BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Petition No. IX-2024-9

In the Matter of

Arizona Public Service Company, Sundance Power Plant

Permit No. V20690.R02

Issued by the Pinal County Air Quality Control District

ORDER DENYING A PETITION FOR OBJECTION TO A TITLE V OPERATING PERMIT

I. INTRODUCTION

The U.S. Environmental Protection Agency (EPA) received a petition dated June 27, 2024 (the Petition) from Sierra Club (the Petitioner), pursuant to section 505(b)(2) of the Clean Air Act (CAA or Act), 42 United States Code (U.S.C.) § 7661d(b)(2). The Petition requests that the EPA Administrator object to operating permit No. V20690.R02 (the Permit) issued by the Pinal County Air Quality Control District (PCAQCD) to the Arizona Public Service Company (APS), Sundance Power Plant (Sundance) in Pinal County, Arizona. The Permit was issued pursuant to title V of the CAA, 42 U.S.C. §§ 7661–7661f, and Chapter 3 of the PCAQCD Code of Regulations (PCAQCD Code). *See also* 40 Code of Federal Regulations (C.F.R.) part 70 (title V implementing regulations). This type of operating permit is also known as a title V permit or part 70 permit.

Based on a review of the Petition and other relevant materials, including the Permit, the permit record, and relevant statutory and regulatory authorities, and as explained in Section IV of this Order, the EPA denies the Petition requesting that the EPA Administrator object to the Permit.

II. STATUTORY AND REGULATORY FRAMEWORK

A. Title V Permits

Section 502(d)(1) of the CAA, 42 U.S.C. § 7661a(d)(1), requires each state to develop and submit to the EPA an operating permit program to meet the requirements of title V of the CAA and the EPA's implementing regulations at 40 C.F.R. part 70. Pinal County submitted a title V program governing the issuance of operating permits in 1993, followed by several amendments. After granting interim approval of Pinal County's title V operating permit program in 1996, the EPA granted full approval of Pinal County's title V operating permit program in 2001. 66 Fed. Reg. 63166 (December 5, 2001). This program, which became effective on November 30, 2001, is codified in portions of Chapters 1, 3, 7, 8, and 9 and Appendix B to the PCAQCD Code.

All major stationary sources of air pollution and certain other sources are required to apply for and operate in accordance with title V operating permits that include emission limitations and other conditions as necessary to assure compliance with applicable requirements of the CAA, including the requirements of the applicable implementation plan. 42 U.S.C. §§ 7661a(a), 7661b, 7661c(a). The title V operating permit program generally does not impose new substantive air quality control requirements, but does require permits to contain adequate monitoring, recordkeeping, reporting, and other requirements to assure compliance with applicable requirements. 40 C.F.R. § 70.1(b); 42 U.S.C. § 7661c(c). One purpose of the title V program is to "enable the source, States, EPA, and the public to understand better the requirements to which the source is subject, and whether the source is meeting those requirements." 57 Fed. Reg. 32250, 32251 (July 21, 1992). Thus, the title V operating permit program is a vehicle for compiling the air quality control requirements as they apply to the source's emission units and for providing adequate monitoring, recordkeeping, and reporting to assure compliance with such requirements.

B. Review of Issues in a Petition

State and local permitting authorities issue title V permits pursuant to their EPA-approved title V programs. Under CAA § 505(a) and the relevant implementing regulations found at 40 C.F.R. § 70.8(a), states are required to submit each proposed title V operating permit to the EPA for review. 42 U.S.C. § 7661d(a). Upon receipt of a proposed permit, the EPA has 45 days to object to final issuance of the proposed permit if the EPA determines that the proposed permit is not in compliance with applicable requirements under the Act. 42 U.S.C. § 7661d(b)(1); *see also* 40 C.F.R. § 70.8(c). If the EPA does not object to a permit on its own initiative, any person may, within 60 days of the expiration of the EPA's 45-day review period, petition the Administrator to object to the permit. 42 U.S.C. § 7661d(b)(2); 40 C.F.R. § 70.8(d).

Each petition must identify the proposed permit on which the petition is based and identify the petition claims. 40 C.F.R. § 70.12(a). Any issue raised in the petition as grounds for an objection must be based on a claim that the permit, permit record, or permit process is not in compliance with applicable requirements or requirements under part 70. 40 C.F.R. § 70.12(a)(2). Any arguments or claims the petitioner wishes the EPA to consider in support of each issue raised must generally be contained within the body of the petition.[1] *Id.*

The petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the permitting authority (unless the petitioner demonstrates in the petition to the Administrator that it was impracticable to raise such objections within such period or unless the grounds for such objection arose after such period). 42 U.S.C. § 7661d(b)(2); 40 C.F.R. § 70.8(d); *see also* 40 C.F.R. § 70.12(a)(2)(v).

In response to such a petition, the Act requires the Administrator to issue an objection if a petitioner demonstrates that a permit is not in compliance with the requirements of the Act. 42 U.S.C.

[1] If reference is made to an attached document, the body of the petition must provide a specific citation to the referenced information, along with a description of how that information supports the claim. In determining whether to object, the Administrator will not consider arguments, assertions, claims, or other information incorporated into the petition by reference. *Id*.

§ 7661d(b)(2); 40 C.F.R. § 70.8(c)(1).[2] Under section 505(b)(2) of the Act, the burden is on the petitioner to make the required demonstration to the EPA.[3] The petitioner's demonstration burden is a critical component of CAA § 505(b)(2). As courts have recognized, CAA § 505(b)(2) contains both a "discretionary component," under which the Administrator determines whether a petition demonstrates that a permit is not in compliance with the requirements of the Act, and a nondiscretionary duty on the Administrator's part to object where such a demonstration is made. *Sierra Club v. Johnson*, 541 F.3d at 1265–66 ("[I]t is undeniable [that CAA § 505(b)(2)] also contains a discretionary component: it requires the Administrator to make a judgment of whether a petition demonstrates a permit does not comply with clean air requirements."); *NYPIRG*, 321 F.3d at 333. Courts have also made clear that the Administrator is only obligated to grant a petition to object under CAA § 505(b)(2) if the Administrator determines that the petitioner has demonstrated that the permit is not in compliance with requirements of the Act. *Citizens Against Ruining the Environment*, 535 F.3d at 677 (stating that § 505(b)(2) "clearly obligates the Administrator to (1) determine whether the petition demonstrates noncompliance and (2) object *if* such a demonstration is made" (emphasis added)).[4] When courts have reviewed the EPA's interpretation of the ambiguous term "demonstrates" and its determination as to whether the demonstration has been made, they have applied a deferential standard of review. *See, e.g.*, *MacClarence*, 596 F.3d at 1130–31.[5] Certain aspects of the petitioner's demonstration burden are discussed in the following paragraph. A more detailed discussion can be found in the preamble to the EPA's proposed petitions rule. *See* 81 Fed. Reg. 57822, 57829–31 (August 24, 2016); *see also In the Matter of Consolidated Environmental Management, Inc., Nucor Steel Louisiana*, Order on Petition Nos. VI-2011-06 and VI-2012-07 at 4–7 (June 19, 2013) (*Nucor II Order*).

The EPA considers a number of criteria in determining whether a petitioner has demonstrated noncompliance with the Act. *See generally Nucor II Order* at 7. For example, one such criterion is whether a petitioner has provided the relevant analyses and citations to support its claims. For each claim, the petitioner must identify (1) the specific grounds for an objection, citing to a specific permit term or condition where applicable; (2) the applicable requirement as defined in 40 C.F.R. § 70.2, or requirement under part 70, that is not met; and (3) an explanation of how the term or condition in the permit, or relevant portion of the permit record or permit process, is not adequate to comply with the corresponding applicable requirement or requirement under part 70. 40 C.F.R. § 70.12(a)(2)(i)–(iii). If a petitioner does not identify these elements, the EPA is left to work out the basis for the petitioner's objection, contrary to Congress's express allocation of the burden of demonstration to the petitioner in CAA § 505(b)(2). *See MacClarence*, 596 F.3d at 1131 ("[T]he Administrator's requirement that [a title V petitioner] support his allegations with legal reasoning, evidence, and references is reasonable and persuasive.").[6] Relatedly, the EPA has pointed out in numerous previous orders that general assertions

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[2] *See also New York Public Interest Research Group, Inc. v. Whitman*, 321 F.3d 316, 333 n.11 (2d Cir. 2003) (*NYPIRG*).

[3] *WildEarth Guardians v. EPA*, 728 F.3d 1075, 1081–82 (10th Cir. 2013); *MacClarence v. EPA*, 596 F.3d 1123, 1130–33 (9th Cir. 2010); *Sierra Club v. EPA*, 557 F.3d 401, 405–07 (6th Cir. 2009); *Sierra Club v. Johnson*, 541 F.3d 1257, 1266–67 (11th Cir. 2008); *Citizens Against Ruining the Environment v. EPA*, 535 F.3d 670, 677–78 (7th Cir. 2008); *cf. NYPIRG*, 321 F.3d at 333 n.11.

[4] *See also Sierra Club v. Johnson*, 541 F.3d at 1265 ("Congress's use of the word 'shall' . . . plainly mandates an objection *whenever* a petitioner demonstrates noncompliance." (emphasis added)).

[5] *See also Sierra Club v. Johnson*, 541 F.3d at 1265–66; *Citizens Against Ruining the Environment*, 535 F.3d at 678.

[6] *See also In the Matter of Murphy Oil USA, Inc.*, Order on Petition No. VI-2011-02 at 12 (Sept. 21, 2011) (denying a title V petition claim where petitioners did not cite any specific applicable requirement that lacked required monitoring); *In the Matter of Portland Generating Station*, Order on Petition at 7 (June 20, 2007) (*Portland Generating Station Order*).

or allegations did not meet the demonstration standard. *See, e.g.*, *In the Matter of Luminant Generation Co., Sandow 5 Generating Plant*, Order on Petition Number VI-2011-05 at 9 (January 15, 2013).[7] Also, the failure to address a key element of a particular issue presents further grounds for the EPA to determine that a petitioner has not demonstrated a flaw in the permit. *See, e.g.*, *In the Matter of EME Homer City Generation LP and First Energy Generation Corp.*, Order on Petition Nos. III-2012-06, III-2012-07, and III-2013-02 at 48 (July 30, 2014).[8]

Another factor the EPA examines is whether the petitioner has addressed the state or local permitting authority's decision and reasoning contained in the permit record. 81 Fed. Reg. at 57832; *see Voigt v. EPA*, 46 F.4th 895, 901–02 (8th Cir. 2022); *MacClarence*, 596 F.3d at 1132–33.[9] This includes a requirement that petitioners address the permitting authority's final decision and final reasoning (including the state's response to comments) where these documents were available during the timeframe for filing the petition. 40 C.F.R. § 70.12(a)(2)(vi). Specifically, the petition must identify where the permitting authority responded to the public comment and explain how the permitting authority's response is inadequate to address (or does not address) the issue raised in the public comment. *Id*.

The information that the EPA considers in determining whether to grant or deny a petition submitted under 40 C.F.R. § 70.8(d) generally includes, but is not limited to, the administrative record for the proposed permit and the petition, including attachments to the petition. 40 C.F.R. § 70.13. The administrative record for a particular proposed permit includes the draft and proposed permits; any permit applications that relate to the draft or proposed permits; the statement required by § 70.7(a)(5) (sometimes referred to as the "statement of basis"); any comments the permitting authority received during the public participation process on the draft permit; the permitting authority's written responses to comments, including responses to all significant comments raised during the public participation process on the draft permit; and all materials available to the permitting authority that are relevant to the permitting decision and that the permitting authority made available to the public according to § 70.7(h)(2). *Id.* If a final permit and a statement of basis for the final permit are available during the agency's review of a petition on a proposed permit, those documents may also be considered when determining whether to grant or deny the petition. *Id*.

[7] *See also Portland Generating Station Order* at 7 ("[C]onclusory statements alone are insufficient to establish the applicability of [an applicable requirement]."); *In the Matter of BP Exploration (Alaska) Inc., Gathering Center #1*, Order on Petition Number VII-2004-02 at 8 (Apr. 20, 2007); *In the Matter of Georgia Power Company*, Order on Petitions at 9–13 (January 8, 2007) (*Georgia Power Plants Order*); *In the Matter of Chevron Products Co., Richmond, Calif. Facility*, Order on Petition No. IX-2004–10 at 12, 24 (Mar. 15, 2005).

[8] *See also In the Matter of Hu Honua Bioenergy*, Order on Petition No. IX-2011-1 at 19–20 (February 7, 2014); *Georgia Power Plants Order* at 10.

[9] *See also, e.g.*, *Finger Lakes Zero Waste Coalition v. EPA*, 734 Fed. App'x *11, *15 (2d Cir. 2018) (summary order); *In the Matter of Noranda Alumina, LLC*, Order on Petition No. VI-2011-04 at 20–21 (December 14, 2012) (denying a title V petition issue where petitioners did not respond to the state's explanation in response to comments or explain why the state erred or why the permit was deficient); *In the Matter of Kentucky Syngas, LLC*, Order on Petition No. IV-2010-9 at 41 (June 22, 2012) (denying a title V petition issue where petitioners did not acknowledge or reply to the state's response to comments or provide a particularized rationale for why the state erred or the permit was deficient); *Georgia Power Plants Order* at 9–13 (denying a title V petition issue where petitioners did not address a potential defense that the state had pointed out in the response to comments).

III. BACKGROUND

A. The APS Sundance Facility

APS owns and operates Sundance, a natural gas-fired electrical generating facility located in Casa Grande, Arizona. The existing facility consists of ten simple cycle combustion turbines, each with a capacity of 45 megawatts, with a combined nominal generating capacity of 450 megawatts. PCAQCD has issued a significant revision to the permit to construct and operate an additional two natural gas-fired simple cycle turbines. APS Sundance is located in a part of western Pinal County that is designated as a serious nonattainment area for particulate matter with a diameter of 10 microns or less (PM_{10}), and the area is designated as attainment or unclassifiable for all other criteria pollutants. The facility is a major source of carbon monoxide (CO), PM_{10}, and nitrogen oxides (NO_x).

B. Permitting History

Sundance was first issued a title V permit on July 25, 2001 under the ownership of PPL Sundance Energy, LLC. Ownership was transferred to APS on May 17, 2005. The operating permit has since been renewed in 2006, 2011, 2016, and 2021, with minor revisions in 2007 and 2022. On August 24, 2023, APS applied for a combined construction permit and a significant title V permit revision. PCAQCD published notice of a draft permit on December 28, 2023, subject to a public comment period that ran until January 29, 2024. On March 20, 2024, PCAQCD submitted a Proposed Permit, along with its responses to public comments (RTC), to the EPA for its 45-day review. The EPA's 45-day review period ended on May 6, 2024, during which time the EPA did not object to the proposed permit. PCAQCD issued the final title V revision permit for the Sundance Power Plant on May 9, 2024.

C. Timeliness of Petition

Pursuant to the CAA, if the EPA does not object to a proposed permit during its 45-day review period, any person may petition the Administrator within 60 days after the expiration of the 45-day review period to object. 42 U.S.C § 7661d(b)(2). The EPA's 45-day review period expired on May 6, 2024. The EPA's website indicated that any petition seeking the EPA's objection to the Permit was due on or before July 1, 2024. The Petition was dated June 27, 2024. Therefore, the EPA finds that the Petitioner timely filed the Petition.

D. Environmental Justice

The EPA used EJScreen[10] to review key demographic and environmental indicators within a five-kilometer radius of the Sundance Power Plant. This review showed a total population of approximately 1,459 residents within a five-kilometer radius of the facility, of which approximately 45 percent are people of color and 38 percent are low income. In addition, the EPA reviewed the EJScreen Environmental Justice Indexes, which combine certain demographic indicators with 13 environmental indicators. The following table identifies the Environmental Justice Indexes for the five-kilometer radius

[10] EJScreen is an environmental justice mapping and screening tool that provides the EPA with a nationally consistent dataset and approach for combining environmental and demographic indicators. *See https://www.epa.gov/ejscreen/what-ejscreen*. The information herein is based on a September 9, 2024 report using EJScreen version 2.3.

surrounding the facility and their associated percentiles when compared to the rest of the State of Arizona.

EJ Index	Percentile in State
Particulate Matter 2.5	41
Ozone	35
Nitrogen Dioxide	10
Diesel Particulate Matter	24
Toxic Releases to Air	16
Traffic Proximity	14
Lead Paint	67
Superfund Proximity	0
RMP Facility Proximity	43
Hazardous Waste Proximity	45
Underground Storage Tanks	34
Wastewater Discharge	24
Drinking Water Non-Compliance	62

IV. EPA DETERMINATION ON PETITION CLAIM

Claim: The Petitioner Claims That "The Administrator Must Object to the Final Permit Because PCAQCD Failed to Impose Adequate Terms and Conditions to Create Enforceable Limitations on the New Turbines' Potential to Emit."

Petition Claim: As part of its claim, the Petitioner provides background on statements from PCAQCD's RTC regarding triggers for major New Source Review (NSR) including Prevention of Significant Deterioration and Nonattainment NSR review. Petition at 4. The Petitioner notes that PCAQCD also has stated that based on the proposed limits, the only pollutants for which Sundance exceeds minor NSR permitting exemptions are NO_x, PM_{10}, and particulate matter with a diameter of 2.5 microns or less ($PM_{2.5}$). *Id*. at 4. The Petitioner cites to the applicable rules for creating federally enforceable limits from the Arizona Administrative Code (A.A.C.) and the PCAQCD Code and includes the A.A.C.'s definition for "enforceable as a practical matter." *Id*. at 5. As part of this background discussion, the Petitioner also references the criteria that the EPA has stated for limits to be enforceable as a practical matter. *Id.* at 5.

In Table 1 of the Petition, titled "PCAQCD's Voluntary Emission Limits Intended to Limit Potential to Emit from the Two New Combustion Turbines (CT11 and CT12) at the Sundance Plant," the Petitioner lists both the short term limits excluding startup, shutdown, or malfunction and the long term limits which apply to all periods of operation including startup and shutdown from the Permit for PM_{10}/$PM_{2.5}$, PM, NO_X, CO, and Volatile Organic Compounds (VOC).[11] *Id*. at 6.

The Petitioner claims that the $PM_{2.5}$ limits established in the Permit are not practicably enforceable because the Permit lacks periodic testing to assure compliance with these limits. *Id.* at 7. To this point, the Petitioner alleges that:

[11] The limits are listed in Condition 4.C of the Permit.

> Specifically, the . . . Permit requires an initial performance test for PM_{10}, $PM_{2.5}$, and VOC emissions within 60 days of startup of the new combustion turbines, but it does not require any additional, recurring stack testing at CT11 or CT12 for $PM_{2.5}$. PCAQCD has not justified only requiring stack testing for $PM_{2.5}$ once in the lifetime of CT11 or CT12 and has not shown that such infrequent testing is adequate to ensure compliance with the ton per rolling 12-month period limits on this pollutant.

Id. at 7.

The Petitioner cites to a General Electric (GE) Energy memorandum[12] to support its claim that "emissions of $PM_{2.5}$ from combustion turbines can vary greatly." *Id* at 7. Furthermore, referencing this memorandum, the Petitioner states that analysis for a turbine similar to the two new units at the facility shows that particulate emissions can exhibit "significant variation" due to ambient air quality conditions, fuel quality, water quality, and measurement uncertainty. *Id*. at 8 (quoting GE Energy memorandum at 8).

The Petitioner also claims that PCAQCD has required recurring periodic testing of $PM_{2.5}$ in another recent title V permit for the Desert Basin Generating Station and that a neighboring permit authority, Maricopa County Air Quality Department, has required similar recurring performance testing for $PM_{2.5}$ in a title V permit for the Agua Fria Generating Station. *Id.* at 8.

The Petitioner concludes that "the one-time test requirement for $PM_{2.5}$ emissions under the Final Permit is not sufficient to demonstrate that CT11 and CT12 are complying with the 7.0 lb/hr $PM_{2.5}$ limit on a continuous basis." *Id.* at 8. The Petitioner further states that "if these [initial] performance test results were to be used to assess compliance with the ton per rolling 12-month period limits on $PM_{2.5}$, such infrequent testing will not ensure accurate compliance assessments with 12-month total $PM_{2.5}$ emission limits from CT11 and CT12." *Id*. at 8.

EPA Response: For the following reasons, the EPA denies the Petitioner's request for an objection on this claim.

The Petitioner has failed to demonstrate that the Permit does not contain sufficient monitoring to assure compliance with the hourly or rolling 12-month $PM_{2.5}$ limits. Specifically, the Petitioner does not acknowledge or address the permit terms that PCAQCD added to the Permit in response to public comments, much less demonstrate that these permit terms are insufficient.

The Petitioner originally argued in public comments that "the one-time test requirement for . . . $PM_{2.5}$ . . . emissions under the draft permit is not sufficient to demonstrate that CT11 and CT12 are complying with the 7.0 lb/hr $PM/PM_{10}/PM_{2.5}$ limit . . . on a continuous basis. Further, if these performance test results were to be used to assess compliance with the ton per rolling 12-month period limits on $PM_{10}/PM_{2.5}$ . . . , such infrequent testing will not ensure accurate compliance assessments with 12-

[12] GE Energy, "PM10 Emissions from LM6000 for Mariposa Energy, LLC."

month total $PM_{10}/PM_{2.5}$ . . . emission limits from CT11 and CT12." Public Comments at 6. In the Petition, the Petitioner repeats this same allegation essentially verbatim. [13]

In its RTC, PCAQCD noted several changes that were made to the Permit. Notably, PCAQCD stated that "Section §6.B.6[14] of the Permit has been amended to require recurring testing for . . . PM_{10} for all the units, CT01-CT12." *Id.* at 5. With respect to units CT11 and CT12, the Proposed Permit contained an added provision, Specific Condition 6.B.7.c which states:

> Permittee shall conduct subsequent performance tests for . . . PM_{10} every 5 years from the last test date, using the test methods listed above. The PM_{10} test results will be used for emission calculations for PM, PM_{10}, and $PM_{2.5}$ emission limits. One CT may be selected for testing and used to represent both CT11 and CT12 to meet this requirement and for emissions calculations and emissions inventory. Selection of the CT used shall be rotated for each subsequent testing.

Permit at 23.

This added permit term specifically indicates that the recurring stack testing will be used to calculate $PM_{2.5}$ emissions from CT11 and CT12. Furthermore, in the emission rates calculation section of its Technical Support Document (TSD), PCAQCD establishes that for the PM emission rate, all filterable plus condensable PM_{10} emissions are also assumed to be $PM_{2.5}$ emissions. TSD at 3. PCAQCD also indicated that it added monthly parametric monitoring for PM, PM_{10}, and $PM_{2.5}$. RTC at 4; *see* Permit, Specific Condition 6.C.5.

The Petitioner has not engaged with PCAQCD's RTC or acknowledged the additional permit conditions, which contradict the Petitioner's allegation—repeated essentially verbatim from public comments—that the Permit does not include any compliance assurance provisions for $PM_{2.5}$ other than a single initial performance test. Because the Petitioner has failed to address both PCAQCD's justification in the permit record and the sufficiency of the added permit conditions, the Petitioner has not demonstrated that the Permit's collective testing, monitoring, and emission calculation methods are insufficient to assure compliance with the Permit's hourly or rolling 12-month $PM_{2.5}$ limits. 40 C.F.R. § 70.12(a)(2)(vi) and (iii).[15]

In a related context, the EPA recently denied a claim based on a similar fact pattern and reasons for the Oxbow Calcining Plant in Jefferson County, Texas. *See In the Matter of Oxbow Calcinging LLC*, Order on Petition No. VI-2023-12 (April 12, 2024) ("*Oxbow II Order*"). The *Oxbow II Order* noted:

> Because the Petitioners failed to engage with that justification (instead alleging its absence), the Petitioners have not properly put before the EPA the question of the adequacy of that justification. To the extent the Petitioners are claiming that TCEQ should establish additional monitoring of actual emissions—specifically stack testing for

[13] The only material difference between the Petition and the public comments is that the Petition focuses only on the monitoring for the $PM_{2.5}$ limits, while the public comments raised the same points with respect to additional pollutants.
[14] Section 6.B.6 includes recurring testing requirements for units CT01-CT10, while the additional recurring testing requirements for units CT11-CT12 are listed in Section 6.B.7 of the Permit.
[15] *See supra* notes 8 and 9 and accompanying text.

> lead and VOC to existing protocols—by failing to acknowledge and respond to TCEQ's explanation, the Petitioners have not demonstrated that any such additional monitoring is necessary, nor that the added permit conditions are insufficient to demonstrate compliance with lead and VOC emission limits.

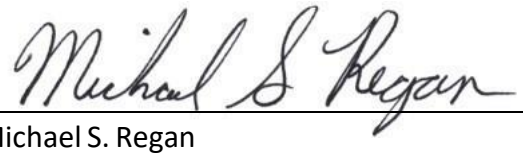
Oxbow II Order at 16.

Here, similar to the *Oxbow II Order*, by failing to acknowledge the additional permit terms and PCAQCD's justification in the permit record, the Petitioner has not demonstrated that any additional monitoring is necessary nor that the added permit conditions are insufficient to assure compliance with the $PM_{2.5}$ emission limits. For this reason, the EPA denies the Petition.

V. CONCLUSION

For the reasons set forth in this Order and pursuant to CAA § 505(b)(2) and 40 C.F.R. § 70.8(d), I hereby deny the Petition as described in this Order.

Dated: November 6, 2024



Michael S. Regan
Administrator