

September 9, 2024

Ms. Megan Wachspres
Sierra Club Environmental Law Program
2101 Webster Street, Suite 1300
Oakland, CA 94612

Re: Response to Public Comment Permit No. AOP-28371 v6.0

Dear Ms. Wachspres:

This letter is in response to the comments you provided to the North Dakota Department of Environmental Quality, Division of Air Quality (Department) on July 12, 2024, on behalf of the Sierra Club regarding the draft Title V Air Pollution Control Permit to Operate for the Rainbow Energy Center, LLC (REC), Coal Creek Station (CCS). The Department offered REC the opportunity to provide additional information in response to the Sierra Club comments, however, none was provided to supplement this response.

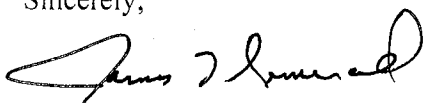
Having considered all information presently available, the Department provides the following in response to the comments. It appears to the Department that the Sierra Club comments pertained to one main idea summarized below, with the Department's reply to follow.

Comment: The draft Title V permit does not include the recently updated and finalized 40 CFR 63, Subpart UUUUU emission limits for filterable particulate matter and mercury, as well as the updated monitoring for filterable particulate matter. The finalized rule currently requires compliance with the updated emission limits and monitoring by July 6, 2027.

Reply: The Department agrees with the comment in that, if in fact the regulation remains unchanged after pending litigation, the 40 CFR 63, Subpart UUUUU emission limits and monitoring should be included in the Title V permit by July 6, 2027. While the updated Subpart UUUUU emission limits and monitoring (requiring compliance by July 6, 2027) are not currently listed in the Title V draft permit, the Department and REC are aware that compliance with the regulations is required at all times, as applicable. However, due to pending, undetermined legal consequences, administrative edits were included in the Title V to clarify that REC shall comply with Subpart UUUUU before, during and after July 6, 2027. The draft Title V for CCS is available at <https://deq.nd.gov/AQ/PublicCom.aspx>.

The Department appreciates the Sierra Club comments and we hope you find our response helpful. If you or the Sierra Club have any questions, please contact Kyla Schneider of my staff at (701)328-5218 or kkschneider@nd.gov.

Sincerely,



James L. Semerad
Director
Division of Air Quality

JLS/KKS:er

xc: EPA Region 8, Air Permitting (email - r8airpermitting@epa.gov)
Benjamin Gress, REC, CCS (email - Benjamin.Gress@rainbowenergycenter.com)