when one takes into consideration the quality of the coal to be burned. We also commend West Virginia DEP for insuring that the averaging periods established for each pollutant are protective of the relevant National Ambient Air Quality Standards, PSD Increments and Air Quality Related Values. We also believe that the measures proposed by West Virginia DEP to insure that compliance with the proposed permit limits is accurately monitored are exemplary. However, we also believe that it may be feasible to further reduce emissions, and the corresponding air quality impacts at Shenandoah National Park, by washing the coal to

remove impurities such as sulfur before it is burned. And, we suggest that, here in the heart of research on Clean Coal Technology at the nearby National Energy Technology Laboratory, greater attention should be given to application of new and cleaner ways to burn coal to make electricity such as Circulating Fluidized Bed boilers and Integrated Gasified Combined Cycle turbine facilities. We expect to provide additional technical comments upon these issues before the close of the public comment period.

We also recognize the good work West Virginia DEP has done to provide an accurate analysis of the impacts of the Longview project upon air quality in Shenandoah National Park. However, even at the relatively low emission rates contained in the proposed permit, the impacts of those emissions upon visibility in Shenandoah National Park could result in one to five days per year in which there would be more than a 10% change in light extinction, the NPS visibility threshold of concern. We are currently evaluating these analyses to determine if the impacts they predict constitute an adverse impact upon visibility.

We are also concerned about the contribution of additional sulfur compounds into the aquatic ecosystems of Shenandoah National Park. These ecosystems are already adversely impacted by excessive acidic deposition, and the additional sulfur burden placed upon them by Longview is predicted to exceed our level of concern and warrants further analysis whether this constitutes an adverse impact upon aquatic systems in the park.

The air pollutant dispersion modeling analyses presented to date indicate that short-term Class I PSD increments (e.g., allowable increases in emissions) for sulfur dioxide would be exceeded at Shenandoah National Park. The National Park Service is continuing to evaluate these analyses to determine if Longview contributes significantly to any of these Increment violations. It may also be necessary for West Virginia to join Virginia to address these Increment violations in revisions to its State Implementation Plan.

In view of the concerns we have raised, we again request that the comment period be extended to conform with state and federal regulations, and to allow us more time to complete our view of the Longview application. We believe that, by working together with the West Virginia DEP and Longview, we may be able to reach a solution that is mutually satisfactory to all parties. In addition to exploring further reductions in emissions, we suggest that it may be possible for West Virginia DEP to accommodate the effects of new growth and mitigate the effects of Longview's emissions by reducing emissions elsewhere. Although we intend to submit comments by September 29, we believe that a better solution would be to allow adequate time for further evaluation and discussion of the issues we have raised.

This concludes my statement. Thank you.

Response: See heading(s) entitled Acid Mine/Rain/Deposition, BACT, Class I, Comment Extension, Health, Modeling, Monitoring, NAAQS, Offsets, Ozone, Permit and Process, Rule 14 and Part 52, Stack Height, For/Against in the "Response to Comments #1" document.