

September 18, 2000

Ms. Pamela J. Smith
Information Transfer and Program Integration Division (MD-12)
Office of Air Quality Planning and Standards
U.S. EPA
Research Triangle Park, NC 27711

Dear Ms. Smith:

On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), thank you for the opportunity to comment on the U.S. Environmental Protection Agency's (EPA's) August 17, 2000 draft *Guidance on Best Available Control Technology (BACT) for NO_x Control at Combined Cycle Turbines* (65 FR 50202). Specifically, the subject of the draft guidance is a consideration of collateral environmental impacts associated with the use of selective catalytic reduction (SCR) as BACT for NO_x on dry low- NO_x equipped natural gas-fired combined cycle turbines.

While, theoretically, the associations do not disagree with the identification and discussion of potential collateral impacts from the application of SCR technology, we are unclear why EPA is proposing this specific draft guidance and we have serious concerns with the document as written. First and foremost, we are concerned that the draft guidance sets a presumptive BACT of 9 ppm NO_x for gas-fired combined-cycle turbines that seriously undermines state and local agencies efforts to require more stringent BACT requirements. State and local air agencies are in the best position to determine what level of control is BACT considering a number of factors, including impact on local air quality. We do not understand why the Agency would issue guidance that seriously compromises the ability of state and local agencies to make appropriate BACT determinations.

Moreover, state and local agencies have formally endorsed EPA's top-down BACT process. We believe that EPA's top-down BACT process is the most effective way to assure the best controls on sources at the time of installation or modification. Use of this process allows for consideration of the issues raised by EPA in its draft guidance document, but leaves the final BACT determination at the state or local level, where such determination properly belongs. We believe that issuance of the guidance as drafted will undermine the top-down BACT process and introduce into the market place the presumption that a 9 ppm NO_x for gas-fired combined-cycle turbines is BACT.

Furthermore, by setting a presumptive BACT, the guidance effectively removes any incentive for industry to develop and install controls more stringent than the presumptive BACT. The 30-year history of technology development under the Clean Air Act and the New Source Review rules clearly demonstrates that regulations drive technological innovation. By removing such regulatory incentives, this guidance seriously undermines future technological improvements in the area of pollution control. Moreover, by raising the emissions levels approved as BACT, the draft guidance essentially defines BACT for those units achieving 9 ppm as requiring no additional controls. We believe this sets an unwarranted precedent for other technology-based determinations such as MACT and LAER.

Finally, we are concerned with the emphasis the draft guidance places on ammonia. While we recognize that it is appropriate to consider the impacts of other pollutants, such as ammonia, in BACT determinations, we believe that the guidance overestimates the impact of potential ammonia emissions from a source that employs Selective Catalytic Reduction (SCR) as a NOx control strategy. The NOx emissions generated by ammonia slippage from use of SCR are overstated in the document and are minimal as compared to ammonia emissions from other sources, such as hog farms and other agribusinesses. If EPA is seriously concerned about emissions of ammonia to the environment, it should address these larger sources first. Moreover, the guidance ignores other toxics generated by the gas turbine process that pose a much greater threat to public health and the environment. We believe that the issue regarding ammonia usage and emissions can be addressed through the current top-down BACT process.

Again, thank you for the opportunity to comment, however, for all of the above stated reasons, we strongly recommend that the Agency refrain from issuing this guidance document.

If you have any further questions or desire additional information, please contact either of us or S. William Becker of STAPPA and ALAPCO.

Sincerely,

John Paul
ALAPCO Chair
NSR Committee

Bill O'Sullivan
STAPPA Chair
NSR Committee

Cc: Bill Harnett
Ellen Brown

