

**Archived:** Thursday, May 31, 2012 4:00:34 PM  
**From:** Tom Shaw  
**Sent:** Wednesday, October 05, 2011 4:25:09 PM  
**To:** Eric M. Robeson  
**Cc:** Albert Yockey; Mark Bailey; Bob Berry  
**Subject:** RE: BREC Utility MACT and 316(b) Issues  
**Importance:** Normal

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Eric,

I agree there seems to be some ambiguity with the MACT rule when it comes to achieving compliance with both non-mercury HAP metals and TPM; however, it is my opinion the intent of the regulation is to be in compliance with both parameters. The TPM monitoring after the initial testing is simply a way to demonstrate compliance with non-mercury HAP metal without monitoring each individual metal and in no way relieves the utility of the requirement to meet its particulate emissions (TPM). That being said, if testing shows the utility to be out of compliance with the non-mercury HAP metal but in compliance with particulate emission then additional controls such as a bag house will need to be added. I would expect EPA to provide some clarity on this issue in the comments sections when the final rule is published.

In regards to the 316(b) issue it is important to know how much the Reid unit will run since the cooling requirements are large especially in the summer months to determine the proportion of cooling water as it applies the 25% requirement in the regulations. I'm not sure how important this is given that under the new proposed rule cooling towers do not automatically remove you from the regulation as the previous proposed rule did. We will likely be required to restudy the impingement and entrainment of all of our intake structures regardless of flow and meet the appropriate mortality rates.

Tom

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**From:** Eric M. Robeson  
**Sent:** Monday, October 03, 2011 11:41 AM  
**To:** Tom Shaw  
**Subject:** FW: BREC Utility MACT and 316(b) Issues

What is your take on these issues?

Eric

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**From:** ADAM.C.LANDRY@sargentlundy.com [<mailto:ADAM.C.LANDRY@sargentlundy.com>]  
**Sent:** Friday, September 23, 2011 4:05 PM  
**To:** Eric M. Robeson  
**Subject:** BREC Utility MACT and 316(b) Issues

Eric,

I want to bring to your attention a few issues that we should fully understand:

1. Section 3.3.5.3 of the Environmental Regulatory Review discusses the proposed utility MACT rule governing non-mercury metal HAP emission limits. As the rule is currently stated, the utility will have the option to use TPM as a surrogate for continuous monitoring. The rule also states that during initial testing both non-mercury HAP metals and TPM will be tested. What is unknown is what will happen if a utility fails to meet both total non-mercury HAP metals and TPM emissions limits during initial testing. There have been several comments on this portion of the rule as the ICR data shows conflicting data with respect to existing ESP performance. Several utilities have shown that they are able to achieve the TPM limit with existing ESP technology or ESP upgrades and still not be able to meet individual or total non-mercury HAP metals limits. Because the utility MACT rule has not been finalized and this particular issue has raised a fair amount of controversy, there is inherent risk in choosing how to approach compliance. BREC will most likely be able to meet the TPM limits with ESP upgrades or existing ESPs but the recent stack testing data shows that it is unlikely that total non-mercury HAP limits would be achievable without use of a baghouse.

I am aware that other utilities are taking different stances concerning this unknown. One approach taken is that regardless of the outcome of the initial testing, compliance with only one option will be required, and therefore they are moving forward with ESP upgrades to achieve TPM compliance. The other approach taken is that compliance with the more stringent release will be required, and therefore, baghouse retrofits will be required to meet the non-mercury metal HAP emission limits, as compliance with the non-mercury HAP emission limits will most likely not be possible with the ESPs.

2. As currently constructed, 316(b) is separated into three phases. The first phase governs only new units and has been implemented. Phase two governs existing facilities with a total design intake flow of greater than 2 million gallons per day from waters of the US **and** twenty-five percent or more of the water it withdraws is used exclusively for cooling purposes. (measured on an average annual basis for each calendar year) Therefore, Sebree may be exempt from the proposed rule if 75% or more of the water being taken in is used by the city of Henderson for purposes other than cooling. More operational data regarding the actual flow rates used by the plant and the city are required as well as knowledge of what the city of Henderson does with the water sales. We will be contacting Sebree to determine if we can ascertain the amount of water used on-site vs. the amount delivered to the city of Henderson, to see where we may fall.

Regards,

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