

March 11, 2009

Mr. Kenneth Johnson  
Designated Representative  
Jeffrey Energy Center  
818 S Kansas Avenue  
PO Box 889  
Topeka, Kansas 66601-0889

Re: Petition for an Exemption from Continuous Opacity Monitoring Requirements for Unit 1 at the Jeffrey Energy Center (Facility ID (ORISPL) 6068)

Dear Mr. Johnson:

The United States Environmental Protection Agency (EPA) has reviewed the November 7, 2008 petition under §75.66, in which Westar Energy, Inc. (Westar) requested an exemption from the requirement to install a continuous opacity monitoring system (COMS) on Unit 1 at the Jeffrey Energy Center. EPA approves the petition, for the reasons discussed below.

#### Background

Westar owns and operates a coal-fired boiler, Unit 1, at the Jeffrey Energy Center in St. Mary's, Kansas. Unit 1 is subject to the Acid Rain Program. Therefore, Westar is required to continuously monitor and report sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), and carbon dioxide (CO<sub>2</sub>) emissions and heat input for Unit 1, in accordance with 40 CFR Part 75. Part 75 also requires the owner or operator of a coal-fired unit to install and certify a continuous opacity monitoring system (COMS), unless the effluent gas stream is saturated and the owner or operator can demonstrate that the presence of condensed water impedes the accuracy of the opacity measurements (see §§75.14 (a) and (b)).

Because Unit 1 has a wet flue gas desulfurization (FGD) system to control SO<sub>2</sub> emissions, Westar believes that the unit qualifies for an exemption from the opacity monitoring requirement under §75.14(b). Therefore, Westar submitted a petition to EPA on November 7, 2008, requesting this exemption. The petition included demonstration data to show that the gas stream is saturated.

Question 5.6 in the "Part 75 Emissions Monitoring Policy Manual" provides guidance on how to qualify for the opacity monitoring exemption under §75.14(b). Question 5.6 explains that the data used to demonstrate that the effluent gas stream is saturated should be collected under conditions representative of normal unit operation (i.e., normal load, normal fuel, common weather conditions, and normal emission control equipment operation).

The November 7, 2008 petition states that the moisture data were collected during normal unit operation. However, Westar did not provide any supporting information to demonstrate that the unit was operating at normal load, that the normal fuel was being combusted, that common weather conditions existed, or that the emission control equipment was operating normally when the moisture data were collected. Therefore, on December 29, 2008 EPA requested the necessary information, and Westar provided it on January 12 and 13, 2009.

#### EPA's Determination

In the November 7, 2008 petition, Westar provided three runs of stack gas moisture data for Unit 1. EPA Reference Method 4 was used for the tests, which were performed on September 24, 2008. Data from all three runs indicate that the stack gas moisture content was above the saturation level.

The additional data provided by Westar on January 12 and 13, 2009 indicate that the moisture data were collected at conditions representative of normal load, normal fuel, common weather conditions, and normal emission control equipment operation. The load during the testing was 720 MW, which is within the 580 to 800 MW "high" load range defined as normal in the unit's electronic monitoring plan. The ambient temperatures on the test date ranged from 64 to 83 °F, which is typical for that time of year (the normal range is 55 to 79 °F). The coal that was combusted during the testing was obtained from the same mine that has supplied Unit 1 since the plant opened in the late 1970s, and according to Westar, coal for Unit 1 will continue to be obtained from that mine for the foreseeable future. Finally, the unit's electrostatic precipitator and flue gas desulfurization (FGD) system were fully functioning during the testing. Therefore, the data and supplementary information provided by Westar for the September 24, 2008 moisture testing meet the requirements of Question 5.6 of the Part 75 Policy Manual.

In view of these considerations, EPA approves Westar's petition for an exemption from the requirement in §75.14(a) to install and certify a continuous opacity monitoring system on Unit 1 at the Jeffrey Energy Center. Note, however, that this approval only exempts Unit 1 from the COMS requirements of the Acid Rain Program. If another State or Federal regulatory program requires a COMS to be installed on Unit 1, Westar must either comply with that requirement or submit a separate petition to the agency administering the program, requesting an exemption.

EPA's determination relies on the accuracy and completeness of the information in the November 7, 2008 petition and in the supplementary information provided by Westar on January 12 and 13, 2009, and is appealable under Part 78. If you have any questions or concerns about this determination, please contact Robert Vollaro of my staff at (202) 343-9116 or at [vollaro.robert@epa.gov](mailto:vollaro.robert@epa.gov).

Sincerely,

/s/

Sam Napolitano, Director  
Clean Air Markets Division

cc: Bob Vollaro, CAMD, EMB  
Craig Hillock, CAMD, MOB  
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Mindy Bowman, Kansas DHE  
Dan Wilkus, Westar, Jeffrey Energy Center