

## Response to Comments for Air Quality Construction Permit

Permit No. MIN-SM-27139R0001-2016-01

On May 27, 2016, the U.S. Environmental Protection Agency (EPA) issued a draft Tribal New Source Review Air Quality Construction Permit for Shakopee Mdewakanton Sioux Community Mystic Lake Hotel Casino located at 2400 Mystic Lake Boulevard, Prior Lake, Minnesota. EPA sought public comment pursuant to 40 C.F.R. § 49.157(b). The comment period ended on June 27, 2016. EPA received timely written comments from Shakopee Mdewakanton Sioux Community of Minnesota (SMSC). This document summarizes the comments and provides EPA's response to the comments.

**SMSC Comment:** Permit condition II(C)(2)(d) Deviation Reporting on page 10 states:

*The Permittee shall report to EPA any deviation from any permit requirements, including those attributable to upset conditions, the probable cause of such deviation, and any corrective actions or preventative measures taken within 30 business days of the deviation. [40 C.F.R. § 49.155(a)(5)]*

We ask that this condition require a report to EPA within 30 business days of the “[discovery of the] deviation.” This change would mirror the conditions of the General Permit for Compression Ignition Engines, drafted by EPA. It would also mirror the EPA's existing finalized General Permits. We believe the words “discovery of” are necessary because a deviation may occur well in advance of its discovery. For example, a performance test may discover a deviation in emission rate. In this case, the permittee might not be aware of the deviation until more than 30 days after it began; furthermore, the first date of the deviation might not be identifiable with certainty.

**EPA Response:** 40 C.F.R. § 49.155(a)(5)(ii) requires prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations and any corrective actions or preventive measures taken. Within the permit, the reviewing authority must define “prompt” in relation to the degree and type of deviation likely to occur and the applicable emission limitations. EPA has determined the definition of prompt for this permit to be 30 business days from the date of deviation. This is reasonable considering the permit requires monthly rolling emissions calculations, and the emission unit is equipped with an inducement meter and alarms. The permitting action is not eligible for the general permit referenced and thus not subject to its conditions.

**SMSC Comment:** Permit condition II (C)(3) on page 10 states:

*The Permittee shall promptly report to EPA any deviation from any permit requirement, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventative measures taken. [40 C.F.R. § 49.155(a)(5)(ii)]*

We ask that this condition be deleted, and any necessary elements be incorporated into condition II(C)(2)(d) Deviation Reporting, excerpted above.

**EPA Response:** EPA has made the requested change to construction permit MIN-SM-27139R0001-2016-01. The definition of “promptly” will be specified in permit condition II(C)(2)(d) on page 10 of the permit. In all other respects, permit conditions II(C)(3) and II(C)(2)(d) are redundant.

**SMSC Comment:** Permit condition II (C)(4) on page 10 states:

*Unless otherwise defined in this permit, prompt reporting of deviations from any permit requirement means that the deviation and other required information regarding the deviation is reported to EPA within 30 business days of the deviation. [40 C.F.R. § 49.155(a)(5)(ii)]*

We ask that this condition be deleted, and any necessary elements be incorporated into condition II(C)(2)(d) Deviation Reporting. The words “prompt” and “promptly” only appear in conditions II(C)(3) and (4) in conjunction with condition II(C)(2)(d).

**EPA Response:** EPA has made the requested change to construction permit MIN-SM-27139R0001-2016-01. The definition of “promptly” will be specified in permit condition II(C)(2)(d) on page 10 of the permit.

**SMSC Comment:** Permit condition II(C)(5) on page 10 states:

*The Permittee shall submit reports of monitoring required by this permit annually, by March 1st of the following year, including the type and frequency of monitoring and a summary of results obtained by monitoring. [40 C.F.R. § 49.155(a)(5)(i)]*

We ask that a new condition II (C)(2)(e) be created for this paragraph, to be formatted as a Reporting condition.

**EPA Response:** EPA has made the requested change to construction permit MIN-SM-27139R0001-2016-01.

### **SMSC Comments Regarding the Technical Support Document (TSD)**

**SMSC Comment:** Table 3 on page 3 rounds the HAP emission factor to 0 pounds per hour. We ask that this value be specified to the 10<sup>-3</sup> place or further. This will allow correlation with the HAP values in Tables 5 and 6 of the TSD.

**EPA Response:** EPA has made the requested change to Table 3 of the TSD in order to provide the necessary amount of significant figures required for the proper calculation of emissions. The conversion units for the HAPs emission factor were also updated in the table.

**SMSC Comment:** Section 2.c. on page 3 states:

*[...] Sulfur dioxide (SO<sub>2</sub>) potential emissions were calculated using the AP-42 emission factors listed in Table 3.4-1.*

We ask that this be reworded to state "Sulfur dioxide (SO<sub>2</sub>) potential emissions were calculated using the emission factors listed in AP-42 Table 3.4-1." This will make it clear that the emission factors listed in AP-42 Table 3.4-1 within the TSD.

***EPA Response:*** EPA has made the requested change and updated the TSD.

***SMSC Comment:*** Section 2 .c. on pages 3-4 provides the equations used for calculating the Potential to Emit. We ask that the equations necessary to calculate SO<sub>2</sub> be included as well.

***EPA Response:*** The equation listed in section 2 c. of the TSD for calculating the potential to emit  $E = H \times EF \times (1/2000)$ , is also applicable for the calculation of SO<sub>2</sub> emissions. The TSD was updated to reflect this.

***SMSC Comment:*** Section 2 g. on page 5 includes the words "Table 2.4" in the section title. We ask that these words be deleted.

***EPA Response:*** EPA has made the requested change and updated the TSD.