**Summary of Environmental Integrity Project Comments on the Draft Air Permit for L’Anse Warden Electric Company.**

Environmental Integrity Project (EIP), on behalf of Friends of the land of Keweenaw, has reviewed the draft Permit to Install No. 128-18 for L’Anse Warden Electric Company (LWEC). The permit would authorize LWEC to combust up to 50,000 tons of plastic and paper “engineered fuel pellets” per year. EIP found numerous issues in LWEC’s permit application and the draft permit, and we summarize here the most pressing issues. Please see EIP’s complete comments for more information, citations, and calculations.

**This project is a major—rather than minor—modification subject to stricter permitting and pollution control requirements.**

Under the Clean Air Act, major sources of air pollution such as LWEC must undergo stringent permitting and install the ‘best available control technology’ when they undertake major modifications. LWEC claims that this modification is a minor modification exempted from those requirements. The difference between major and minor modifications is based on whether the modification will increase certain pollutants by more than a given threshold. For nitrogen oxide (NOx) pollution, that threshold is 40 tons per year. LWEC estimates that this project will increase NOx emissions by just 3.86 tons per year, well below the major source threshold. Unfortunately, LWEC has incorrectly calculated its prior “baseline” emissions significantly, and this modification will actual increase NOx emissions by at least 53 tpy, which renders the modification “major.”

The most important consequence of the fact that this project will be a major modification is that it triggers the use of the ‘best available control technology.’ That means LWEC must install NOx pollution controls that will drastically clean up LWEC’s emissions. These controls are already used by the vast majority of comparable plants, and LWEC should have installed these controls years ago.

**Neither MDEQ nor LWEC appear to have comprehensively evaluated hazardous air pollutants.**

Hazardous air pollutants (“HAPs”) are a list of 187 air pollutants that are particularly toxic or carcinogenic even in small quantities. Facilities that emit large amounts of HAPs must implement the “maximum achievable control technology” and comply with other heightened standards. LWEC is currently permitted as a minor source of HAPs, but there is strong evidence the facility is actually a major source. Troublingly, it does not appear that LWEC or MDEQ have conducted a sufficient analysis of potential HAP emissions for this project, which we believe is necessary given the addition of plastic-laden pellets to the fuel mix.

**MDEQ is proposing to substantially relax limits on hydrogen chloride emissions.**

Since at least 2007, LWEC has been required to comply with both an annual and a stricter hourly limit on hydrogen chloride emissions. Now, LWEC has asked MDEQ to eliminate the hourly limit, and MDEQ has essentially complied. Gutting this limit is likely unlawful and comes at the same time that LWEC wants to combust plastic-laden pellets (a significant source of hydrogen chloride). Especially given LWEC’s recent history involving excess hydrogen chloride emissions, removing the hourly limit is particularly unreasonable.

**The draft permit needs substantially better monitoring, recordkeeping, and reporting requirements.**

Air permits rely on monitoring, recordkeeping, and reporting to ensure that facilities comply with relevant limits and standards. Unfortunately, the draft permit here is significantly lacks monitoring for major pollutants. We are asking for better monitoring to ensure that LWEC complies with the terms of the permit.

Please contact Patrick Anderson of EIP with any questions or to obtain a copy of EIP’s comments: panderson@powellenvironmentallaw.com or at (719) 963-4072.