



# United States Department of the Interior

NATIONAL PARK SERVICE  
Air Resources Division  
P.O. Box 25287  
Denver, CO 80225-0287

IN REPLY REFER TO:

N3615 (2350)

June 11, 2014

Mr. Guy Donaldson  
Chief, Air Planning Section (6PD-L)  
Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, Texas 75202-2733

Docket Number: EPA-R06-OAR-2014-2014

Dear Mr. Donaldson:

Thank you for the opportunity to review and comment on EPA's proposal to approve the revised New Mexico Regional Haze State Implementation Plan (SIP), the proposed State Alternative for Best Available Retrofit Technology (BART) for nitrogen oxide (NO<sub>x</sub>) emissions from San Juan Generating Station (SJGS), and New Mexico's revised Visibility Transport State Implementation Plan (SIP). The State Alternative was developed through negotiation between New Mexico Environment Department (NMED), Public Service of New Mexico (PNM), and the Environmental Protection Agency (EPA) Region 6.

In August 2011, EPA disapproved provisions of New Mexico's Interstate Transport SIP that addressed section 110(a)(2)(D)(i)(II) of the Clean Air Act and found that emissions from SJGS are interfering with visibility protection programs of other states.<sup>1</sup> In the August 2011 Federal Implementation Plan (FIP), EPA determined that NO<sub>x</sub> BART is a 30-day rolling average of 0.05 lb/MMBtu for all four units at SJGS.

Consistent with 40 CFR 51.308(e)(2), to implement an alternative to BART, a State must demonstrate that the alternative will achieve greater reasonable progress than would be achieved through BART. We are concerned with EPA's assertion, footnoted in this current proposal,<sup>2</sup> that

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<sup>1</sup> ENVIRONMENTAL PROTECTION AGENCY, 40 CFR Part 52, Approval and Promulgation of Implementation Plans; New Mexico; Federal Implementation Plan for Interstate Transport of Pollution Affecting Visibility and Best Available Retrofit Technology Determination, Final rule, August 22, 2011. 76 FR 52388

<sup>2</sup> 79 FR 26910

the State Alternative is not an “alternative measure” under 40 CFR 51.308(e)(2). We do not understand EPA’s interpretation given previous EPA decisions have required a source to demonstrate its proposed alternative is better than EPA’s BART determination.<sup>3</sup> Because EPA finalized the BART determination for SJGS in August 2011, the New Mexico proposal in 2013 appears to be an alternative consistent with the intent of 40 CFR 51.308(e)(2) and therefore needs to demonstrate greater reasonable progress than EPA’s BART determination.

As we commented on New Mexico’s proposal in July 2013, the State Alternative (Selective Non-Catalytic Reduction (SNCR) on two units and shut down of two units) does not demonstrate greater reasonable progress than EPA’s BART determination. EPA cites that the State Alternative would achieve less visibility progress than BART at the three most-impacted Class I areas. The differences between the EPA BART determination and the State Alternative are reported as 0.47 dv at Mesa Verde, 0.24 dv at Canyonlands, 0.13 dv at Weminuche, and a total of 1.06 dv less improvement across all modeled Class I areas.

EPA has not demonstrated that the State Alternative achieves greater reasonable progress than EPA’s BART determination. We are concerned with this departure from rules and guidance,<sup>4</sup> and the precedent this action would set. We believe that any approved alternative plan for SJGS NO<sub>x</sub> emissions needs to result in greater visibility progress than would occur under EPA’s BART determination.

We appreciate the opportunity to work closely with NMED to improve visibility at Class I national park units. If you have questions, please contact Don Shepherd at 303-969-2153 or don\_shepherd@nps.gov.

Sincerely,



Susan Johnson  
Chief, Policy, Planning, and Permit Review Branch

cc:

Ms. Rita Bates  
Planning Section Chief, Air Quality Bureau  
New Mexico Environment Department  
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<sup>3</sup> 79 FR 23273; 78 FR 24112

<sup>4</sup> “In addition, States must submit a SIP that contains either emission limitations representing best available retrofit technology (BART) for certain sources put into operation between 1962 and 1977 *or* alternative measures that provide for greater reasonable progress than BART.” Guidance for Setting Reasonable Progress Goals Under the Regional Haze Program, EPA, June 1, 2007