

Title V/Clean Air Act: Sierra Club Petition for Objection to Permit Revision for Pinal County, Arizona, Generating Station



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The Sierra Club filed an objection to a Clean Air Act Title V Revised Operating Permit before the Administrator of the United States Environmental Protection Agency (“EPA”) through a document styled:

PETITION FOR OBJECTION TO THE TITLE V PERMIT REVISION FOR SALT RIVER PROJECT’S DESERT BASIN GENERATING STATION PROPOSED FOR ISSUANCE ON SEPTEMBER 2, 2021 AND FINALIZED ON DECEMBER 27, 2021 (“Petition”)

The *Petition* is filed pursuant to Section 505(b)(2) of the Clean Air Act and 40 CFR § 70.8(d).

The Sierra Club objects to the Title V Operating Permit Revision proposed for issuance by Pinal County, State of Arizona, for Salt River Project’s (“SRP”) Desert Basin Generating Station (“Station”). The Permit Revision is stated to have been issued on September 2, 2021 and issued as final on December 27, 2021.

The Salt River Project Agricultural Improvement and Power District (“SRP”) is stated to have proposed to install two new natural gas-fired simple cycle combustion turbines at the existing Station located in Pinal County, Arizona. The gas-fired simple cycle turbines are described as having a combined generating capacity of 99 megawatts.

Title V requires certain stationary sources of air pollution to obtain Title V operating permits. The intent of a Title V permit is to organize in a single document all the air requirements which apply to the permit holder. States are required by Title V to submit each proposed operating permit to EPA for review.

Section 505 of the Clean Air Act requires that EPA object to the issuance of a proposed Title V permit in writing within 45 days of the receipt of the proposed permit (and all necessary supporting information) if the federal agency determines that it is not in compliance with the applicable requirements of the Clean Air Act. If EPA does not object to a permit, Section 505(v)(2) provides that any person may petition the EPA Administrator, within 60 days of the expiration of the 45-day review period, to object to the permit.

By way of summary, Sierra Club’s arguments in the *Petition* include:

- Pinal County’s Failure to Set Forth a Consistent Legal Basis (arguing the final permit, technical support document, and Responsiveness Summary failed to clearly and consistently state whether Arizona regulations, Pinal County regulations, or the more stringent of both regulations govern the specific provisions of the permit)

- The More Stringent of the County and Arizona Regulations Apply (arguing that the Delegation Agreement makes clear that the more stringent of the County or the State regulations is applicable to permit revisions)
- The Need for Production and/or Operational Limits in the FEPs (arguing the permit fails to contain the required production and/or operational limits and therefore does not ensure exemption from new source review/prevention of significant deterioration/minor source or the practical enforceability of PM10 and PM2.5 emission limits)

Additional arguments include:

- The Administrator Must Object to the Final Permit Because it Fails to Properly Limit The Potential to Emit PM10 and PM2.5 to Ensure that the New Simple Cycle Turbines are Legally Exempt from Nonattainment New Source Review, Prevention of Significant Deterioration, and Minor Source Permitting Requirements.
- The Permit Fails to Ensure that the Modified Desert Basin Won't Interfere with Attainment or Maintenance of the Ambient Air Quality Standards.

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