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FW: Labadie plant SO2 designation - pending Petition for Reconsideration
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Sent: Thursday, October 20, 2016 3:13 PM
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Subject: Labadie plant SO2 designation - pending Petition for Reconsideration

Administrator McCarthy,

On behalf of Sierra Club, we filed a Petition on Sept 8, 2016 urging EPA to reconsider its SO2 NAAQS designation decision for the Labadie Energy Center in Missouri. The plant's owner/operator, Ameren Missouri, submitted a response dated Sept 20, which we recently received. Attached please find a response to Ameren's letter on behalf of Sierra Club.

We appreciate your attention to this matter.

Sincerely yours,

Maxine Lipeles

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SCHOOL OF LAW

Interdisciplinary Environmental Clinic

October 20, 2016

Administrator Gina McCarthy
U.S. Environmental Protection Agency
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Washington, DC 20460

Via e-mail: McCarthy.Gina@epa.gov

Re: Response to Ameren’s Letter of September 20, 2016 regarding Sierra Club’s Petition for Reconsideration of EPA’s Decision to Designate the Area Surrounding the Labadie Energy Center as Unclassifiable for the 2010 Sulfur Dioxide NAAQS

Dear Administrator McCarthy:

Sierra Club submits this letter in response to the September 20, 2016 letter of Ameren Missouri (“Ameren”) regarding Sierra Club’s pending Petition¹ urging EPA to reconsider its decision to designate the area surrounding Ameren’s Labadie Energy Center, including portions of Franklin County and St. Charles County, Missouri, as unclassifiable for the 2010 sulfur dioxide (“SO₂”) NAAQS (“Labadie Designation Decision”).² Ameren’s letter offers no valid reason for rejecting Sierra Club’s Petition; it does not challenge the accuracy of the modeling corrections submitted with Sierra Club’s Petition, and it relies on a background value argument that EPA has already considered and rejected.

I. Ameren Does Not Challenge the Accuracy of the Two Modeling Corrections in Sierra Club’s Petition for Reconsideration.

Although Ameren beseeches EPA to deny Sierra Club’s Petition for Reconsideration, Ameren’s letter does not challenge the accuracy of the two modeling corrections at the heart of Sierra Club’s Petition. In its Labadie Designation Decision, EPA explained why it rejected all of the 2013-2015 modeling submitted by the Missouri Department of Natural Resources (“DNR”), Ameren, and Sierra Club. In support of its Petition, Sierra Club submitted a revised version of DNR’s 2013-2015 modeling that used all of the inputs EPA considers most representative to replicate actual conditions around the Labadie plant, as indicated in EPA’s Labadie Designation

¹ EPA acknowledged receipt of Sierra Club’s petition in a letter from Stephen D. Page dated September 21, 2016.

² EPA, Air Quality Designations for the 2010 Sulfur Dioxide (SO₂) Primary National Ambient Air Quality Standard – Round 2, 81 Fed. Reg. 45039, 45051 (July 12, 2016), and EPA, Final Technical Support Document, Missouri, Area Designations for the 2010 SO₂ Primary National Ambient Air Quality Standard (undated, posted June 30, 2016) (“Final TSD”) at 25, available at https://www.epa.gov/sites/production/files/2016-07/documents/r7_mo_final_designation_tsd_07012016.pdf.

Decision. To achieve that, the modeling submitted with Sierra Club's Petition (1) employed varying stack parameters, including newly-available corrections to the 2015 exit velocity data that had been erroneously reported by Ameren in its 2013-2015 modeling, and (2) corrected the erroneous Bowen ratio values that DNR had used in its AERMET Stage 3 input file for 2014, which were based on average instead of dry surface moisture conditions even though precipitation was in the lower 30th-percentile in 2014.

Notably, Ameren's letter makes no critique of either its own corrected exit velocity data or the correction to the Bowen ratio values in DNR's 2014 AERMET Stage 3 input file. Thus, with modeling performed using all of the inputs EPA considers most representative, without any of the errors that caused EPA to reject all 2013-2015 modeling submitted by DNR, Ameren, and Sierra Club, the results indicate clearly that the area surrounding the Labadie plant exceeds the 2010 NAAQS for sulfur dioxide, and should be designated nonattainment.

II. Ameren's Letter Offers No Bona Fide Reason For Rejecting Sierra Club's Petition.

Rather than address the substance of Sierra Club's Petition for Reconsideration, Ameren's letter is a somewhat shrill attempt to divert attention from the merits of this important decision affecting public health in the St. Louis area.

For example, Ameren claims (p.2) that "EPA rejected Sierra Club's 2013-2015 modeling because it contained serious errors..." In fact, EPA rejected Sierra Club's modeling because it contained erroneous exit velocity values provided by Ameren and used in Ameren's own 2013-2015 modeling. As EPA stated:

The Sierra Club provided modeling using varying temperatures and exit velocities coupled with valid meteorological data. However, the 2013-2015 Sierra Club modeling does contain an overestimation of the exit velocities for the 2015 period, based upon information provided by Ameren and identified but not corrected by Sierra Club.³

As indicated in its Petition, Sierra Club could not correct Ameren's erroneous exit velocities until Ameren provided corrected values after the close of the comment period.

A. Ameren's Reliance on the Multitude of Conflicting Modeling Results is Misplaced, If Not Disingenuous.

Ameren urges EPA to reject Sierra Club's Petition based on the specious argument (pp. 1-2) that the modeling submitted with the Petition is just one more set of conflicting modeling results. This argument is misplaced because the fact that the modeling submitted with Sierra Club's Petition is accurate is not in the least undermined by EPA's prior review of other modeling that may have contained various errors. To accept Ameren's argument would absurdly preclude any decision from being made when the record contains erroneous as well as accurate information.

³ Final TSD at 24-25.

Moreover, the modeling submitted with the Petition is not just one more modeling run. It uses all of the inputs EPA considers most representative to replicate actual conditions around the Labadie plant, as indicated in its Labadie Designation Decision. It uses the DNR's 2013-2015 modeling, with corrections to reflect EPA's preferred inputs, including Ameren's corrected exit velocity data and additional corrections for the 2014 surface moisture conditions.

Ameren's argument about the multiplicity of modeling runs is also disingenuous. Ameren itself has been the principal contributor of numerous and varied modeling runs. Ameren submitted many variations of modeling using AERMOD beta options, notwithstanding the fact that EPA did not approve the use of beta options at Labadie. Ameren submitted numerous modeling runs with erroneous exit velocity values and improperly-processed meteorological data. While Sierra Club also submitted numerous modeling runs, Sierra Club did not perform independent modeling (except for the 2012-2014 modeling submitted initially), but instead ran variations of the modeling submitted by DNR and Ameren in order to highlight and correct errors with their modeling. Ameren should not be able to avoid a nonattainment designation for the Labadie plant by tossing up an array of modeling results and then arguing that the fact that modeling results are conflicting precludes a designation decision.

B. EPA Has Already Rejected Ameren's Argument Regarding the Background Value.

Ameren's letter attempts to resurrect its earlier argument that the 9 ppb background value used by DNR (and included in the Petition modeling) is too high, and that if Ameren's preferred value of 4 or 5 ppb is used, then the modeling would come out in Ameren's favor. EPA should reject this argument out of hand. EPA has already considered it at some length, and rejected it:

The EPA believes that the background value does vary but not necessarily by season or hour, and the recent onsite monitoring data suggest background values, i.e. not direct Labadie impacts, can approach or even exceed 9 ppb, thus we find the Missouri recommendation of a fixed 9 ppb is reasonable. Further, the 4 ppb background value Ameren asserts in their site specific beta request evaluation is often higher than the Nilwood, Illinois, hourly data which Ameren suggests is the most appropriate. In addition, Missouri's Mark Twain State Park monitor, which is also a rural monitor northwest of the Labadie Energy center, had a 2013-2015 design value of 8 ppb.⁴

EPA also devoted six pages in its Response to Comments covering the nationwide Second Round designation decisions to explaining why it rejected the same background argument that Ameren raises again in its September 20, 2016 letter.⁵ By dredging up the matter again, Ameren is simply trying to detract attention from the sound modeling submitted with Sierra Club's Petition.

⁴ Final TSD at 23.

⁵ EPA, Responses to Significant Comments on the Designation Recommendations for the 2010 Sulfur Dioxide Primary National Ambient Air Quality Standard (NAAQS), Docket Number EPA-HQ-OAR-2014-0464 at 101-106 (June 30, 2016).

III. Conclusion

Sierra Club urges EPA to reject the arguments advanced in Ameren's September 20, 2016 letter and to grant the Petition and convene a proceeding for reconsideration in accordance with § 307(d)(7)(B) of the Act, 42 U.S.C. § 7607(d)(7)(B).

Respectfully submitted,



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