



— State of —
North Dakota
Office of the Governor

Jack Dalrymple
Governor

January 2, 2013

James C. Martin
Regional Administrator
United States Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

Re: North Dakota's Supplemental NO_x BART Determination for Coal Creek Station Supplement No.2 to State Implementation Plan for Regional Haze

Dear Regional Administrator Martin:

Enclosed please find the State of North Dakota's Supplemental NO_x BART Determination for Coal Creek Station (Supplemental CCS NO_x BART Determination). The Supplemental CCS NO_x BART Determination was developed by the North Dakota Department of Health, Division of Air Quality (Department) and supplements the NO_x BART determination for the Coal Creek Station set forth in North Dakota's Regional Haze State Implementation Plan (SIP). North Dakota's SIP, which includes this Supplemental BART determination, satisfies the requirements of the Clean Air Act, complies with EPA's regulations and policy and will result in significant emission reductions while preserving the proper federal-state partnership envisioned under the Clean Air Act.

On August 17, 2006, the operator of Coal Creek Station Great River Energy (GRE) submitted its initial BART analysis to the Department. The Department provided comments to GRE's 2006 submission to which GRE responded with an updated analysis in February 2007. Between 2007 and 2010, the Department's review continued and GRE provided the Department with revised analyses as requested.

North Dakota submitted its Regional Haze SIP to the U.S. Environmental Protection Agency (EPA) on March 3, 2010. In its Regional Haze SIP, North Dakota determined that NO_x BART for the Coal Creek Station is represented by combustion controls (LNC3+) and an emission limit of 0.17 lb/10⁶ Btu (30-day rolling average). EPA deemed North Dakota's SIP submission complete on April 30, 2010. During EPA's review of the North Dakota SIP, EPA discovered an error in GRE's submission. After the discrepancy was discovered, the Department requested that GRE submit a revised BART cost estimate to the Department. The Department provided comments to GRE's revised submission and requested additional data be submitted. GRE provided the Department with several additional submissions with the final GRE submission received June 6, 2012.

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Upon review of GRE's submissions, and after conducting its own independent analysis, the Department preliminarily determined that its original NO_x BART determination for Coal Creek Station, combustion controls (LNC3+) with an emission limit of 0.17 lb/10⁶ Btu (30-day rolling average), was correct and is to be reaffirmed. The Department proposed for public review and comment its proposal to reaffirm its BART determination for Coal Creek Station. The 30-day public comment period closed on October 30, 2012. None of the comments received from the public caused the Department to change its BART determination for Coal Creek Station.

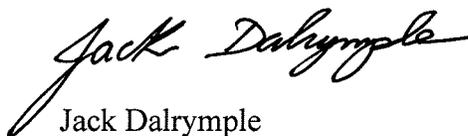
As EPA is aware, EPA disapproved North Dakota's original BART determination for the Coal Creek Station. *See 77 Federal Register 20,898 (April 6, 2012)*. EPA's disapproval of North Dakota's Coal Creek Station BART NO_x determination is the subject of an action for judicial review before the U.S. Court of Appeals for the Eighth Circuit. *See North Dakota v. EPA, No. 12-1844 (8th Cir. April 6, 2012)*.

As set forth in the enclosed, the Supplemental CCS NO_x BART Determination is well supported and is a reasoned exercise of the State's authority and discretion under the federal Clean Air Act. As such, North Dakota requests EPA's prompt evaluation and approval of North Dakota's Supplemental CCS NO_x BART Determination.

As indicated, enclosed are one hardcopy and one electronic copy (on CD) of the Supplemental CCS NO_x BART Determination (Supplement No.2 to the Regional Haze SIP). The electronic copy is a duplicate of the hardcopy. No public hearing was held on this Supplement because no one requested one pursuant to the opportunity for such hearing indicated in the public notice.

If you have any questions regarding this submittal, please contact Terry O'Clair, P.E., Director, Division of Air Quality, ND Department of Health, at 701-328-5178.

Sincerely,



Jack Dalrymple
Governor

C: Dave Glatt, Chief, Environmental Health Section, ND Department of Health
Terry O'Clair, P.E., Director, Division of Air Quality, ND Department of Health
Gail Fallon, EPA Region 8
Carl Daly, EPA Region 8