



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Proposed Natural Gas-Fired Power Plant: Environmental Integrity Project Appeal of NSR/PSD Permit for Elizabeth Township Pennsylvania Facility

11/22/2021

The Environmental Integrity Project (“EIP”) filed on November 4th an Administrative Notice of Appeal (“Notice”) challenging a New Source Review/PSD Installation Permit (“Air Permit”) issued by the Allegheny County Health Department (“ACHD”) to Allegheny Energy Center LLC (“AEC”).

The appeal addresses an Air Permit issued to AEC for the construction of a new natural gas-fired power plant that would be constructed in Elizabeth Township, Pennsylvania.

The proposed power plant is described in the appeal as a facility that would be 639 megawatts.

The Air Permit characterizes the combined-cycle power plant as consisting of one combustion turbine, one heat recovery steam generator with supplemental duct firing, and one steam turbine. It is designed to fire clean low sulfur pipeline-quality natural gas.

Air emissions are stated to include:

- Nitrogen oxides
- Carbon monoxide
- Volatile organic compounds
- Particulate matter
- Hazardous air pollutants

EIP cites its objections in the appeal before an ACHD Hearing Officer as:

- The Installation Permit unreasonably contains an erroneous and unreasonable ammonia slip emissions limit of 4 ppmv at 15% O₂, which is twice as high as the ammonia slip limit in recently issued permits at similar, larger plants.
- The Installation Permit’s limits on startup, shutdown, and malfunction events are unreasonable, unenforceable, and lack sufficient monitoring and testing requirements to ensure enforceability or verify emissions.
- ACHD failed to properly analyze alternatives as required by 25 Pa. Code § 127.205(5) to determine if the benefits of this project significantly outweigh its environmental and social costs, and the

Department failed to meet the substantive requirements of that section, especially in light of the environmental justice concerns already experienced by area residents.

- Invenergy did not provide, and ACHD failed to require, an adequate additional impacts analysis under 40 C.F.R. §§ 51.166(o) and 52.21(o), especially given the cumulative impacts to nearby environmental justice communities.
- ACHD improperly permitted the facility despite Invenergy's violations at its similar Lackawanna Energy Center and its demonstrated inability or unwillingness to comply with the air pollution control laws, contrary to, among other provisions, § 2102.03(i).
- EIP reserves the right to challenge Allegheny Energy Center's acquisition of emissions reductions credits from an unlawful source under 25 Pa. Code § 127.208.
- The Installation Permit is otherwise unsupported by fact, contrary to law, arbitrary, capricious, unreasonable, and/or an abuse of discretion.
- ACHD violated the environmental rights of EIP and other members of the public, as established in Article I, Section 27 of the Pennsylvania Constitution, by issuing the Installation Permit despite the immense levels of deleterious pollution the construction and operation of the facility would generate.
- ACHD violated its trustee duties as established in Article I, Section 27 of the Pennsylvania Constitution by permitting AEC to significantly degrade the natural environment.

EIP requests that the Hearing Officer rescind the Air Permit.

A copy of the Notice can be downloaded [here](#).