



United States Department of the Interior



FISH AND WILDLIFE SERVICE
National Wildlife Refuge System
Branch of Air Quality
7333 W. Jefferson Ave., Suite 375
Lakewood, CO 80235-2017

IN REPLY REFER TO:

FWS/ANRS-NR-AQ

January 14, 2011

William O'Sullivan, Director
Division of Air Quality
New Jersey Department of Environmental Protection
401 E State Street
7th Floor, East Wing
P.O. Box 402
Trenton, New Jersey 08625-0402

Dear Mr. O'Sullivan:

On December 15, 2010, the State of New Jersey provided information on Best Available Retrofit Technology (BART) to supplement your draft implementation plan to improve air quality regional haze impacts at mandatory Class I areas across your region. We appreciate the opportunity to work closely with the State through the initial evaluation, development, and, now, subsequent review of your States BART evaluations.

This letter acknowledges that the U.S. Department of the Interior, U.S. Fish and Wildlife Service (FWS), in cooperation with the National Park Service (NPS), has received and conducted a substantive review of the BART supplement of your proposed Regional Haze Rule implementation plan in fulfillment of your requirements under the federal regulations 40 CFR 51.308(i)(2). Please note, however, that only the U.S. Environmental Protection Agency (EPA) can make a final determination regarding the document's completeness and, therefore, ability to receive federal approval from EPA.

Please consider these comments in addition to those provided by the U.S. Department of the Interior regarding the New Jersey draft Regional Haze State Implementation Plan with a letter dated October 29, 2008. Furthermore, this letter is copied to Ms. Margaret Gardner of the NJDEP Bureau of Air Permitting, in official response to the public notice regarding the State's BART determinations. The public notice was posted on December 20, 2010, and announced a comment period extending until January 21, 2011.



Mr. O'Sullivan, page 2

Again, we appreciate the opportunity to work closely with the State of New Jersey and compliment you on your hard work and dedication. For further information, please contact Tim Allen (FWS) at (303) 914-3802.

Sincerely,



Sandra V. Silva
Chief, Branch of Air Quality
U.S. Fish and Wildlife Service

Enclosure

cc:

Ms. Margaret Gardner
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Comments/Issues Pertaining to the Proposed Best Available Retrofit Technology (BART) Determinations for Affected Bart-eligible Sources in the State of New Jersey – Technical Support Document

**U.S. Fish and Wildlife Service
January 14, 2011**

The U. S. Fish and Wildlife Service (FWS) appreciates the opportunity to review and comment on the New Jersey Department of Environmental Protection (NJDEP) Proposed BART Determinations. The NJDEP followed a consistent and organized approach to gather, analyze and present information for the three BART-eligible sources in New Jersey. Some significant emission controls have been implemented as part of previously negotiated consent decrees as reflected in the BART process. The FWS would like to comment on a few aspects of the BART determinations that were provided for our review. The general comments below are followed by facility-specific comments.

The Technical Support Document does not append BART determination analyses performed by the companies whose facilities are subject to BART, which is usually required documentation to provide detail to the proposed BART decisions. However, the proposed BART determinations made by NJDEP generally entail BART controls considered to be the most stringent controls available. As a result, the detailed documentation usually provided by company BART determinations (i.e., cost efficiency and cost of visibility improvement) are not required. The EPA BART Guidelines state, “If you find that a BART source has controls already in place which are the most stringent controls available (note that this means that all possible improvements to any control devices have been made), then it is not necessary to comprehensively complete each following step of the BART analysis in this section. As long as these most stringent controls available are made federally enforceable for the purpose of implementing BART for that source, you may skip the remaining analyses in this section, including the visibility analysis in step 5.”¹ Nevertheless, as discussed later, there is some question as to whether the control efficiency of some proposed controls allowed in a facility’s permits are as stringent as possible.

It is clear that NJDEP is fully cognizant that BART emission limits must be reflected in the sources’ operating permits. Please assure that all of the permits or other enforceable commitments are posted as an appendix to the BART section of the Regional Haze SIP. Of course, this would include those facilities that accepted capped emission limits to be excluded from BART (i.e., Chevron Products’ permit modification).

ConocoPhillips Bayway Refinery

For the ConocoPhillips Bayway Refinery heaters, the NO_x control efficiency of 0.04 lb./MMBtu through the use of existing Ultra Low NO_x Burners and SCR, and the SO₂ control efficiency of 0.033 lb./MMBtu through a gas upgrade, would seem to be BART for those units.

¹ See 40 CFR Part 51, Appendix Y, Section IV.D.STEP 1.9.

PSEG Fossil LLC Hudson Generating Station

Implementation of Selective Catalytic Reduction (SCR) for NO_x control on gas boiler E1 by May 1, 2015, would seem to satisfy BART.

For NO_x control on boiler E2, SCR has been proposed as BART with an emission limit of 0.10 lb./MMBtu. Since low NO_x burners (LNB) were installed in 2008, as shown in Table 19, it is assumed that BART will be the combination of LNB and SCR. This control technology has delivered control efficiencies of 0.05 to 0.08 lb./MMBtu in many boilers using various types of coals and reagents. The only information presented about the type of coal being used is that it is less than or equal to 2% in sulfur content. The type and amount of reagent proposed are not presented. Either more information and analysis should be provided to justify an emission limit of 0.10 lb./MMBtu for BART, or a lower emission limit should be proposed. The EPA BART Guidelines state, “It is important, however, that in analyzing the technology you take into account the most stringent emission control level that the technology is capable of achieving.”² Further, the EPA BART Guidelines state, “. . . you should consider ways to improve the performance of existing control devices, particularly when a control device is not achieving the level of control that other similar sources are achieving in practice with the same device.”³

For SO₂ control on boiler E2, Flue Gas Desulfurization (FGD) has been proposed as BART with an emission limit of 0.15 lb./MMBtu. It is not clear exactly which type of FGD is proposed (e.g., wet, dry sorbent injection, lime spray dryer). Wet FGD would be considered to be the most stringent control available. If any other type of FGD is being proposed, a BART determination that considers the other SO₂ control alternatives should be performed. Assuming that wet FGD is the control alternative being implemented as BART, this technology has been shown to be capable of achieving a much lower emission rate than 0.15 lb./MMBtu at other Electric Generation Units. The type and amount of reagent proposed are not presented. Either more information and analysis should be provided to justify an emission limit of 0.15 lb./MMBtu for BART, or a lower emission limit should be proposed. The EPA BART Guidelines state, “It is important, however, that in analyzing the technology you take into account the most stringent emission control level that the technology is capable of achieving.”⁴ Further, the EPA BART Guidelines state, “. . . you should consider ways to improve the performance of existing control devices, particularly when a control device is not achieving the level of control that other similar sources are achieving in practice with the same device.”⁵ The above references remain applicable even if the proposed control alternative meets the “presumptive” level of control provided for in the EPA BART Guidelines (e.g., 0.15 lb./MMBtu for SO₂ control).

² Ibid. See Section IV.D.STEP 3.1.

³ Ibid., See Section IV.D.STEP 3.4.

⁴ Ibid., See Section IV.D.STEP 3.1.

⁵ Ibid., See Section IV.D.STEP 3.4.