



Via Email

NDDEQ
Division of Air Quality
4201 Normandy St., 2nd Floor
Bismarck, ND 58503-1324
AirQuality@nd.gov

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

To Whom it May Concern:

Sierra Club submits the following comment on behalf of its more than 1,000 North Dakota members regarding the Department's proposed/draft Title V permit for the Coal Creek Station located in McLean County, North Dakota. Sierra Club believes the proposed permit, if issued, would be unlawful under the recently finalized revisions to National Emission Standards for Hazardous Air Pollutants, 40 C.F.R. Part 63. *See* 89 Fed. Reg. 38,508.

Under the updated NESHAP standards for particulate matter and mercury emissions finalized on May 7, 2024, all mine-mouth lignite-burning EGUs, including Coal Creek Station, will be required to meet emission limitation standards of 0.010 lb/MMBtu of filterable particulate matter (fPM) and 1.2 lb/TBtu mercury by July 6, 2027. 40 C.F.R. Part 63, Subpart UUUUU. The same updated regulations require installation of a CEMS to demonstrate compliance with the fPM standard. *Id.*

The proposed/draft Title V permit is thus unlawful, as it purports to allow Coal Creek Station to emit 0.03 lbs/mmBtu of fPM and 4.0 lb/TBtu of mercury through an expiration date of September 7, 2029, and does not include any retirement to install a CEMS capable of measuring fPM emissions. Any final permit should therefore be revised to incorporate these updated standards to prevent Coal Creek Station from continuing to emit dangerous levels of mercury and other particulate matter as soon as feasible, but no later than the date required under federal law.

Sincerely,

/s/Megan Wachspress

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Cc: Adrienne Sandoval, Director, Air and Radiation Division, EPA Region 8