



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/ANWS-AR-AQ

April 8, 2011

Joe Kordzi
Air Planning Section (6PD-L)
Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

RE: Docket NO. EPA-R06-OAR-2010-0190, Oklahoma Regional Haze Plan

Dear Mr. Kordzi:

The U. S. Fish and Wildlife Service (FWS), in consultation with the National Park Service (NPS), reviewed and is providing comments on the proposed Federal Implementation Plan for Interstate Transport of Pollution Affecting Visibility and Best Available Retrofit Technology Determinations (Docket No. EPA-R06-OAR-2010-0190). As a result of a thorough review of the proposed action and the supporting documentation provided in the Technical Support Document the FWS fully supports the proposed action. It is consistent with comments made earlier by the FWS to the Oklahoma Department of Environmental Quality (ODEQ) during the Federal Land Managers' consultation period.

It is appropriate to propose to disapprove the Long Term Strategy under Section 51.308(d)(3) because reasonable progress goals set by Oklahoma and by other nearby States have not been shown to be achievable given the lack of SO₂ controls proposed by ODEQ for six emission units discussed below.

The six emission units under discussion in this letter are Oklahoma Gas & Electric (OG&E) Sooner Plant Units 1 and 2; OG&E Muskogee Plant Units 4 and 5 and American Electric Power/Public Service Company of Oklahoma (AEP/PSO) Northeastern Plant Units 3 and 4. The ODEQ proposed emission limitations of 0.65 lb of SO₂/MMBtu with no further SO₂ emission controls being required on the six Electric Generating Units (EGU) greater than 200 MW at power plants generating 750 MW or greater. It is unreasonable to assume that the specific control levels for SO₂ of either 95% control or 0.15 lb/MMBtu as provided in the EPA Guidelines for Best Available

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Retrofit (BART) Determinations¹ for such units are met by ODEQ's proposed inaction. We concur that the 0.06 lb of SO₂/MMBtu proposed by the Environmental Protection Agency (EPA) for each of the six emission units is attainable by current technology and is consistent with many other such EGUs already meeting this emission limit, as we earlier pointed out to ODEQ. We see the value in requiring compliance with the above proposed emission limitations within three years from the effective date of the final rule, but can accept compliance within five years as provided in the EPA Guidelines².

We reviewed the consultant's report prepared for EPA by Dr. Phyllis Fox, as presented in the Technical Support Document for the Oklahoma Regional Haze State Implementation Plan and Federal Implementation Plan. Our earlier comments to ODEQ provided a less rigorous analysis leading to the same conclusion that costs in ODEQ's analysis were greatly overestimated. Our position was better quantified and the costs were further credibly reduced by Dr. Fox. She went further to deconstruct the methodology followed by ODEQ. We concur that ODEQ over-sized the scrubbers, did not follow the EPA Control Cost Manual, inflated the range of actual costs, double counted some items and did not evaluate the most cost-effective options. As a result, we agree that the costs per ton of SO₂ control for each of the six emission units as developed by Dr. Fox for dry scrubbing (\$1,291 – \$ 1,544) are cost-effective and that they constitute BART. Further, the cost adjustments provided by EPA in Appendix D allow the cost estimates to remain reasonable for BART.

Section J of the proposed Federal Implementation Plan discusses an apparent difference in versions of the Regional Haze SIP provided to FWS and to EPA by ODEQ. Any FWS concerns about the different versions are alleviated with the EPA proposal to promulgate a Federal Implementation Plan and 51.308(i)(2) has been satisfied. However, should the ultimate determination of BART ever be deferred back to ODEQ, the FWS would like to re-open the comment period under 51.308(i)(2).

Section VI.E of the Oklahoma Regional Haze SIP, entitled, "Greater Reasonable Progress Alternative Determination," provides for neither greater reasonable progress than BART nor the timeframe requirements for implementation under section 51.308, and should be disapproved as EPA has proposed.

We concur with EPA on the portions of the Oklahoma Regional Haze SIP that have been proposed to be approved. We have taken this opportunity to comment on the EPA proposed Federal Implementation Plan for Regional Haze even though this federal action

¹ See 40 CFR Part 51, Appendix Y, "Guidelines for BART Determinations Under the Regional Haze Rule," section IV.E.4.

² Ibid., Section V.

is not considered to be under the Federal Land Managers' consultation provisions. Certainly the FWS is available to further discuss our positions or to support EPA in any way possible.

Sincerely,



Sandra V. Silva
Chief, Branch of Air Quality
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cc:

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