Air Quality Permitting
Response to Public Comments

January 12, 2018

Permit to Construct No. P-2015.0023

Project No. 61525

U S Department of Energy - INL
Scoville, Idaho

Facility ID No. 023-00001

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AIR QUALITY DIVISION

Final

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BACKGROUND

The Idaho Department of Environmental Quality (DEQ) provided for public comment on the proposed permit to construct for the U S Department of Energy - INL from November 28, 2017 through December 28, 2017, in accordance with IDAPA 58.01.01.209.01.c. During this period, comments were submitted in response to DEQ's proposed action. Each comment and DEQ's response is provided in the following section. All comments submitted in response to DEQ's proposed action are included in the appendix of this document.

PUBLIC COMMENTS AND RESPONSES

Public comments regarding the technical and regulatory analyses and the air quality aspects of the proposed permit are summarized below. Questions, comments, and/or suggestions received during the comment period that did not relate to the air quality aspects of the permit application, the Department's technical analysis, or the proposed permit are not addressed. For reference purposes, a copy of the Rules for the Control of Air Pollution in Idaho can be found at: http://adminrules.idaho.gov/rules/current/58/0101.pdf.

Comment 1: Given that many of INL's existing permits to construct are being consolidated under a single facility emissions cap, both DEQ and the public now have a better sense of the total potential to emit from INL facilities (Table 6 in Statement of Basis). As a result, this would be a good opportunity for DEQ to assess the public health risks associated with the cumulative emissions from INL facilities. Although the permitted PTE under this FEC does not exceed major source thresholds for any single pollutant, the cumulative impact of all those pollutants together being release into the air is still worth considering. Ambient air pollution was responsible for 4.2 million deaths worldwide in 2015, and pollution control is technically feasible. Facilities with high total emissions should explore ways in which they can continue to reduce their emissions in the interest of protecting human health.

Response 1: **In the modeling analyses done for this application, INL utilized a representation of the cumulative existing source inventory for criteria air pollutants at the entire facility. Following modeling guidelines, they provided results from air dispersion modeling that demonstrated that the facility was in compliance with all National Ambient Air Quality Standards (NAAQS), fulfilling the requirements in IDAPA 58.01.01.203.02. Assessing impacts from multiple criteria pollutants in a synergistic fashion to determine health risks is not a methodology required by the State of Idaho, or the EPA, in the regulatory process of acquiring permits to construct, nor is it an analyses prescribed in the modeling guidelines as required for protection of the defined health standards (nationally) as represented by the NAAQS.**

The toxic air pollutant requirements for issuing permits to construct are specified at IDAPA 58.01.01.210 (Demonstration of Preconstruction Compliance with Toxic Standards). This Rule requires that it be shown that modifications at stationary sources do not exceed any toxic air pollutant increments listed in IDAPA 58.01.01.585 and 58.01.01.586. A cumulative impact assessment is not required by the permit to construct Rules (Section 210). The only specific change at the facility is to a 29.3 MMBtu per hour diesel fuel fired boiler at the Naval Reactors Facility. Preconstruction compliance has been demonstrated for this modification and DEQ is obligated to issue the permit to construct. Also, this FEC permit to construct does not allow changes to the source that affect toxic air pollutants unless that change is specifically exempt from the need to obtain a permit to construct in accordance with IDAPA 58.1.01.223 (See Permit Condition 2.1).

Comment 2: On page 17 of the Statement of Basis, it is stated, "For any residual TAPs, that are not HAPs, INL has claimed the source is exempt which requires analyzing those TAPs to exemption thresholds. DEQ has not been provided this analysis but believes the source would demonstrate emissions were below exemption thresholds for any residual TAPs." Why was DEQ not provided this analysis? Furthermore, how does DEQ justify prematurely issuing this permit without being provided a required analysis? Just "believing" the facility is not sufficient justification in our eyes.

Response 2: **As the Statement of Basis describes, the 29.3 MMBtu per hour diesel fuel fired boiler at the Naval Reactors Facility was constructed on June 27, 2017 under an exemption from the need to obtain a permit to construct. The specific exemption requirements that INL utilized are specified at IDAPA 58.01.01.220, 221& 223. These exemptions are intended to be self-implemented by stationary sources of air pollution and are not required to be submitted to DEQ for approval. However, the facility is required to maintain records that prove that the source qualifies for the exemption. Based on this public comment, DEQ requested that INL provide the exemption documentation for toxic air pollutants.**

Based on US EPA emissions factors (Publication AP-42) the only residual TAPs that require an analysis are copper and zinc. Uncontrolled emissions at maximum firing rate for both of these toxic air pollutants are well below the exemption thresholds specified at IDAPA 58.01.01.223. Copper emissions are 380 times less than the screening emission level (EL), and zinc emissions are 5,700 times below its screening EL. These emissions rates qualify the source for a Below Regulatory Concern toxic air pollutant exemption.

Following is the information INL provided DEQ which supports the exemption determination. Emission estimates are based on AP-42 emission factors.

NRF Boiler 4

	Emissions Factor ($lb/10^{12}$ Btu)	*Emissions (lb/hr)*	*EL (lb/hr)*	*Exceed EL*
Copper	*6.00E+00*	*1.76E-04*	*6.70E-2*	*No*
Zinc	*4.00E+00*	*1.17E-04*	*6.67E-01*	*No*

Conversion Factors:		
Heating Value of Fuel Oil	*140000*	*Btu/gal.*
NRF 4 Usage	*209.2*	*Gal/hr*

Comment 3: The new FEC permit will incorporate many – but not all – of the existing PTCs at INL. Why are certain PTCs excluded from incorporation into the new FEC permit? For example, PTC P-2011.0124 for the Florinel and Storage Facility is one that INL specifically requested not be incorporated into the FEC permit. If FEC permits are intended to provide a facility-wide emission limitation, as stated in IDAPA 58.01.01.176.01, then why are certain components of the overall INL facility not included?

Response 3: **DEQ has included a facility-wide emission limitation in the permit as stated in IDAPA 58.01.01.176.01. Permit Condition 2.2 limits "Facility-wide emissions" to the values in Table 2.1. No emissions units were, or may be, excluded. As stated on page 10 of the statement of basis regarding those permits that will not be incorporated into the FEC permit - "... emissions from these permitted operations are still regulated as part of the facility emissions cap (FEC) permit."**

As page 10 of the Statement of Basis describes, three existing permits to construct are not incorporated into the FEC permit. These permits are:

- **PTC P-2011.0124 issued December 30, 2011 for the INTEC Fluorinel and Storage Facility, LET&D, Ventilation Air System, and Process Off-Gas System**
- **PTC P-2008.0199 issued August 31, 2009 for the INTEC Integrated Waste Treatment Unit (IWTU)**
- **PTC P-010509 issued September 9, 2002 for the TRA Evaporation Pond**

The reasons these permits were not added to the FEC permit are:

1) INL requested that these permits not be incorporated into the FEC permit.

2) They are not required to be included to assure compliance with the facility-wide emissions caps or ambient standards. Section 2 of the permit includes the "Facility Emissions Cap (FEC) Requirements." These requirements include facility-wide emissions limits, and facility-wide monitoring and recordkeeping requirements necessary to assure compliance with the emissions caps. The requirements apply to all emissions units at the facility, including those listed in other permits to construct.

3) The Fluorinel and Storage Facility permit and the TRA Evaporation Pond permit only regulate radionuclide emissions. As stated in Section 2.1 of the FEC permit, "This permit does not authorize modifications to the facility that affect toxic air pollutants, or radionuclides. Modifications to the facility that affect toxic air pollutant emissions, or radionuclides, shall both qualify and comply with the exemption criteria of IDAPA 58.01.01.220-223 or a permit shall be obtained authorizing the modification."

4) As described on page 31 and 32 of the Statement of Basis, even though the August 31, 2009 IWTU permit is not incorporated into the FEC permit, "...new emission rate limits and operating requirements for the IWTU to assure compliance with the one hour NO_2 standards" were added to the FEC permit. Additionally, a requirement to use "...carbon canisters to control mercury emissions ..." was added to reflect actual source operation and so that the facility may take credit for the emissions reductions afforded by the carbon canisters. See FEC Permit Conditions 6.1-6.7.

INL must comply with both the FEC permit and the August 31, 2009 IWTU permit even though it is not incorporated into the FEC permit. Emissions allowed under the August 31, 2009 IWTU permit are included in the facility emissions caps and are also included in the ambient impact assessment. Since INL wishes to have an independent permit to construct for the IWTU, if modifications are made to this source those changes must comply with the general permit to construct requirements for modifications and must also comply with the FEC permit. In effect, for any modification to the IWTU, INL must demonstrate that the change will not cause or significantly contribute to a violation of a standard and the facility must stay below the emissions caps in the FEC permit.

Comment 4: The U.S. Department of Energy – Idaho Operations (DOE-ID) requests that permit conditions 3.22 and 3.23 (40 CFR 63 Subpart DD – National Emissions Standards for Hazardous Air Pollutants from Off-site Waste and Recovery Operations) and 3.24 (40 CFR 63 Subpart JJ – National Emissions Standards for Wood Furniture Manufacturing Operations) be removed from the Idaho National Laboratory (INL) Site Permit P-2015.0023. Upon issuance of the permit, the

INL Site will become an area source of hazardous air pollutants (HAPs). Since the permit conditions are taken from major source requirements in the National Emission Standards for Hazardous Air Pollutants (NESHAPs) regulations, the INL Site will no longer be subject to these requirements. Additionally, as an area source of HAPs no recordkeeping requirements apply.

The INL Site maintained records, as a major source, to document it was not subject to the Maximum Achievable Control Technology Standards for acceptance of off-site hazardous waste and incidental wood manufacturing, in compliance with §63.680(d) and §63.800(a). As these records, which document exemption from the substantive requirements of the two subject standards, are not considered substantive themselves under EPA's "once in, always in" policy, the continued generation of these records as an area source is not required by the INL Site.

Response 4: **DEQ agrees and the record keeping requirements of Permit Conditions 3.22 through 3.24 for major sources of HAPs have been removed from the permit. As detailed in the Statement of Basis pages 22, 25, 26, and 27 EPA's "once in, always in" policy does not affect the applicability 40 CFR 63 Subparts DD & JJ for major sources. In accordance with the policy, since a "compliance date" for these subparts has not been triggered, the facility may accept limits below major facility thresholds and become an area source thereby alleviating the facility from the major source record keeping requirements of 40 CFR 63 Subparts DD & JJ.**

Comment 5: If changes allowed under the FEC permit cause ambient impacts that are greater than significant impact over the design concentration then notice shall be provided to the Department and the Shoshone-Bannock Tribes in advance of the change in accordance with IDAPA 58.01.01.181.01.b.

Response 5: **IDAPA 58.01.01.181.01.b. specifies:**

> **b.** Notice procedures. The permittee may make a facility change under Section 181 if the permittee provides written notification to the Department so that the notification is received at least seven (7) days in advance of the proposed change or, in the event of an emergency, the permittee provides the notification so that it is received at least twenty-four (24) hours in advance of the proposed change. For each such change, the written notification shall: (4-11-06)
>
> i. Describe the proposed change; (4-11-06)
>
> ii. Describe and quantify expected emissions; and (4-11-06)
>
> iii. Provide the estimated ambient concentration analysis. (4-11-06)

The Rule does not specify that the permittee shall notify Shoshone-Bannock Tribes prior to the change and DEQ does not have the authority to require INL to provide such notification. However, any notification provided to DEQ will be a public record and will be available for review.

Comment 6: DOE detailed the specific pollutants and their estimated amounts that will be emitted. But among the 885 pages of DOE's Application and Statement of Basis, there is no mention or prediction as to the regions where the hazardous air pollutants are likely to spread. Thus, we request that the Application provide information as to what regions are impacted by current emissions and what regions would be impacted by increased emissions and permit conditions pursuant to DOE's proposed permit. Specifically, what downwind areas will have air quality reductions? Where will deposition occur most? What time of year and in what quantities? Such information may be important to keep our Tribal members safe and informed. While DOE does provide dispersion analyses in their Application, those analyses are vacant any information specific to our request.

Response 6: **Hazardous air pollutants (HAPs) are regulated under Section 112 of the Clean Air Act (CAA). DEQ has included all applicable requirements that originate from Section 112 of the CAA in the permit. See pages 25 through 28 of the Statement of Basis, and Permit Conditions:**

3.16-3.21 for the National Emission Standards for Emissions of Radionuclides other than Radon from Department of Energy Facilities – 40 CFR 61 Subpart H;

3.25-3.27 for the National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines – 40 CFR 63 Subpart ZZZZ; and

3.39-3.56 for the National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources – 40 CFR 63 Subpart JJJJJJ.

Regulations promulgated under this section of the CAA for HAPs do not generally require stationary sources to conduct air pollutant dispersion modeling or an associated air pollutant deposition analysis. However, one notable exception is that the National Emission Standards for Emissions of Radionuclides other than Radon from Department of Energy Facilities (40 CFR 61 Subpart H). This subpart requires that INL must monitor and track emissions, calculate the highest effective dose equivalent to any member of the public at any offsite point where there is a residence, school, business, or office, and report this information to EPA. These reports will be available through a public records request to either EPA or DEQ.

DEQ regulates new and modified sources of toxic air pollutants (TAPs) in accordance with IDAPA 58.01.01.210 & 223. INL has demonstrated compliance with these TAP requirements and DEQ is obligated to issue a permit to construct. See also response to Comment 1.

It should also be noted that the FEC permit does not authorize changes to the source that affect toxic air pollutants unless that change is specifically exempt from the need to obtain a permit to construct in accordance with IDAPA 58.1.01.223 (See Permit Condition 2.1).

Appendix

Public Comments Submitted for

Permit to Construct

P-2015.0023

The U.S. Department of Energy – Idaho Operations (DOE-ID) requests that permit conditions 3.22 and 3.23 (40 CFR 63 Subpart DD - National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations) and 3.24 (40 CFR 63 Subpart JJ - National Emission Standards for Wood Furniture Manufacturing Operations) be removed from Idaho National Laboratory (INL) Site Permit P-2015.0023. Upon issuance of the permit, the INL Site will become an area source of hazardous air pollutants (HAPs). Since the permit conditions are taken from major source requirements in the National Emission Standards for Hazardous Air Pollutants (NESHAPs) regulations, the INL Site will no longer be subject to these requirements. Additionally, as an area source of HAPs no recordkeeping requirements apply.

The INL Site maintained records, as a major source, to document it was not subject to the Maximum Achievable Control Technology Standards for acceptance of off-site hazardous waste and incidental wood manufacturing, in compliance with §63.680(d) and §63.800(a). As these records, which document exemption from the substantive requirements of the two subject standards, are not considered substantive themselves under EPA's "once in, always in" policy, the continued generation of these records as an area source is not required by the INL Site.

Subpart DD

In accordance with §63.680(d)(3), INL maintained documentation to demonstrate it was not subject to 40 CFR 63, Subpart DD as cited below (emphasis added):

> *§63.680(d) Facility-wide exemption.* ***The owner or operator of affected sources subject to this subpart is exempted from the requirements of §§63.682 through 63.699 of this subpart in situations when the total annual quantity of the HAP that is contained in the off-site material received at the plant site is less than 1 megagram per year.*** *For a plant site to be exempted under the provisions of this paragraph (d), the owner or operator must meet the requirements in paragraphs (d)(1) through (d)(3) of this section.*
>
> *(1) The owner or operator must prepare an initial determination of the total annual HAP quantity in the off-site material received at the plant site. This determination is based on the total quantity of the HAP listed in Table 1 of this subpart as determined at the point-of-delivery for each off-site material stream.*
>
> *(2) The owner or operator must prepare a new determination whenever the extent of changes to the quantity or composition of the off-site material received at the plant site could cause the total annual HAP quantity in the off-site material received at the plant site to exceed the limit of 1 megagram per year.*
>
> *(3) The owner or operator must maintain documentation to support the owner's or operator's determination of the total annual HAP quantity in the off-site material received at the plant site. This documentation must include the basis and data used for determining the HAP content of the off-site material.*

Subpart JJ

The INL Site also met the definition of "incidental wood furniture manufacturer" discussed in §63.800(a) and maintained usage logs to document it was not subject to other provisions of 40 CFR 63, Subpart JJ. The citation states (emphasis added):

> *§63.800 (a) The affected source to which this subpart applies is each facility that is engaged, either in part or in whole, in the manufacture of wood furniture or wood furniture components and that is located at a plant site that is a major source as defined in 40 CFR part 63, subpart A, §63.2.* ***The owner or operator of a source that meets the definition for an incidental wood furniture manufacturer shall maintain purchase or usage records demonstrating that the source meets the definition in §63.801 of this subpart, but the source shall not be subject to any other provisions of this subpart.***

The following references are included to support the position that these NESHAPs are not applicable to the INL Site upon issuance of the permit and the INL Site becoming an area source of HAPs.

1. Clean Air Act (CAA) Compliance Monitoring Applicability Determination Index (ADI) Control Number M150018 - Re: Shawmut Corporation Applicability of National Emission Standards for Hazardous Air Pollutants and the Title V Operating Permit Program, David B. Conroy, EPA Region 1 Manager, Air Programs Branch, August 20, 2014.
2. Clean Air Act (CAA) Compliance Monitoring Applicability Determination Index (ADI) Control Number M140003 - Re: Jacob~ Vehicle Systems, Inc.; Applicability of National Emission Standards for Hazardous Air Pollutants and the Title V Operating Permit Program, David B. Conroy, EPA Region 1 Manager, Air Programs Branch, August 21, 2012.
3. EPA Title V Policy and Guidance Database Memorandum - Title V Applicability of One-time "Reporting" Provisions for Nonmajor Sources, Steven J. Hitte, Group Leader Operating Permits Group (MD-12), April 19, 1999.

Idaho Conservation League Comment #2

Information to support response to comment.

NRF Boiler 4

	Emission Factor ($lb/10^{12}$ Btu)	Emissions (lbs/hr)	EL (lbs/hr)	Exceed EL
Copper (lbs/hr)	6.00E+00	1.76E-04	6.70E-02	No
Zinc (lbs/hr)	4.00E+00	1.17E-04	6.67E-01	No

Conversion Factors:		
Heating Value of Fuel Oil	140000	Btu/gal.
NRF Boiler 4 Usage	209.2	gal/hr

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

August 20, 2014

Mr. James Wyner, C.E.O.
Shawmut Corporation
208 Manley Street
West Bridgewater, MA 02379

Re: Shawmut Corporation Applicability of National Emission Standards for Hazardous Air Pollutants and the Title V Operating Permit Program

Dear Mr. Wyner:

The U.S. Environmental Protection Agency (EPA) has reviewed your letter dated May 30, 2013 regarding Shawmut Corporation located at 208 Manley Street in West Bridgewater, MA (Shawmut) and the applicability of various National Emission Standards for Hazardous Air Pollutants (NESHAP) standards and the Title V operating permit program to the facility. Specifically, you have asked whether Shawmut may become an area source of hazardous air pollutants for purposes of applicability to several NESHAPs. The letter specifically requests EPA to confirm your understanding of applicability for the NESHAP for Major Sources: Industrial, Commercial and Institutional Boilers and Process Heaters, 40 CFR Part 63, Subpart DDDDD; the NESHAP for Flexible Polyurethane Foam Fabrication Operations, 40 CFR Part 63, Subpart MMMMM; the NESHAP for Reciprocating Internal Combustion Engines, 40 CFR Part 63, Subpart ZZZZ; and the NESHAP for Paper and Other Web Coating, 40 CFR Part 63, Subpart JJJJ. Lastly, you have requested confirmation from EPA that the facility would not be required to maintain its Title V operating permit because it is no longer a major source. This letter provides you with a written applicability determination.

The May 30, 2013 letter describes the operations at Shawmut. In addition, in emails dated June 10, June 18, June 19, and August 13, 2013 you provided EPA with additional information about Shawmut. As described below, as of May 30, 2013, Shawmut permanently decommissioned three adhesive laminators. Since decommissioning the laminators, Shawmut's potential to emit is less than the major source hazardous air pollutant (HAP) levels (10 tons per year of any individual HAP or 25 tons per year of any combination of HAP). In the June 18, 2013 email, Shawmut provided facility-wide potential to emit calculations to document Shawmut is now an area source of HAP, i.e., it is no longer a major source.

Applicability of 40 CFR Part 63, Subpart JJJJ, NESHAP for Paper and Other Web Coating (Subpart 4J)

Shawmut had previously operated three adhesive laminators 9, 10, and 11 (collectively designated Emission Unit 1(EU1) in the Operating Permit) subject to Subpart 4J. As of May 30, 2013, Shawmut has permanently decommissioned the adhesive laminators (EU1). Because the three adhesive laminators (EU1) are decommissioned, EPA has determined that Shawmut is no longer subject to Subpart 4J.

Applicability of 40 CFR Part 63, Subpart MMMMM, NESHAP for (Subpart 5M)

Shawmut operates three flame laminators constructed in 1984 (collectively designated as EU3). The flame laminators commenced construction prior to August 8, 2001 and have not been reconstructed since August 8, 2001. Thus, for purposes of Subpart 5M, the flame laminators are existing sources. Under Subpart 5M, existing flame lamination sources have only an initial notification requirement under Section 63.8816(b) and have no other requirements under Subpart 5M.

EPA's general policy is that sources that are major on the first substantive compliance date of a NESHAP (and, therefore, subject to the requirements of the NESHAP that apply to major sources) remain major sources for purposes of that NESHAP from that point forward, regardless of the level of their potential HAP emissions after that date[1]. The "first compliance date" is the first date a source must comply with an emission limitation or other substantive regulatory requirement (i.e., leak detection and repair programs, work practice measures, housekeeping measures, etc., but not a notice requirement) in the applicable NESHAP standard. Because Shawmut does not have to meet the requirements of Subpart 5M other than an initial notification, Subpart 5M does not set a substantive compliance date for Shawmut's flame laminators. Therefore, EPA has determined that because Shawmut is no longer a major HAP source, Shawmut is no longer subject to Subpart 5M.

Applicability of 40 CFR Part 63, Subpart ZZZZ, NESHAP for Reciprocating Internal Combustion Engines (Subpart 4Z)

Shawmut operates a spark ignition emergency engine with less than 500 horsepower (HP) manufactured in 1989 and previously installed and operated at another location. Shawmut purchased the engine in 2009. The engine commenced construction before June 12, 2006, and Shawmut has provided documentation that the engine was not reconstructed after June 12, 2006. Under Section 63.2, the definition of construction provides that construction does not include the removal of all equipment comprising an affected source from an existing location and reinstallation of such equipment at a new location. Under Section 63.6590(a)(1)(ii), a spark ignition engine with less than 500 HP located at a major source of HAP which commenced construction or reconstruction before June 12, 2006 is an existing engine. The compliance date for existing spark ignition engines with less than 500 HP located at a major HAP source is October 19, 2013. As discussed above, Shawmut could become an area source of HAP for purposes of Subpart 4Z applicability any time before the first compliance date of October 19, 2013. Because Shawmut became an area source of HAP prior to October 19, 2013, EPA has determined that Shawmut's existing spark ignition engine is subject to the Subpart 4Z requirements for engines located at an area source of HAP. Under Section 63.6585(d), an area source subject to Subpart 4Z is not required to obtain a Title V operating permit under 40 CFR Part 70 or 71 due to Subpart 4Z area source applicability, provided the source is not otherwise required to obtain a Title V operating permit.

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[1] *See* May 16, 1995 memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, entitled "Potential to Emit for MACT Standards – Guidance on Timing Issues." The policy set forth in the memorandum is commonly referred to as the "once in, always in" policy. The rationale set forth in the memorandum continues to reflect EPA's interpretation regarding the appropriate implementation of CAA §112.

Applicability of 40 CFR Part 63, Subpart DDDDD, NESHAP for Major Sources: Industrial, Commercial and Institutional Boilers and Process Heaters (Subpart 5D)

Shawmut operates one boiler and two process heaters. Boiler 1 is a 1.0 MMBtu/hr process heater constructed in 1983 and burns diesel oil. Boiler 4, rated at 3.08 MMBtu/hr was constructed in 1985 and burns natural gas. A new process heater, Boiler HR, rated at 1 MMBtu/hr was constructed in January 2012 and burns natural gas. Boiler 1 and Boiler 4 were not reconstructed after June 4, 2010. Subpart 5D applies to industrial, commercial and institutional boilers located at a major HAP source. A boiler or process heater is an existing boiler if it commenced construction or reconstruction on or before June 4, 2010. Subpart 5D sets requirements for gas-fired and liquid fuel fired boilers and process heaters. EPA has determined that because Boiler 1 and Boiler 4 commenced construction prior to June 4, 2010, and were not reconstructed on or after June 4, 2010, Boiler 1 and Boiler 4 are existing affected sources. The compliance date for existing sources under Subpart 5D is January 31, 2016. Shawmut's new process heater, Boiler HR, is a new source because it commenced construction after June 4, 2010. Under Section 63.7575, the "unit designed to burn gas 1 subcategory" includes any boiler or process heater that burns only natural gas, refinery gas, and/or other gas 1 fuels; with the exception of liquid fuels burned for periodic testing, maintenance, or operator training not to exceed 48 hours per year, or during periods of gas curtailment and gas supply interruptions. Based on the information provided by Shawmut, Boiler HR is a new process heater in the "unit designed to burn gas 1 subcategory". Boiler HR is subject to the requirements of Subpart DDDDD as promulgated on March 21, 2011 (76 FR 15608) as that is the version of the rule that was in effect when it was constructed. Under Section 63.7495(a) of that rule, new process heaters were required to comply with applicable requirements by May 20, 2011 or upon startup, and under Section 63.7500(a)(1) new process heaters were required to meet each applicable emission limit and work practice in Table 3 of the rule. Table 3 of the rule required new process heaters with a heat input capacity of less than 10 million Btu per hour to conduct a tune-up biennially. As a general matter, new sources are required to comply with all applicable requirements upon startup unless a particular requirement expressly provides otherwise. Shawmut incorrectly relies on the current version of Subpart DDDDD; however, it contends that similar language in that rule should be interpreted as allowing the tune-up to be conducted any time between startup and the date 2 years after startup. Under the circumstances this is not an unreasonable alternate interpretation of the requirements. Without making a formal determination on the interpretation, and under the facts of this particular matter, EPA deems that Shawmut may proceed as though it was not required to complete the tune-up, the first substantive requirement applicable to Boiler HR, until sometime in January 2014. As discussed above, EPA's interpretation regarding the implementation of section 112 of the Clean Air Act allowed Shawmut to become an area source of HAP and no longer be subject to Subpart 5D before January 2014, the first compliance date for the new process heater. Therefore, EPA has determined that because Shawmut limited its HAP potential to emit to below the major source thresholds before January 2014, Shawmut is no longer subject to 5D.

Applicability of the Title V Operating Permit Program

In addition to addressing the applicability of the regulations discussed above, you have asked whether Shawmut needs to continue to maintain its Title V operating permit. As discussed above, Shawmut is no longer subject to Subparts 4J, 5M, and 5D, and is subject to Subpart 4Z as an area source of HAP, but Subpart 4Z does not require area sources of HAP to obtain a Title V operating permit. Therefore, EPA has determined that Shawmut is no longer subject to the requirements of Title V based on applicability of these Subparts. As the relevant permitting authority, the Massachusetts Department of Environmental Protection must determine whether Shawmut is otherwise subject to Title V.

This determination applies only to Shawmut and is based on the information provided in your May 30, 2013 letter, and your subsequent emails dated June10, 2013, June 18, 2013, June 19, 2013 and August 13, 2013. In the event that any of the facts you provided are incomplete or inaccurate in a material way, EPA reserves the right to rescind this applicability determination. This applicability determination is made in reliance on the accuracy of the information provided to EPA, and does not relieve Shawmut of the responsibility for complying fully with any and all applicable federal, state and local laws, regulations and permits. If you have any questions about this letter, please call Susan Lancey of my staff at (617) 918-1656.

Sincerely,

David B. Conroy
Manager, Air Programs Branch

Enclosure

cc: Marc Wolman, MassDEP
Tom Cushing, MassDEP

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

August 21, 2012

Ms. Diane C. Bellantoni
Murtha Cullina LLP
City Place
185 Asylum Street
Hartford, CT 06103

Re: Jacobs Vehicle Systems, Inc.; Applicability of National Emission Standards for Hazardous Air Pollutants and the Title V Operating Permit Program

Dear Ms. Bellantoni:

The U.S. Environmental Protection Agency (EPA) has reviewed your letter dated February 3, 2012 regarding Jacobs Vehicle Systems, Inc. located at 22 East Dudley Town Road, Bloomfield, Connecticut (Jacobs Vehicle) and the applicability of various National Emission Standards for Hazardous Air Pollutants (NESHAP) standards and the Title V operating permit program. Specifically, you have asked whether Jacobs Vehicle may restrict its potential to emit to below major hazardous air pollutant (HAP) source levels and thus no longer be subject to the NESHAP for Major Sources: Industrial, Commercial and Institutional Boilers and Process Heaters, 40 CFR Part 63, Subpart DDDDD and the NESHAP for Engine Test Cells/Stands, 40 CFR Part 63, Subpart PPPPP. In addition, you have asked whether Jacobs Vehicle may restrict its potential to emit to below major HAP source levels and become an area source under the NESHAP for Reciprocating Internal Combustion Engines, 40 CFR Part 63, Subpart ZZZZ. You have also asked EPA to confirm the facility is no longer subject to the NESHAP for Halogenated Solvent Cleaning, 40 CFR Part 63, Subpart T. Lastly, you have requested confirmation from EPA that the facility would not be required to maintain its Title V operating permit if it is no longer a major source. This letter provides you with written applicability determinations on the various NESHAPS, but does not address the future applicability of Title V operating permit requirements.

The February 3, 2012 letter describes the operations at Jacobs Vehicle. In addition, in emails dated February 29, 2012 and April 5, 2012, you provided EPA with additional information about Jacobs Vehicle.

Applicability of 40 CFR Part 63, Subpart T, NESHAP for Halogenated Solvent Cleaning (Subpart T)

Jacobs Vehicle operates two degreasers which were subject to Subpart T because they used methylene chloride, a regulated HAP solvent. Jacobs Vehicle recently switched to Hubtron PB which is a degreasing solvent comprised of a minimum of 94% by weight n-propyl bromide and small quantities of t-butanol, 1,2 epoxybutane and n-propanol. Jacobs Vehicle provided a signed certification in its February 3, 2012 letter that it does not use and it has no present intention of using any of the listed HAP solvents in its degreasers in the future.

Subpart T applies to cleaning machines that use any solvent containing methylene chloride, perchloroethylene, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride or chloroform in a total concentration greater than five percent by weight. Because Jacobs Vehicle no longer uses any of the listed solvents, and based on its commitment that it will continue in that mode for the foreseeable future, EPA has determined that Jacobs Vehicle's degreasers and Jacobs Vehicle's facility are no longer subject to Subpart T.

Applicability of 40 CFR Part 63, Subpart PPPPP, NESHAP for Engine Test Cells/Stands (Subpart 5P)

Jacobs Vehicle operates a total of 13 test cells in its Research and Development Laboratory. The test cells utilize mobile Class 8 heavy-duty diesel engines to conduct testing of engine braking systems developed by Jacobs Vehicle. The braking systems are tested in mobile, uninstalled engines which Jacobs Vehicle receives directly from engine manufacturers. Jacobs Vehicle designs tests to understand and demonstrate how its braking systems function and interrelate with engine performance. Jacobs Vehicle's engine braking systems are tested at several different performance levels in the test engines (at varying RPM's, speeds and horsepower load). The test cells were constructed prior to May 14, 2002 and have not undergone reconstruction after May 14, 2002.

Subpart 5P applies to owners or operators of engine test cells/stands at a major source of HAPs. An engine test cell/stand is any apparatus used for testing uninstalled stationary or uninstalled mobile (motive) engines. An uninstalled engine is an engine that is not installed in, or an integrated part of, the final product. Under Subpart 5P, an affected source is existing if it commenced construction or reconstruction on or before May 14, 2002. Under Subpart 5P, existing affected sources do not have to meet the requirements of Subpart 5P and Subpart A, the General Provisions.

EPA has determined that, because Jacobs Vehicle operates test cells constructed before May 14, 2002, and not reconstructed after May 14, 2002, for testing braking systems in uninstalled mobile engines, Jacobs Vehicle operates existing test cells subject to Subpart 5P which do not have to meet the requirements of Subpart 5P. Jacobs Vehicle would now like to take potential to emit restrictions to below major HAP source levels and no longer be subject to Subpart 5P. EPA's general policy is that sources that are major on the first substantive compliance date of a NESHAP (and, therefore, subject to the requirements of the NESHAP that apply to major sources) remain major sources for purposes of that NESHAP from that point forward, regardless of the level of their potential HAP emissions after that date.[1] The "first compliance date" is the first date a source must comply with an emission limitation or other substantive regulatory requirement (i.e., leak detection and repair programs, work practice measures, housekeeping measures, etc., but not a notice requirement) in the applicable NESHAP standard. Because Jacobs Vehicle does not have to meet the requirements of Subpart 5P, Subpart 5P does not set a substantive compliance date for Jacobs Vehicle. Therefore, EPA has determined that Jacobs Vehicle may now limit its potential to emit to below major HAP source levels and no longer be subject to Subpart 5P.

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[1] *See* May 16, 1995 memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, entitled "Potential to Emit for MACT Standards – Guidance on Timing Issues." The policy set forth in the memorandum is commonly referred to as the "once in, always in" policy.

Applicability of 40 CFR Part 63, Subpart ZZZZ, NESHAP for Reciprocating Internal Combustion Engines (Subpart 4Z)

Jacobs Vehicle operates a compression ignition emergency engine with less than 500 horsepower (HP) which commenced construction or reconstruction before June 12, 2006, and which was not reconstructed after June 12, 2006. Under Section 63.6590(a)(1)(ii), a compression ignition engine with less than 500 HP located at a major source of HAP which commenced construction or reconstruction before June 12, 2006 is an existing engine. The compliance date for existing compression ignition engines with less than 500 HP located at a major HAP source is May 3, 2013. As discussed above, EPA's "once in, always in" policy would allow Jacobs Vehicle to take restrictions on its facility-wide potential to emit to below major HAP source levels and become an area source of HAP for purposes of Subpart 4Z applicability before the first compliance date of May 3, 2013. If Jacobs Vehicle were to do so before May 3, 2013, its compression ignition engine would then be subject to the requirements for engines located at an area source of HAP.

Applicability of 40 CFR Part 63, Subpart DDDDD, NESHAP for Major Sources: Industrial, Commercial and Institutional Boilers and Process Heaters (Subpart 5D) and 40 CFR Part 63, Subpart JJJJJJ, NESHAP for Area Sources: Industrial, Commercial and Institutional Boilers (Subpart 6J)[2]

Jacobs Vehicle operates two 10 million Btu/hour (MMBtu/hr) Cleaver Brooks boilers with the capability to burn natural gas and ultra-low sulfur diesel fuel. The Cleaver Brooks boilers burn only natural gas, except that they burn ultra-low sulfur diesel fuel for periodic testing (not to exceed 48 hours per year) or during periods of gas curtailment or gas supply emergencies. The Cleaver Brooks boilers were ordered July 5, 2006 and were fully operational by February 1, 2007. Jacobs Vehicle also has a 16.74 MMBtu/hr natural gas fired Johnston boiler that has been decommissioned. There are no plans to operate it in the future. The Johnston boiler was installed in January 1987. The Cleaver Brooks and Johnston boilers have not been reconstructed after June 4, 2010.

Subpart 5D applies to industrial, commercial and institutional boilers located at a major HAP source. A boiler is existing if it commenced construction or reconstruction before June 4, 2010. Subpart 5D sets requirements for gas-fired boilers. Under Section 63.7575, the "unit designed to burn gas 1 subcategory" includes any boiler that burns only natural gas, refinery gas, and/or other gas 1 fuels; with the exception of liquid fuels burned for periodic testing not to exceed 48 hours per year, or during periods of gas curtailment and gas supply emergencies. EPA has determined that because all of the boilers at the facility commenced construction prior to June 4, 2010, and were not reconstructed on or after June 4, 2010, the boilers are existing boilers in the "unit designed to burn gas 1 subcategory" (gas-fired boilers). The compliance date for existing gas-fired boilers under Subpart 5D is March 21, 2014. By March 21, 2014, an existing gas-fired boiler of 10 MMBtu/hr or greater must conduct a tune-up and have a one-time energy assessment performed, among other requirements. As discussed above, EPA's "once in, always in" policy would allow Jacobs

[2] Subpart 5D and Subpart 6J were promulgated as final rules in the Federal Register on March 21, 2011. On December 23, 2011, EPA proposed changes to Subpart 5D and Subpart 6J so certain requirements discussed in this letter may change (e.g. EPA proposed a revised compliance date for existing boilers subject to Subpart 5D).

Vehicle to take restrictions on its facility-wide potential to emit to below major HAP source levels to become an area source of HAP and no longer be subject to Subpart 5D before the first compliance date of March 21, 2014.

Subpart 6J applies to industrial, commercial and institutional boilers located at area sources of HAP. Subpart 6J does not apply to gas-fired boilers. Under Section 63.11237, a "gas-fired boiler" includes any boiler that burns gaseous fuels not combined with any solid fuels, burns liquid fuel only during periods of gas curtailment, gas supply emergencies, or periodic testing on liquid fuels. Periodic testing of liquid fuel shall not exceed 48 hours per calendar year. Because Jacobs Vehicle's boilers meet the definition of gas-fired boilers, and provided they continue to do so, the boilers would not be subject to Subpart 6J if Jacobs Vehicle became an area source of HAP.

Applicability of the Title V Operating Permit Program

In addition to addressing the applicability of regulations discussed above, you have asked whether Jacobs Vehicle would need to continue to maintain its Title V operating permit if Jacobs Vehicle were no longer a major source of HAPs. EPA cannot confirm that Jacobs Vehicle would no longer be subject to Title V operating permit requirements under that scenario. As the relevant permitting authority, the Connecticut Department of Energy and Environmental Protection would need to determine whether the facility would continue to be subject to Title V.

This applicability determination is made in reliance on the accuracy of the information provided to EPA, and does not relieve Jacobs Vehicle of the responsibility for complying fully with any and all applicable federal, state and local laws, regulations and permits. If you have any questions about this letter, please Susan Lancey of my staff at (617) 918-1656.

Sincerely,

David B. Conroy
Manager, Air Programs Branch

Enclosure

cc: Gary Rose, CT DEEP

April 19, 1999

MEMORANDUM

SUBJECT: Title V Applicability of One-time "Reporting" Provisions for Nonmajor Sources

FROM: Steven J. Hitte, Group Leader /s/
Operating Permits Group (MD-12)

TO: Gerald C. Potamis, P.E., Manager
Air Permit Program Unit, Region I

This memorandum is in reply to your November 10, 1997 letter where you asked us to confirm your office's view that an individual non-major source subject to a part 60 or 61 standard or an individual area source subject to a part 63 standard is not required to obtain a title V permit, provided that the source meets the two conditions shown below. Please appreciate the delay in responding was to ensure that your questions got a thorough analysis.

Condition 1. The source's only applicable requirement is a one-time or ongoing notification, reporting, or record keeping requirement; and

Condition 2. The notification, reporting, or record keeping requirement exists to show that the source's actual emissions are below a certain threshold established by the standard.

Your letter proposes that Condition 2 is a requirement to demonstrate a source is not subject to a particular standard, as opposed to being a requirement of a standard developed under section 111 or 112 of the Clean Air Act (CAA). Your letter also suggests that area sources subject to requirements found in Condition 2 constitute a new category of sources, which you refer to as "nominal sources."

We share your view regarding the nonapplicability of title V sources subject only to a one-time or ongoing notification, reporting, or record keeping requirement which demonstrates the sources are below a certain threshold. Many recently-promulgated rules have such requirements, including subparts Cb, Cc, Ce, Ea, Eb, Ec, JJJ, SSS, VVV, and WWW of part 60 and subparts M, N, O, R, X, and JJ of part 63. By way of example, subpart Ec of part 60 requires owners or operators of combustors that burn only pathological waste, low-level radioactive

waste, and/or chemotherapeutic waste and co-fired combustors, as defined in section 60.51c, to comply only with certain record keeping and reporting requirements set forth in subpart Ec. Those owners and operators are not subject to the other substantive requirements of subpart Ec as long as they comply with the record keeping and reporting requirements set forth as conditions for their exemption. Nor are owners or operators of these sources required to obtain title V operating permits as a matter of federal law, if the only reason they would potentially be subject to title V is these record keeping and reporting requirements. We interpret the Clean Air Act and the regulations at parts 70 and 71 to mean that these sources are "not subject to standards or regulations under section 111" for purposes of title V permitting [see CAA section 502(a) and 40 CFR sections 70.3(a)(2) and 71.3(a)(2)]. Therefore, these sources are not required to apply for title V permits on the basis of their record keeping and reporting requirements as a matter of federal law. However, owners and operators of sources that burn only pathological waste, low-level radioactive waste, and/or chemotherapeutic waste and co-fired combustors that do not comply with the record keeping and reporting requirements necessary to qualify for exemption from the other requirements of the Federal plan would become subject to those other requirements and would have to obtain title V permits. Moreover, if in the future we promulgate regulations subjecting any of these sources to substantive requirements other than these record keeping and reporting requirements, these sources could become subject to title V at that time.

Regarding your nominal source category, we do not see a need for establishment of such a category. The present area source and nonmajor source terms should suffice.

Please keep in mind that the position set forth in this memorandum is intended solely as guidance, does not represent final Agency action, and cannot be relied upon to create any rights enforceable by any party. Should you have other questions concerning this position, please contact me at (919) 541-0886.

cc: John Walke, OGC
Air Program Manager, Regions I - X
Title V Contact, Regions I - X
Title III Contact, Regions I-X

From:	Josh Johnson
To:	Tessa Stevens; Daniel Pitman
Subject:	ICL comments re INL Scoville PTC
Date:	Thursday, December 14, 2017 10:45:41 AM
Attachments:	ICL cmnts re INL Scoville PTC.pdf

Dear Ms. Stevens and Mr. Pitman,

Attached are ICL's comments regarding the air quality PTC for INL (No. P-2015.0023). We appreciate the opportunity to provide input on this matter and thank you for consideration of our comments. After reviewing our concerns, we ask that DEQ please provide responses to all of our submitted comments.

Thank you,

--

Josh Johnson
Central Idaho Conservation Associate
Idaho Conservation League
[redacted]

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December 14, 2017

Tessa Stevens
DEQ State Office
Air Quality Division
1410 N. Hilton
Boise, ID 83706

Dan Pitman
DEQ State Office
Air Quality Division
1410 N. Hilton
Boise, ID 83706

Submitted via e-mail to: tessa.stevens@deq.idaho.gov and daniel.pitman@deq.idaho.gov

Re: Permit to Construct No. P-2015.0023

Dear Ms. Stevens and Mr. Pitman:

Thank you for considering our comments on the INL Scoville PTC (No. P-2015.0023).

Since 1973, the Idaho Conservation League has had a long history of involvement with air quality issues. As Idaho's largest state-based conservation organization we represent over 30,000 supporters who have a deep personal interest in ensuring that our air quality is protected throughout the state.

We thank you for the opportunity to submit comments and ask that you please send us subsequent documents for this project. We look forward to continuing to work with the Department of Environmental Quality on this project and others in the future. Please feel free to contact us if you have any questions or require additional information.

Sincerely,

Josh Johnson, Central Idaho Conservation Associate
Idaho Conservation League
[redacted]

Assessing Cumulative Health Risks

Given that many of INL's existing permits to construct are being consolidated under a single facility emissions cap, both DEQ and the public now have a better sense of the total potential to emit from INL facilities (Table 6 in Statement of Basis). As a result, this would be a good opportunity for DEQ to assess the public health risks associated with the cumulative emissions from INL facilities. Although the permitted PTE under this FEC does not exceed major source thresholds for any single pollutant, the cumulative impact of all of those pollutants together being released into the air is still worth considering. Ambient air pollution was responsible for 4.2 million deaths worldwide in 2015, and pollution control is technically and economically feasible[1]. Facilities with high total emissions should explore ways in which they can continue to reduce their emissions in the interest of protecting human health.

TAPs Analysis

On page 17 of the Statement of Basis, it is stated, "For any residual TAPs, that are not HAPs, INL has claimed the source is exempt which requires analyzing those TAPs to exemption thresholds. DEQ has not been provided this analysis but believes the source would demonstrate emissions were below exemption thresholds for any residual TAPs." Why was DEQ not provided this analysis? Furthermore, how does DEQ justify prematurely issuing this permit without being provided a required analysis? Just "believing" the facility is not sufficient justification in our eyes.

Incorporation of Existing PTCs into the FEC Permit

The new FEC permit proposed here will incorporate many – but not all – of the existing PTCs at INL. Why are certain PTCs excluded from incorporation into the new FEC permit? For example, PTC P-2011.0124 for the Florinel and Storage Facility is one that INL specifically requested not be incorporated into the FEC permit. If FEC permits are intended to provide a facility-wide emission limitation, as stated in IDAPA 58.01.01.176.01, then why are certain components of the overall INL facility not included?

[1] Landragin, Philip, 2016 . "Air pollution and health." *Lancet Public Health* Vol. 2(1). http://dx.doi.org/10.1016/S2468-2667(16)30023-8.

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
AIR QUALITY PROGRAM
PHONE [redacted]
FAX [redacted]
E-MAIL [redacted]

LAND USE DEPARTMENT
P. O. BOX 306
FORT HALL, IDAHO 83203

December 28, 2017

Tessa Stevens
Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706-1255
tessa.stevens@deq.idaho.gov

Sent via email and parcel post

RE: Shoshone-Bannock Tribes Comments on the U.S. DOE Application to Idaho DEQ for a Permit to Construct and Operate an Air Pollution-Emitting Source (No. P-2015.0023; Project ID 61525; Facility ID 023-00001), Idaho National Laboratory, Scoville, Idaho

Dear Tessa Stevens:

The Shoshone-Bannock Tribes ("Tribes") appreciate the opportunity to provide comments on the United States Department of Energy's ("DOE") application to construct and operate an air pollution-emitting source ("Application"). One part of the Application, as described by DOE under its Purpose and Scope at page 1 (DOE/ID-11530, Revision 3, May 2017), is to change the air quality permit so that emissions will be regulated under Sections 109 and 112 of the Clean Air Act, replacing the current DOE air quality permit which is regulated under Title V, Tier I Operating Permit. Furthermore, as DOE stated in its Application, the "following sections of this document provide ... emission increases, applicable requirements, and proposed permit conditions." Application at 2.

DOE's Application is also for a facility emission cap (FEC), which would allow for "an operational flexibility component, and an optional growth component." Application at 9. DOE is requesting DEQ to set its FEC for Hazardous Air Pollutants (HAPs) regulated under CAA Section 112(b) "to less than 10 tons per year (T/yr) of any single HAP and less than 25 T/yr of any combination of such hazardous air pollutants." Application at 10. The FEC must be set below major facility thresholds in accordance with IDAPA 58.01.01.175. If changes allowed under the FEC permit cause ambient impacts that are greater than a significant impact over the

design concentrations then notice shall be provided to the Department and the Tribes in advance of the change in accordance with IDAPA 58.01.01.181.01.b.

Naturally, the Tribes are concerned about any increased emissions at the Idaho National Laboratory (INL)-a major source of harmful air pollutants-that may impact the environment upon which our Tribes depend to carry on our customs and traditions. Our Fort Hall Indian Reservation is located only about 35 miles southeast of INL. The Tribes also have treaty rights, reserved under the Fort Bridger Treaty of 1868, extending to all unoccupied lands of the United States and including any areas that may be affected by INL air pollutant emissions.

DOE detailed the specific pollutants and their estimated amounts that will be emitted. But among the 885 pages of DOE's Application-and Statement of Basis, there is no mention or prediction as to the regions where the hazardous air pollutants are likely to spread. Thus, we request that the Application provide information as to what regions are impacted by current emissions and what regions would be impacted by increased emissions and permit conditions pursuant to DOE's proposed permit. Specifically, what downwind areas will have air quality reductions? Where will deposition occur most? What times of year and in what quantities? Such information may be important to keep our Tribal members safe and informed. While DOE does provide dispersion analyses in their Application, those analyses are vacant any information specific to our request.

DOE operations will emit a large host of cancer-causing agents and noncarcinogens alike, both of which can adversely affect human health, plant and animal life, and water quality. If DOE air emission pollutants have the potential to cross into our Reservation, then the Tribes must have sufficient information to gauge under what environmental circumstances it is likely to occur, so we may take measures to safeguard our community. Without that information, our ability for Tribal self-governance may be compromised.

The Tribes' Air Quality Program has "legal authority for air pollution control on the Fort Hall Indian Reservation on all lands under the jurisdiction of the Shoshone-Bannock Tribes which includes all lands within the exterior boundaries of the Fort Hall Indian Reservation and trust properties except where specifically retained by the U.S. Environmental Protection Agency...." (see SBT Air Quality Rules and Regulations, Section 1.01(2).)

1.01 Legal Authority

(1) These Rules and Regulations are promulgated pursuant to Shoshone-Bannock Tribes Air Quality Protection Act and the Shoshone-Bannock Tribes Administrative Procedures Act by the Fort Hall Business Council for the purpose of the control of air pollution on he Fort Hall Indian Reservation and to comply with the requirements of the federa Clean Air Act as amended.

(2) The Shoshone-Bannock Tribes Air Quality Program is the agency with legal authority for air pollution control on the Fort Hal; Indian Reservation on all lands under the jurisdiction of the Shoshone-Bannock Tribes which includes a lands within the exterior boundaries of the Fort Hall Indi n Reservat on and trust properties except where specifically retained by the U.S. Environmental Protection Agency. The Air Quality Program is authorized to adopt and enforce these rules, regulations and stand rds.

As set forth under Section 4.01(1) of the Tribes' Air Quality Protection Act (AQPA), the Tribes have established air quality standards for lands on which we have jurisdiction to protect the health and environment of the Fort Hall Indian Reservation. AQPA at 9, see below. Further, the AQPA gives the Air Quality Program authority to take reasonable measures to ensure that these air quality standards are achieved and maintained.

4.01 ?ol'c

(1) These ambient air quality standards are established to protect the health and environment of the Fort Hall Indian Reservation. It is the policy of the Air Quality Program to take whatever egally available reasonable measures that may be required to attain and maintain these standards. Jo source sha_l emit any of the air contaminants in amounts t t will caus or significantly contr-b.te to an exceedance of Tribal ambient air quality standards and no operating or construction permit wil be issued unless the applicant demonstrates that the source will comply with al applicab e rules, regulations and standards.

This being said, the Tribes do appreciate the fact that part of the reason for the DOE's Application is to allow flexibility in INL clean-up and remediation efforts. (Radionuclide sources must continue to comply with 40 CFR 61 Subpart H of the National Emission Standards for Emissions of Radionuclides Other than Radon from Department of Energy Facilities.) It is not the Tribes' intent to hinder any such clean-up and remediation efforts, but we do need sufficient and proper information to ensure the safety of our community and environment.

We thank the DEQ for considering our comments and for taking them into account in the issuance of any permits and permit conditions to the DOE. If you have any questions, please feel free to contact Lori Howell at the Tribes' Air Quality Program [redacted]

Sincerely,

Lori Howell

Lori Howell
Air Quality Manager