

Michigan Department of Environmental Quality
Air Quality Division

State Registration Number
N1685

**RENEWABLE OPERATING PERMIT
STAFF REPORT**

ROP Number
MI-ROP-N1685-2015b

TES Filer City Station

SRN: N1685

Located at

700 Mee Street, Filer City, Manistee County, Michigan 49634

Permit Number: MI-ROP-N1685-2015b

Staff Report Date: February 9, 2015

Amended Date: March 7, 2016
April 10, 2017

This Staff Report is published in accordance with Sections 5506 and 5511 of Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451). Specifically, Rule 214(1) requires that the Michigan Department of Environmental Quality (MDEQ), Air Quality Division (AQD), prepare a report that sets forth the factual basis for the terms and conditions of the Renewable Operating Permit (ROP).

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FEBRUARY 9, 2015 - STAFF REPORT

ROP Number

MI-ROP-N1685-2015

Purpose

Major stationary sources of air pollutants, and some non-major sources, are required to obtain and operate in compliance with an ROP pursuant to Title V of the federal Clean Air Act of 1990 and Michigan's Administrative Rules for Air Pollution Control pursuant to Section 5506(1) of Act 451. Sources subject to the ROP program are defined by criteria in Rule 211(1). The ROP is intended to simplify and clarify a stationary source's applicable requirements and compliance with them by consolidating all state and federal air quality requirements into one document.

This Staff Report, as required by Rule 214(1), sets forth the applicable requirements and factual basis for the draft ROP terms and conditions including citations of the underlying applicable requirements, an explanation of any equivalent requirements included in the draft ROP pursuant to Rule 212(5), and any determination made pursuant to Rule 213(6)(a)(ii) regarding requirements that are not applicable to the stationary source.

General Information

Stationary Source Mailing Address:	TES Filer City Station P.O. Box 12 700 Mee Street Filer City, Michigan 49634
Source Registration Number (SRN):	N1685
North American Industry Classification System (NAICS) Code:	221112
Number of Stationary Source Sections:	1
Is Application for a Renewal or Initial Issuance?	Renewal
Application Number:	201300001
Responsible Official:	Henry Hoffman, Plant Manager 231-723-6573, Ext. 102
AQD Contact:	Shane Nixon, Senior Environmental Engineer 231-876-4413
Date Application Received:	January 9, 2013
Date Application Was Administratively Complete:	January 9, 2013
Is Application Shield In Effect?	Yes
Date Public Comment Begins:	February 9, 2015
Deadline for Public Comment:	March 11, 2015

Source Description

TES Filer City Station operates a 60 megawatt cogeneration facility, which was constructed in 1988 in Filer City, Michigan. The facility currently operates two spreader stoker boilers. Each boiler is rated at 384 MMBTU per hour heat input and is currently allowed to combust coal, wood, petroleum coke, industrial construction/demolition wood waste, and tire derived fuel. Each boiler is equipped with a dry scrubber to control sulfur dioxide and acid gas emissions, and a baghouse to control particulate matter. The boilers exhaust through their own individual stack flues, which are vented to the atmosphere through a single 250 foot tall stack.

The following table lists stationary source emission information as reported to the Michigan Air Emissions Reporting System (MAERS) for the year **2013**.

TOTAL STATIONARY SOURCE EMISSIONS

Pollutant	Tons per Year
Carbon Monoxide (CO)	260.0
Lead (Pb)	0.1
Nitrogen Oxides (NO _x)	1306.6
Particulate Matter (PM)	42.1
Sulfur Dioxide (SO ₂)	526.8
Volatile Organic Compounds (VOCs)	3.8
Individual Hazardous Air Pollutants (HAPs) **	NA
Total Hazardous Air Pollutants (HAPs)	NA

**As listed pursuant to Section 112(b) of the federal Clean Air Act.

In addition to the pollutants listed above that have been reported in MAERS, the potential to emit of Greenhouse Gases (GHG) in tons per year of CO₂e (carbon dioxide equivalents) is 733,049 tons. CO₂e is a calculation of the combined global warming potentials of six GHG (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride).

See Parts C and D in the ROP for summary tables of all processes at the stationary source that are subject to process-specific emission limits or standards.

Regulatory Analysis

The following is a general description and history of the source. Any determinations of regulatory non-applicability for this source are explained below in the Non-Applicable Requirement part of the Staff Report and identified in Part E of the ROP.

The stationary source is located in Manistee County, which is currently designated by the U.S. Environmental Protection Agency (USEPA) as attainment/unclassified for all criteria pollutants.

The stationary source is subject to Title 40 of the Code of Federal Regulations (CFR) Part 70, because the potential to emit carbon monoxide, nitrogen oxides, particulate matter and sulfur dioxide each exceed 100 tons per year, the potential to emit of any single HAP regulated by the federal Clean Air Act, Section 112, is equal to or more than 10 tons per year and/or the potential to emit of all HAPs combined is equal to or more than 25 tons per year, and the potential to emit of GHG is 100,000 tons per year or more calculated as CO₂e and 100 tons per year or more on a mass basis.

EUBOILER01 and EUBOILER02 at the stationary source are subject to review under the Prevention of Significant Deterioration regulations of 40 CFR 52.21, because at the time of New Source Review permitting the potential to emit of carbon monoxide, nitrogen oxides, particulate matter, and sulfur dioxide was greater than 100 tons per year and the combined heat input of EUBOILER01 and EUBOILER02 is greater than 250 MMBTU per hour.

At this time, there are no GHG applicable requirements to include in the ROP. The mandatory Greenhouse Gas Reporting Rule under 40 CFR Part 98 is not an ROP applicable requirement and is not included in the ROP.

EUBOILER01 and EUBOILER02 at the stationary source are subject to the Standards of Performance for Electric Utility Steam Generating Units promulgated in 40 CFR, Part 60, Subparts A and Da.

EUCOALPETCKSTORAGE at the stationary source is subject to the Standards of Performance for Coal Preparation and Processing Plants promulgated in 40 CFR, Part 60, Subparts A and Y.

EUBOILER01 and EUBOILER02 at the stationary source are subject to the National Emission Standard for Hazardous Air Pollutants for Coal and Oil Fired Electric Steam Utility Steam Generating Units promulgated in 40 CFR, Part 63, Subparts A and UUUUU. AQD granted the stationary source a one year compliance extension. AQD has an approved Title V Permit program and has the authority to approve or disapprove compliance extensions for existing affected sources. The stationary source must comply with this subpart no later than April 16, 2016.

EUEMERGEN and EUFIREPUMP at the stationary source are subject to the National Emission Standard for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines promulgated in 40 CFR, Part 63, Subparts A and ZZZZ.

EUBOILER01 and EUBOILER02 at the stationary source are subject to the federal Acid Rain program promulgated in 40 CFR, Part 72.

EUBOILER01 and EUBOILER02 at the stationary source are subject to the Clean Air Interstate Rule NO_x annual trading program pursuant to Rules 802a, 803, 821, and 830 through 834.

EUBOILER01 and EUBOILER02 at the stationary source are subject to the Clean Air Interstate Rule NO_x ozone season trading program pursuant to Rules 802a, 803 and 821 through 826.

EUBOILER01 and EUBOILER02 at the stationary source are subject to the Clean Air Interstate Rule SO₂ annual trading program pursuant to Rule 420.

The monitoring conditions contained in the ROP are necessary to demonstrate compliance with all applicable requirements and are consistent with the "Procedure for Evaluating Periodic Monitoring Submittals."

EUBOILER01 and EUBOILER02 at the stationary source is subject to the federal Compliance Assurance Monitoring rule under 40 CFR, Part 64. Each emission unit has a control device and potential pre-control emissions of particulate matter greater than the major source threshold level. The monitoring for the control device is continuously monitoring and recording visible emissions. Monitoring visible emissions is an indirect method of reasonably assuring compliance with the particulate matter limit contained in the ROP.

The emission limitations or standards for sulfur dioxide from EUBOILER01 and EUBOILER02 at the stationary source are exempt from the federal Compliance Assurance Monitoring (CAM) regulation under 40 CFR, Part 64, because the emission limitations or standards for sulfur dioxide meet the CAM exemption for Acid Rain monitoring requirements. Therefore, EUBOILER01 and EUBOILER02 are exempt from CAM requirements for sulfur dioxide.

Please refer to Parts B, C and D in the draft ROP for detailed regulatory citations for the stationary source. Part A contains regulatory citations for general conditions.

Source-wide Permit to Install (PTI)

Rule 214a requires the issuance of a Source-wide PTI within the ROP for conditions established pursuant to Rule 201. All terms and conditions that were initially established in a PTI are identified with a footnote designation in the integrated ROP/PTI document.

The following table lists all individual PTIs that were incorporated into previous ROPs. PTIs issued after the effective date of ROP No. MI-ROP-N1685-2008b are identified in Appendix 6 of the ROP.

PTI Number			
519-87F	519-87C		

Streamlined/Subsumed Requirements

The following table lists explanations of any streamlined/subsumed requirements included in the ROP pursuant to Rules 213(2) and 213(6). All subsumed requirements are enforceable under the streamlined requirement that subsumes them.

Emission Unit/Flexible Group ID	Condition Number	Streamlined Limit/ Requirement	Subsumed Limit/ Requirement	Stringency Analysis
FGBOILERS	I.3	10 percent opacity, based upon a 6-minute average (40 CFR 52.21(j), R 336.1301(1)(c))	20 percent opacity based upon a 6-minute average, except for one 6-minute period per hour of not more than 27 percent opacity (40 CFR 60.42Da(b))	The visible emissions limit determined through PSD BACT and NSR review and listed in Condition I.3 (10 percent opacity, based upon a 6-minute average) is more stringent than the visible emissions limit in NSPS Subpart Da.
FGBOILERS	I.4	0.5 lb/MMBTU heat input, based upon a 30 day rolling average (40 CFR 52.21(j), R 336.1401(1))	1.2 lb/MMBTU heat input, based upon a 30 day rolling average (40 CFR 60.43Da(a)(1))	The SO ₂ emission limit determined through PSD BACT and NSR review and listed in Condition I.4 (0.5 lb/MMBtu heat input, based upon a 30 day rolling average) is more stringent than the SO ₂ emission limit in NSPS Subpart Da.

Emission Unit/Flexible Group ID	Condition Number	Streamlined Limit/ Requirement	Subsumed Limit/ Requirement	Stringency Analysis
FGBOILERS	I.1 I.3 I.4 I.8 I.9	The applicable PM and visible emissions limits, SO ₂ emission limits, and NO _x emission limit apply at all times. (40 CFR 52.21(j), R 336.1301(1)(c), R 336.1401(1))	The applicable PM and visible emissions limits under 40 CFR 60.42Da, SO ₂ emission limits under 40 CFR 60.43Da, and NO _x emission limit under 40 CFR 60.44Da apply at all times except during periods of startup, shutdown, or malfunction. (40 CFR 60.48Da(a))	The emission limits determined through PSD BACT and NSR review does not provide relief during startup, shutdown, or malfunction unless specifically stated during the PSD BACT and NSR review. The emission limits applying at all times is more stringent than the relief given during periods of startup, shutdown, and malfunction as listed in 40 CFR, 60.48Da(g).
FGFUELSTOR AGE	I.1	5 percent opacity, based upon a 6-minute average (40 CFR 52.21(j), R 336.1301(1)(c))	20 percent opacity based upon a 6-minute average (40 CFR 60.254(a))	The visible emissions limit determined through PSD BACT and NSR review and listed in Condition I.1 (5 percent opacity, based upon a 6-minute average) is more stringent than the visible emissions limit in NSPS Subpart Y.

Non-applicable Requirements

Part E of the ROP lists requirements that are not applicable to this source as determined by the AQD, if any were proposed in the ROP Application. These determinations are incorporated into the permit shield provision set forth in Part A (General Conditions 26 through 29) of the ROP pursuant to Rule 213(6)(a)(ii).

Processes in Application Not Identified in Draft ROP

There were no processes listed in the ROP Application as exempt devices under Rule 212(4). Exempt devices are not subject to any process-specific emission limits or standards in any applicable requirement.

Draft ROP Terms/Conditions Not Agreed to by Applicant

This draft ROP does not contain any terms and/or conditions that the AQD and the applicant did not agree upon pursuant to Rule 214(2).

Compliance Status

The AQD finds that the stationary source is expected to be in compliance with all applicable requirements as of the effective date of this ROP.

Action taken by the MDEQ, AQD

The AQD proposes to approve this ROP. A final decision on the ROP will not be made until the public and affected states have had an opportunity to comment on the AQD's proposed action and draft permit. In addition, the USEPA is allowed up to 45 days to review the draft ROP and related material. The AQD is not required to accept recommendations that are not based on applicable requirements. The delegated decision maker for the AQD is Janis Ransom, Cadillac District Supervisor. The final determination for ROP approval/disapproval will be based on the contents of the ROP Application, a judgment that the stationary source will be able to comply with applicable emission limits and other terms and conditions, and resolution of any objections by the USEPA.

Michigan Department of Environmental Quality
Air Quality Division

State Registration Number

RENEWABLE OPERATING PERMIT

ROP Number

N1685

MARCH 12, 2015 - STAFF REPORT ADDENDUM

MI-ROP-N1685-2015

Purpose

A Staff Report dated February 9, 2015, was developed in order to set forth the applicable requirements and factual basis for the draft Renewable Operating Permit (ROP) terms and conditions as required by R 336.1214(1). The purpose of this Staff Report Addendum is to summarize any significant comments received on the draft ROP during the 30-day public comment period as described in R 336.1214(3). In addition, this addendum describes any changes to the draft ROP resulting from these pertinent comments.

General Information

Responsible Official:	Henry Hoffman, Plant Manager 231-723-6573, Ext. 102
AQD Contact:	Shane Nixon, Senior Environmental Engineer 231-876-4413

Summary of Pertinent Comments

No pertinent comments were received during the 30-day public comment period.

Changes to the February 9, 2015 Draft ROP

No changes were made to the draft ROP.

Michigan Department of Environmental Quality
Air Quality Division

State Registration Number

RENEWABLE OPERATING PERMIT

ROP Number

N1685

**MARCH 7, 2016 STAFF REPORT FOR RULE
217(2) REOPENING**

MI-ROP-N1685-2015a

Purpose

On April 27, 2015, the Department of Environmental Quality, Air Quality Division (AQD), approved and issued Renewable Operating Permit (ROP) No. MI-ROP-N1685-2015 to TES Filer City Station pursuant to R 336.1214. Once issued, the AQD is required to reopen the ROP if the criteria described in R 336.1217 are met. Only those conditions to be added or changed in the ROP are to be considered during this public comment period. The purpose of this Staff Report is to describe the changes that were made to the ROP pursuant to R 336.1217.

General Information

Responsible Official:	Henry Hoffman, Plant Manager 231-723-6573 ext. 102
AQD Contact:	Brian Carley, Environmental Quality Specialist 517-780-7843
Date Public Comment Begins:	March 7, 2016
Deadline for Public Comment:	April 6, 2016

Regulatory Analysis

The AQD has determined that the ROP must be reopened because on January 1, 2015 the Transport Rule (a.k.a. Cross State Air Pollution Rule (CSAPR)) went into effect replacing the Clean Air Interstate Rule (CAIR).

Description of Changes to the ROP

The CAIR Annual SO₂ Permit in Appendix 9, CAIR Annual NO_x Budget Permit in Appendix 10, and CAIR Ozone NO_x Budget Permit in Appendix 11 were removed from the ROP. The requirements of CSAPR were inserted into Appendix 9. In Table FGBOILERS, Section IX, the language referencing CAIR was removed and replaced with the requirements to comply with the provisions of the CSAPR NO_x Annual Trading Program, CSAPR NO_x Ozone Trading Program, and the CSAPR SO₂ Group 1 Trading Program and identified in Appendix 9.

Action Taken by the Department

The AQD proposes to approve this change to ROP No. MI-ROP-N1685-2015, which was reopened by the AQD in order to incorporate CSAPR. A final decision on the approval of the revised ROP will not be made until the public and any affected states have had an opportunity to comment on the proposed changes to the ROP and the U.S. Environmental Protection Agency (USEPA) has been allowed 45 days to review the proposed changes to the ROP. The delegated decision maker for the AQD is Janis Ransom, Cadillac District Supervisor. The final determination for approval of the revised ROP will be based on a judgment that the stationary source will be able to comply with applicable emission limits and other requirements, and resolution of any objections by the public, any affected states or the USEPA.

Michigan Department of Environmental Quality
Air Quality Division

State Registration Number

N1685

RENEWABLE OPERATING PERMIT

**APRIL 26, 2016 - STAFF REPORT ADDENDUM
FOR RULE 217(2) REOPENING**

ROP Number

MI-ROP-N1685-2015a

Purpose

A Staff Report dated March 7, 2016, was developed in order to set forth the applicable requirements and factual basis for the draft reopening to Renewable Operating Permit's (ROP) terms and conditions as required by R 336.1214(3). The purpose of this Staff Report Addendum is to summarize any significant comments received on the draft ROP reopening during the 30-day public and affected state(s) comment period as described in R 336.1214(3) and (4). In addition, this addendum describes any changes to the proposed ROP reopening resulting from these pertinent comments.

General Information

Responsible Official:	Henry Hoffman, Plant Manager 231-723-6573 ext. 102
AQD Contact:	Brian Carley, Environmental Quality Specialist 517-780-7843

Summary of Pertinent Comments

No pertinent comments were received during the 30-day public comment period.

Changes to the March 7, 2016 Draft ROP Reopening

No changes were made to the draft ROP reopening.

Michigan Department of Environmental Quality
Air Quality Division

State Registration Number

N1685

RENEWABLE OPERATING PERMIT

**JUNE 16, 2016 - STAFF REPORT ADDENDUM
FOR RULE 217(2) REOPENING**

ROP Number

MI-ROP-N1685-2015a

Purpose

A Staff Report dated April 26, 2016, was developed in order to set forth the applicable requirements and factual basis for a proposed reopening to Renewable Operating Permit's (ROP) terms and conditions as required by R 336.1214(3). The purpose of this Staff Report Addendum is to summarize any significant comments received on the proposed ROP reopening during the U.S. Environmental Protection Agency's (USEPA), 45-day comment period as described in R 336.1214(3). In addition, this addendum describes any changes to the proposed ROP reopening resulting from these pertinent comments.

General Information

Responsible Official:	Henry Hoffman, Plant Manager 231-723-6573 ext. 102
AQD Contact:	Brian Carley, Environmental Quality Specialist 517-780-7843

Summary of Pertinent Comments

No pertinent comments were received during the USEPA's 45-day comment period.

Changes to the April 26, 2016 Proposed ROP Reopening

No changes were made to the proposed ROP reopening.

Michigan Department of Environmental Quality
Air Quality Division

State Registration Number

RENEWABLE OPERATING PERMIT

ROP Number

N1685

**APRIL 10, 2017 - STAFF REPORT FOR
RULE 216(2) MINOR MODIFICATION**

MI-ROP-N1685-2015b

Purpose

On June 16, 2016, the Department of Environmental Quality, Air Quality Division (AQD), approved and issued Renewable Operating Permit (ROP) No. MI-ROP-N1685-2015a to TES Filer City Station pursuant to R 336.1214. Once issued, a company is required to submit an application for changes to the ROP as described in R 336.1216. The purpose of this Staff Report is to describe the changes that were made to the ROP pursuant to R 336.1216(2).

General Information

Responsible Official:	Henry Hoffman, Plant Manager 231-723-6573 ext. 102
AQD Contact:	Caryn E. Owens, 231-876-4414
Application Number:	201700013
Date Application For Minor Modification Was Submitted:	January 20, 2017

Regulatory Analysis

The AQD has determined that the change requested by the stationary source meets the qualifications for a Minor Modification pursuant to R 336.1216(2).

Description of Changes to the ROP

Incorporate PTI 110-14B, which was a revision of PTI 110-14A to include an EPA Agreed Administrative Consent Order in the PTI, and revise requirements under NSPS Da regarding the prorated percent reduction for SO₂ emissions when both solid and natural gas fuels are fired within the same 30-day period. PTI 110-14A was initially issued to install two 100 MMBtu/hr natural gas burners in each of two 384 MMBtu/hr spreader stoker boilers to displace equivalent heat input for coal or at the other end of the range, to use natural gas solely for the Mercury Air Toxics Standards (MATS) clean fuel start-up requirement, depending on the comparative cost of fuels. The solid fuel standard in the existing permit was not changed at that time.

During the PTI 110-14B review, EPA acknowledged that the NSPS Da calculation method for the percent reduction for SO₂ when firing mixed fuels needs revision. Until a revision is promulgated and finalized, enforcement discretion regarding this standard is suggested because compliance with the standard as written is not achievable.

Additionally, TES requested changes to other Conditions in the ROP to update language that did not completely conform to the underlying applicable requirements and/or better align the Conditions to realistic onsite operations/practices.

Compliance Status

The AQD finds that the stationary source is expected to be in compliance with all applicable requirements associated with the emission unit(s) involved with the change as of the date of approval of the Minor Modification to the ROP.

Action Taken by the MDEQ

The AQD proposes to approve a Minor Modification to ROP No. MI-ROP-N1685-2015a, as requested by the stationary source. A final decision on the Minor Modification to the ROP will not be made until any affected states and the U.S. Environmental Protection Agency (USEPA) has been allowed 45 days to review the proposed changes to the ROP. The delegated decision maker for the AQD is the District Supervisor. The final determination for approval of the Minor Modification will be based on the contents of the permit application, a judgment that the stationary source will be able to comply with applicable emission limits and other requirements, and resolution of any objections by any affected states or the USEPA.

State Registration Number

RENEWABLE OPERATING PERMIT

ROP Number

N1685

**JUNE 19, 2017 - STAFF REPORT ADDENDUM
FOR RULE 216(2) MINOR MODIFICATION**

MI-ROP-N1685-2015b

Purpose

A Staff Report dated April 10, 2017, was developed in order to set forth the applicable requirements and factual basis for the proposed Minor Modification to the Renewable Operating Permit's (ROP) terms and conditions as required by R 336.1216(2)(c). The purpose of this Staff Report Addendum is to summarize any significant comments received on the proposed ROP modification during the U.S. Environmental Protection Agency's (USEPA) 45-day comment period as described in R 336.1216(2)(c). In addition, this addendum describes any changes to the proposed ROP Minor Modification resulting from these pertinent comments.

General Information

Responsible Official:	Henry Hoffman, Plant Manager 231-723-6573 ext. 102
AQD Contact:	Caryn E. Owens, Environmental Quality Analyst 231-876-4414

Summary of Pertinent Comments

The USEPA has reviewed the proposed Renewable Operating Permit modification for TES Filer City Station, State Registration Number N1685, located in Filer City, Michigan. To ensure that the source meets Federal Clean Air Act requirements, that the permit will provide necessary information so that the basis of the permit decision is transparent and readily accessible to the public, and that the permit record provides adequate support for the decision, The UEPA has provided the following on May 24, 2017 on the proposed ROP Modification. The comments are as follows:

Comment 1:

In Source wide conditions. In order to clearly identify the origin and authority and permanency of the permit to install conditions that originated from the federal Administrative Consent Order, please include the following information in the permit for conditions IX.1. and IX.2. In other permitting actions, MDEQ included this information by creating a footnote 3.

"This condition is federally enforceable and was originally established in the TES Filer City Station Agreed Administrative Consent Order and Information Request Effective November 23, 2015 and also pursuant to Act 451 324.5503(b), and will remain in effect after termination of the administrative consent order."

Response:

AQD agrees with the comment and added "footnote 3" designations for Special Conditions IX.1 and IX.2 in Source-Wide Conditons, and clarified the footnote 3 designation at the end of the Source-Wide Table.

Comment 2:

In FGBOILERS. The design/equipment parameters in section IV.6 through IV.10 do not include a footnote 2 designation. Please verify whether these are Title I conditions pursuant to Rule 201(1)(a) and include footnote 2 as appropriate. See Michigan Rule 214a(3).

Response:

AQD verified that Conditions IV.6, and IV.8 through IV.10 originated during the ROP Renewal process. However, these Conditions are from the New Source Performance Standards (NSPS) 40 CFR Part 60, Subpart Da, and the Conditions went through the permitting process. Therefore, a footnote 2 was added to these Conditions, and UAR R 336.1213(3)(b) was removed.

With regards to SC IV.7, this Condition contained the wrong UAR, and through research it was determined that the Condition was derived in a PTI, and therefore the UAR was updated appropriately and a footnote 2 was added. With regards to IV.10, AQD verified that this Condition was added during the ROP process, and the Condition did not go through New Source Review during the permit process, therefore a footnote 2 was not added.

Comment 3:

In Appendix 3. In order to clearly identify the origin and authority and permanency of the permit to install conditions that originated from the federal Administrative Consent Order, please include the following information in the permit for all conditions in Appendix 3:

“This condition is federally enforceable and was originally established in the TES Filer City Station Agreed Administrative Consent Order and Information Request Effective November 23, 2015 and also pursuant to Act 451 324.5503(b), and will remain in effect after termination of the administrative consent order.”

Response:

AQD agrees with the comment and added the paragraph below to the title of Appendix 3 to ensure the permanency of the Consent Decree provisions apply to these requirements.

"This Appendix was originally established in the TES Filer City Station Agreed Administrative Consent Order and Information Request Effective November 23, 2015 and also pursuant to Act 451 Section 324.5503(b), and will remain in effect after termination of the administrative consent order."

Comment 4:

In Appendix 3. In order to clearly identify all conditions of the source-wide permit to install that are included within the title V permit, please also include “footnote 2” (or equivalent) designations for all permit conditions in Appendix 3 that are also Title I conditions pursuant to Rule 201(1)(a). See Michigan Rule 214a(3).

Response:

AQD agrees with the comment and added the following paragraph below to the title of Appendix 3 to ensure to identify the provisions in the appendix that are part of the source-wide permit to install apply to these requirements.

“This Appendix is federally enforceable and was established pursuant to Rule 201(1)(a) and Rule 214a.”

Comment 5:

In Appendix 3, conditions 5 and 7 of Permit to Install 110-14B, pertaining to continuous opacity monitoring system span value and excess emission reporting requirements, do not appear to be included in the proposed ROP. Please revise the permit as necessary to include the applicable Title 1 and New Source Performance Standard requirements from the Permit to Install.

Response:

AQD disagrees with the comment. Condition number 5 was purposefully removed because it is not an accurate Condition. The Condition stated "The span value shall be 2.0 times the lowest emission standard or as specified in the federal regulations". There isn't a span value associated with COMS in the federal regulations, so this is considered an obsolete Condition, and therefore removed.

Additionally, Condition number 7 in Appendix 3 of PTI 11-14B was included in the body of the proposed ROP as Special Conditions V.3 and VII.14 in FGBOILERS and the Conditions were updated to the current federal COMS procedures. The Condition referenced in the PTI Appendix 3 states "The permittee shall perform an annual audit of the COMS using the procedures set forth in USEPA Publication 450/4-92-010, "Performance Audits Procedures for Opacity Monitors", or a procedure acceptable to AQD. Within 30 days after the completion of the audit, the results of the annual audit shall be submitted to the AQD". This is an outdated Condition, and references a procedure that is no longer acceptable to use. Instead of an annual audit of COMS, the current procedure requires a quarterly audit of COMS. Special Condition V.3 states "The permittee shall perform the Quality Assurance Procedures of the COMS set forth in 40 CFR Part 60, Appendix F, Procedure 3", and Special Condition VII.14 in FGBOILERS states "The permittee shall submit the results of the quality assurance procedures of the COMS set forth in 40 CFR Part 60, Appendix F, Procedure 3 to the AQD District Supervisor within the quarterly EER for the quarter in which the audit is conducted". Therefore, AQD has addressed the Excess Emission Reporting of the COMS in the ROP.

Changes to the April 10, 2017 Proposed ROP Minor Modification

1. Page 12 – Special Condition (SC) II.1: AQD noticed the UAR for Act 451 324.5524 was referenced inconsistently, so MCL was removed and ACT 451 was added.
2. Page 12 – SC VI.2: removed the "R" reference to the ACT 451 324.5524 because 324.45524 is considered a Section and not a Rule, and AQD wanted the UAR consistent with the other UAR references.
3. Page 12 – SC IX.1: added "footnote 3" designation indicating the special condition originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install. Also in this special condition AQD removed "TES Filer City Station Agreed Administrative Consent Order and Information Request Effective November 23, 2015, Paragraphs 18 and 19" because this appears the Consent Order is still in effect, when it actually has been terminated.
4. Page 12 – SC IX.2: added "footnote 3" designation indicating the special condition originated from the federal consent decree and were made permanent pursuant to their inclusion in the permit to install. Also in this special condition AQD removed "TES Filer City Station Agreed Administrative Consent Order and Information Request Effective November 23, 2015, Paragraphs 18 and 19" because this appears the Consent Order is still in effect, when it actually has been terminated.
5. Page 32 – SC IV.4: removed UAR R 336.1213(3)(b) because the Condition was reviewed during the permit to install process, and has a footnote 2 designation.

6. Page 32 – SC IV.5: removed UAR R 336.1213(3)(b) because the Condition was reviewed during the permit to install process, and has a footnote 2 designation.
7. Page 32 – SC IV.6: added “footnote 2” designation indicating the Condition was reviewed during the permit process, and UAR R 336.1213(3)(b) was removed.
8. Page 32 – SC IV.7: added “footnote 2” designation indicating the Condition came from an Appendix in a permit to install. Updated the UAR, since the original PTI indicated the UAR for this Condition was R 336.2810, which agrees with the emission limit and reporting requirement this Condition is associated with.
9. Page 32 – SC IV.8 added “footnote 2” designation indicating the Condition was reviewed during the permit process, and UAR R 336.1213(3)(b) was removed.
10. Page 32 – SC IV.9 added “footnote 2” designation indicating the Condition was reviewed during the permit process, and UAR R 336.1213(3)(b) was removed.
11. Page 44 – Added the following paragraph to the title in Appendix 3: This Appendix is federally enforceable and was established pursuant to Rule 201(1)(a) and Rule 214a. This Appendix was originally established in the TES Filer City Station Agreed Administrative Consent Order and Information Request Effective November 23, 2015 and also pursuant to Act 451 Section 324.5503(b), and will remain in effect after termination of the administrative consent order. **(Act 451 324.5503(b))**