

**BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

Revision Of An Operating Permit for
Wisconsin Public Service Corporation –
Weston Plant, Marathon County, Wisconsin

Source I.D. 737009020

Permit Revision Nos. 737009020-P13
737009020-P16

Proposed by the Wisconsin Department of
Natural Resources on August 1, 2014

Petition No. _____

**PETITION RENEWING REQUEST THAT THE ADMINISTRATOR OBJECT TO
ISSUANCE OF THE PROPOSED TITLE V OPERATING PERMIT FOR THE
WISCONSIN PUBLIC SERVICE CORPORATION – WESTON PLANT**

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Date: November 14, 2014

Pursuant to the Clean Air Act (“CAA”), Wisconsin Public Service Corporation (“WPSC”) petitions the Administrator of the United States Environmental Protection Agency (“U.S. EPA”) to object to the proposed Title V Operating Permit Revision for WPSC’s Weston plant, Permit Revision Nos. 737009020-P13 and 737009020-P16 (the “Permit Revision”), which Permit Revision includes provisions carried forward from the Title V Operating Permit No. 737009020-P10 issued on August 27, 2013 (the “2013 Title V Permit”). 42 U.S.C. § 7661d(b); 40 C.F.R. § 70.8(d). The Wisconsin Department of Natural Resources (“WDNR”) proposed the Permit Revision to U.S. EPA on August 1, 2014. A copy of the proposed Permit Revision is attached as Exhibit A.

On October 16, 2013, WPSC petitioned the U.S. EPA Administrator to object on various grounds to the 2013 Title V Permit (the “2013 Petition”). A copy of the 2013 Petition, without attachments, is attached as Exhibit B.¹ On November 4, 2013, U.S. EPA issued a letter to WPSC acknowledging receipt of the 2013 Petition and stating that U.S. EPA would review and respond to the issues raised therein. A copy of this acknowledgment letter is included as Exhibit C. To date, WPSC has not received any additional response from U.S. EPA to the 2013 Petition.

WDNR issued the Permit Revision in 2014 only to revise several of the terms from the 2013 Title V Permit that are the subject of an ongoing state administrative challenge by WPSC. As a result, the Permit Revision resolved only one of the issues raised by WPSC in the

¹ Due to the large size of the attachments to the 2013 Petition and the fact that they were previously provided to U.S. EPA, they are not reattached here. WPSC will provide copies of these attachments upon request.

2013 Petition.² The remaining issues from the 2013 Petition are: (1) the 2013 Title V Permit impermissibly imposes new or modifies preexisting requirements as part of the Title V permitting process; (2) various emission limits and monitoring provisions in the 2013 Title V Permit are vague and unenforceable because they do not identify the appropriate averaging time periods; (3) WDNR failed to incorporate proper and adequate averaging periods into the compliance assurance monitoring provisions contained in the 2013 Title V Permit; and (4) WDNR did not adequately respond to WPSC's public comments on the 2013 Title V Permit. WPSC's challenge to these remaining issues is still pending. However, out of an abundance of caution, WPSC hereby incorporates by reference the 2013 Petition (including all attachments thereto) and reasserts each of the issues raised in the 2013 Petition. WPSC previously provided comments to WDNR on each of these issues on March 6, 2013, and a copy of these comments was attached to the 2013 Petition as Exhibit B.

This petition is filed within 60 days of the end of U.S. EPA's 45-day review period, as required by CAA § 505(b)(2). Pursuant to this statute, the U.S. EPA Administrator must grant or deny this petition within sixty days after it is filed. If the Administrator determines that the Permit Revision does not comply with the requirements of the CAA, she must object to issuance of the permit. 42 U.S.C. § 7661d(b); 40 C.F.R. § 70.8(c).

CONCLUSION

For the foregoing reasons and the reasons stated in the 2013 **Petition**, the 2013 Title V Permit and the subsequent Permit Revision fail to comply with the requirements of the

² The issue raised in Section IV of the 2013 Petition, relating to WDNR's failure to incorporate all applicable provisions of the Federal Mercury and Air Toxics Standard into the Title V permit for the Weston Plant, was resolved with the issuance of the Permit Revision.

CAA and, therefore, U.S. EPA should object to the 2013 Title V Permit and the Permit Revision pursuant to 40 C.F.R. § 70.8(c)(1) and 42 U.S.C. § 7661d(b)(2).

Dated this 14th day of November, 2014.

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