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Tate, Michele

From: jamcnelly1@arippa.org
Sent: Friday, April 09, 2010 10:37 AM
To: EP, RegComments
Subject: Proposed Regulations New Source Review Chapters 121 and 127

ARIPPA Submits the following ATTACHED COMMENTS: Proposed amendments to New Source Review as published in the Pennsylvania Bulletin on 2/6/2010:
<http://www.pabulletin.com/secure/data/vol40/40-6/221.html>

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INDEPENDENT REGULATORY
REVIEW COMMISSION

DATE: April 12, 2010

Submitted via e-mail to: RegComments@state.pa.us
The Environmental Quality Board P.O. Box 8477 Harrisburg, PA 17105-8477

Subject: Proposed Regulations New Source Review Chapters 121 and 127

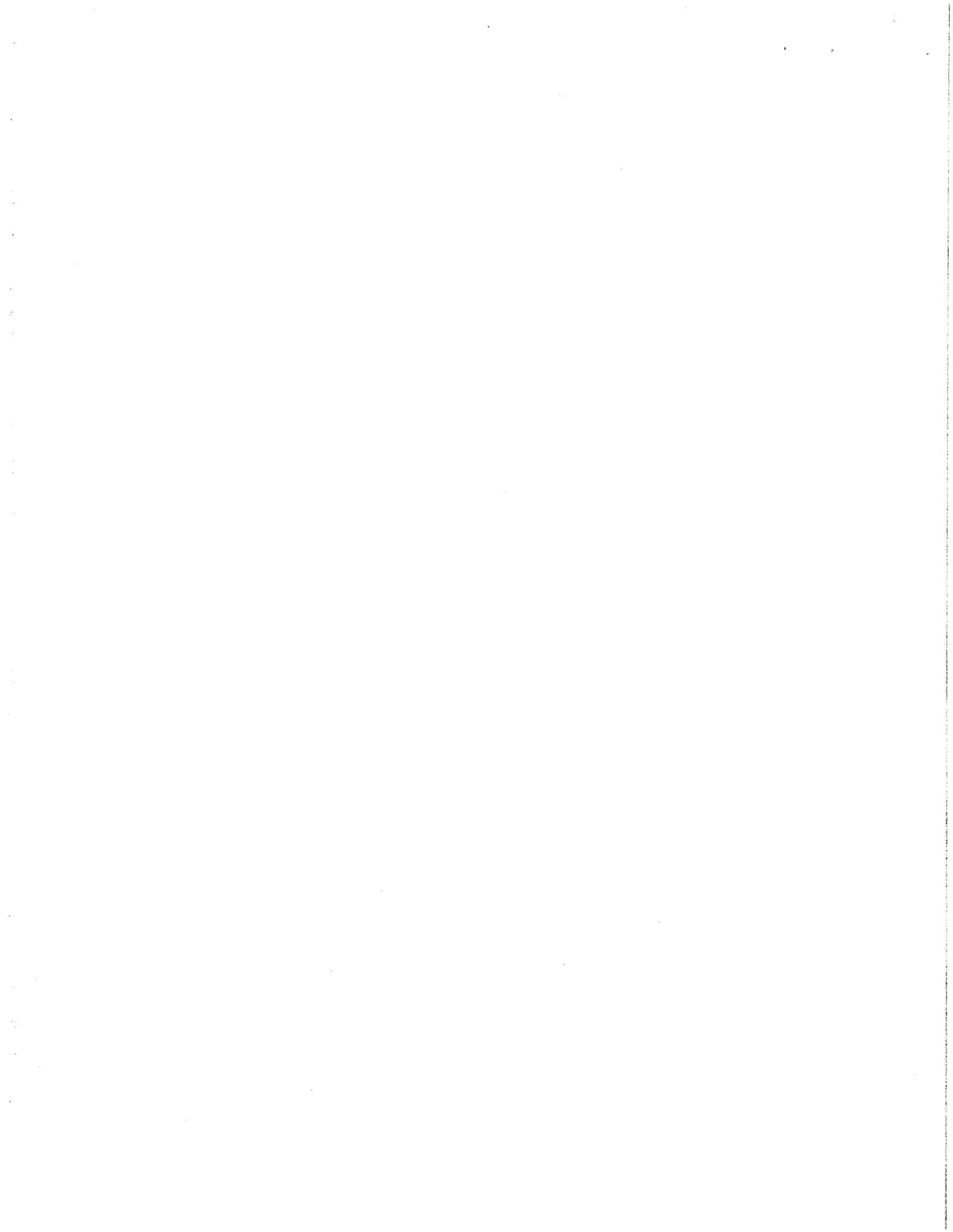
Dear Environmental Quality Board:

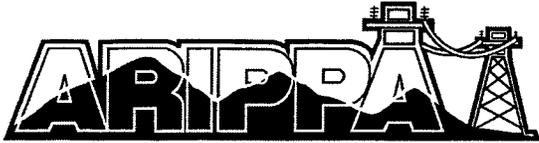
ARIPPA's comments represent its numerous environmentally beneficial alternative energy electric generating member plants, approximately 5000 citizens directly or indirectly employed by the industry, and approximately 10% of the total electricity generated in Pennsylvania.

ARIPPA, on behalf of its member companies, hereby provides comments on PADEP's proposed amendments to New Source Review Chapters 121 and 127. ARIPPA appreciates this opportunity to comment.

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I. Historical significance and background:

For nearly two centuries coal has been mined in various regions of the United States. Coal mining operations continue today and will likely continue for at least another century. In the past, coal that was very low in heat content (BTU's) and accordingly undesirable in the marketplace was randomly discarded all across the landscape of coal mining regions. This "waste coal" accumulated and lay idle on thousands of acres of land...land that possessed a variety of aesthetic, useful, and beneficial qualities. Over time wind, rain, and other naturally occurring environmental conditions caused the piles of "waste coal" to alter and/or expand their negative "environmental footprint" on America's limited land resources.

A few decades ago a beneficial use of waste coal was developed with the aid of technological advancements and support from governmental agencies (PURPA), and private/public investors. This beneficial use was designed to convert large quantities of "waste coal" into alternative electricity ...electricity to meet the energy needs of hundreds of thousands of households and businesses. Removing waste coal discarded from past mining activities cleared thousands of acres of land, formerly hidden under tons of this "idle waste". Converting the waste coal into energy and utilizing the by-product ash residue to reclaim vacant and damaged abandoned mine lands and streams (back to their natural environmental state and usefulness) are some of the positive effects realized by the development of this new industry.

The waste coal to alternative energy Industry is truly unique...being one of the few environmentally beneficial alternative energy industries. Understanding the unique environmental advantages of the continued beneficial use of waste coal is not only pivotal to understanding the motives behind our comments listed below but also the true partnership our industry shares with the goals and ideals of various watershed groups and EPA-PADEP. Accordingly we ask and appreciate your special attention to our industry, its comments, and concerns for the future of America.

II. Description of ARIPPA Member Facilities:

Organized in 1988, ARIPPA is a non-profit trade association based in Camp Hill Pennsylvania. Its membership is comprised of electric generating plants producing alternative energy and/or steam ("Co-Generation" plants produce and sell both alternative energy electricity and steam). Most ARIPPA member plants are currently located in or near the Anthracite or Bituminous coal regions of the United States.

Collectively member plants generate alternative energy electricity using environmentally-friendly Circulating Fluidized Bed (CFB) boiler technology to convert waste coal (coal mining refuse) and/or other alternative fuels such as biomass into alternative energy and steam. Most of the ARIPPA member facilities use a stationary circulating fluidized bed ("CFB") waste coal-fired boiler that generates electricity for sale at a minimum capacity of more than 25 MWe

Today, there are CFB alternative energy plants converting coal mining waste (refuse) in Pennsylvania, West Virginia, New York, and Utah. Several other non-utility alternative energy plants in the United States utilize CFB Technology to convert coal, biomass, and even agricultural waste into a desperately needed commodity collectively know as "alternative energy".

More than half of the member plants operate under a long term "Power Purchase Agreement", supplying alternative energy to utility companies at a fixed price. Accordingly ARIPPA member facilities have continued to meet or exceed the ever increasing environmental compliance regulations and laws (mandated since 1987) by directly absorbing the compliance costs without increasing the fees paid by electric utility rate payers.

ARIPPA facilities provide a unique environmental benefit by converting waste coal as fuel and utilizing state-of-the-art circulating fluidized bed ("CFB") technology. ARIPPA facilities utilize coal refuse (waste) from both past and current mining activities, and thereby reclaim abandoned strip mines and abate acid mine drainage from waste coal piles at no cost to taxpayers. By converting waste coal into alternative energy, ARIPPA members are removing one of the principal sources of contamination to surface water and groundwater in coal mining regions of the United States.

The industry provides a zero cost option for removing waste coal piles from the environment. Should that option discontinue the entire responsibility for removal and clean up would fall on the tax payers and government, a task the PADEP has testified would cost billions of dollars and take over 500 years to accomplish. ARIPPA plants work closely with various local watershed groups such as EPCAMR and WPCAMR as well as Earth Conservancy to reclaim abandoned mine lands and convert polluted streams to clean and usable.

In addition to the environmental benefits resulting from the removal and conversion of waste coal, ARIPPA facilities have minimized potential emission pollutants traditionally associated with using a fossil fuel by incorporating state-of-the-art technology...true CLEAN COAL technology utilizing CFB boilers.

ARIPPA requests that EQB consider the following factors as they review our comments on the proposed regulations:

- The waste coal to alternative energy industry is truly unique...being one of the few environmentally beneficial alternative energy industries.

- The unique nature of the CFB CLEAN COAL technology employed by the ARIPPA member plants
- Waste coal tonnage is removed and converted into energy
- Alternative energy is generated
- Thousands of jobs, wages and economic expansion is realized
- Tax payer reclamation costs are saved
- Thousands of acres of land and miles of streams beneficially are reclaimed at no cost to taxpayers

III. General Comments:

-NONE-

IV. Suggested Amendments/Specific Comments: (KEY TO FORMAT:

1. Black ink indicates language in the currently proposed regulations
2. **Red ink, bold and strike-through** indicates language that ARIPPA feels should be omitted.
3. **Blue ink, bold, underlined and highlighted** indicates language that ARIPPA feels should be added
4. Blue ink (not bold, underlined or highlighted) indicates ARIPPA's reasoning for such changes.

§ 121.1. Definitions

Significant—

(i) In reference to a net emissions increase or the potential of a facility to emit one of the following pollutants at a rate of emissions that would equal or exceed the following emissions rates except as specified in subparagraphs (ii)—(v):

Pollutant	Emissions Rate
Carbon monoxide (CO):	100 TPY
Nitrogen oxides (NO _x):	40 TPY
Sulfur oxides (SO _x):	40 TPY
Ozone:	40 TPY of VOCs or NO _x
Lead:	0.6 TPY
PM-10:	15 TPY
PM2.5:	10 TPY of PM2.5; 40 TPY of SO₂; 40 TPY of NO_x

ARIPPA questions the testing procedures and listed relationships and wonder how it was calculated, and where the ratios came from, and exact dates for early ERC credit calculations.

Some ARIPPA facilities may have upgraded/improved bughouse's to reduce pm 2.5 and pm 10 emissions during a time period when CAIR and CAMR (air-mercury) regulations were being proposed and debated. The current dates listed would exclude them from any credits, yielding a negative or "no credit" outcome for performing a plant improvement.

§ 127.210. Offset ratios.

(a) The [emission] emissions offset ratios for NSR purposes and ERC transactions subject to the requirements of this subchapter [shall] **must** be in an amount equal to or greater than the ratios specified in the following table:

Required Emission [Reductions From] Offsets For Existing Sources, Expressed in Tons per Year

Pollutant/Area	Flue Emissions Fugitive Emissions	
PM-10 and SO _x	1.3:1	5:1
Volatile Organic Compounds		
Ozone Classification Areas		
Severe Areas		

Serious Areas
 Moderate Areas
 Marginal/Incomplete Data Areas
 Transport Region

1.3:1	1.3:1
1.2:1	1.3:1
1.15:1	1.3:1
1.15:1	1.3:1
1.15:1	1.3:1

NO_x

Ozone Classification Areas
 Severe Areas
 Serious Areas
 Moderate Areas
 Marginal/Incomplete Data Areas
 Transport Region

1.3:1	1.3:1
1.2:1	1.2:1
1.15:1	1.15:1
1.15:1	1.15:1
1.15:1	1.15:1

Carbon Monoxide
 Primary Nonattainment Areas

1.1:1	1.1:1
1.1:1	1.1:1

Lead

PM2.5

PM2.5 Nonattainment Area

PM2.5	1:1	1:1
PM2.5 Precursors		
SO ₂	1:1	1:1
NO _x	1:1	1:1

PM2.5 Interpollutant Trading Ratios

SO ₂	40:1	40:1
NO _x	200:1	200:1

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END OF SPECIFIC COMMENTS

ARIPPA wishes to thank the EQB, for allowing our industry to offer comments and suggested changes to the proposed regulations. We hope our comments will be accepted in a constructive and cooperative spirit.

The unique nature of the CFB CLEAN COAL technology employed by the ARIPPA member plants and the environmental benefits provided to the Commonwealth...reclaiming abandoned strip mines (through the beneficial use of a unique ash) while minimizing acid mine drainage from waste coal piles... and the conversion of one of the principal sources of environmental contamination in the Commonwealth into a needed alternative energy... at no cost to Pennsylvania taxpayers... symbolizes our ongoing effort to continually improve the landscape of our Commonwealth and our nation.

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