

October 29, 2020

Dave Jones
ADEC
P.O. Box 111800
Juneau, AK 99811

Via email to dave.jones2@alaska.gov

Re: Request for Permit Application and Analysis Records Regarding Proposed Air Quality Control Construction PSD Permit AQ1539CPT01 for Alaska Gasline Development Corporation's (AGDC) Liquefaction Plant

Dear Mr. Jones,

On behalf of National Parks Conservation Association (NPCA), I am writing to follow-up on my earlier letter, emails and the conversation I had with Aaron Simpson. We appreciate ADEC uploading the initial 2018 application documents on the public-facing portion of ADEC's website, and as I discussed with Aaron, agreed to put our request for documents on hold pending our review of the initial set of documents uploaded.

Upon review of the initial set of available documents related to the proposed PSD permit analyses we have identified a number of foundational materials that remain unavailable to the public. Therefore, we have refined the scope of our initial request and request the following:

1. **The Remaining Permit Application Materials.** All PSD permit application materials submitted by AGDC after May 1, 2018 to present. Section 1.2 of the proposed Technical Analysis Report identifies some of these materials (i.e., a response to the Department's incompleteness finding submitted on September 24, 2018; ambient monitoring data submitted on October 17, 2019; additional addenda submitted through July 1, 2020, including updated Best Available Control Technology (BACT) and increment analysis information).
2. **ADEC Analyses in Native Format.** The ADEC BACT analyses tables and supporting information in native format, which are listed in Enclosure A.



3. **Disclosable Portions of the Permit Applicant's Application.** The information uploaded by ADEC redacts in their entirety two documents submitted by the permit applicant. We request that ADEC review and release the disclosable portions of the following: AGDC BACT Cost Effectiveness Calculations (i.e., Appendix B, Compression Turbines and Appendix C, Power Generation Turbines). In response to our request, for any portions of the Appendices ADEC decides to withhold, please include a detailed analysis or table that includes basic factual information about each portion withheld, including the author, date, and general subject matter. We further request that the detailed table include explanations and justifications for withholding each portion withheld, including an explanation of how the authority for withholding applies to the withheld portions of the records.
4. **Federal Land Manager Consultation Information.** All ADEC records regarding the consultation required under the PSD rules with the Federal Land Managers (FLMs), including:
 - FLM comments, questions or concerns regarding air quality related values (AQRVS) or regional haze/visibility impacts to Denali or any other Class I or Class II national park units and other federally protected public lands potentially impacted by pollution from the proposed permit for the liquefaction plant operations (including operations related to the plant such as flaring, pipeline compressor stations and heaters).
 - FLM comments, questions or concerns on ADEC's BACT analysis or emissions mitigation measures for the liquefaction plant proposed air permit.
5. **Communication with the Environmental Protection Agency (EPA).** All ADEC records regarding communication with EPA in its oversight role of this proposed permit.

The request for records identified in Items 4 and 5 includes, but is not limited to, documents of any kind, including electronic as well as paper documents, e-mails, writings (handwritten, typed, electronic or otherwise produced, reproduced or stored), meeting and conference call notes or minutes, maps, and any other compilations of data from which information can be obtained.

Finally, the requested information is all part of ADEC's implementation of the PSD permitting program.¹ First, while the initial permit application material was shared with the public, information submitted by the permit applicant since May 1, 2018 has not been shared. There is new information that replaces prior information and clarifying information all of which ADEC considered and relies on in proposing its approval of this permit. All relied upon and referenced permit application materials should be available to the public as part of the public notice and comment process. This request is consistent with the ADEC's SIP rule requirement to make available to the public all materials the applicant submitted. 18 AAC 50.306, 18 AAC 50.040(h)(2). 18 AAC 50.040(h) adopts by reference the version of 40 C.F.R. § 51.166(q) that

¹ In light of the refined scope of this request, and the fact the information requested is covered under the PSD public participation regulatory provisions, we do not think this request for additional information is subject to the procedures and fees under the Alaska Open Records Law, A.S. Code § 40-25-110 et seq. and its implementing regulations.

was revised as of July 1, 2017, which EPA approved on August 29, 2019 (84 Fed. Reg. 45419)). Second, ADEC's preliminary determination and BACT analyses includes numerous summary tables with numbers. The analyses fails to include supporting information, calculations and analyses supporting the numbers in the tables. The detailed information is necessary for the public to meaningfully review, interpret and understand ADEC's summary tables. This request is consistent with the regulatory requirement to provide the public with the preliminary determination and materials ADEC considered in making the preliminary determination. *Id.* Third, the information made available by ADEC redacts from public access two entire documents that were part of the permit application and fails to either segregate or provide an explanation and adequate basis for withholding this information. *Id.* Fourth, the information on the ADEC's website fails to include information received by the State as part of the consultation required with the Federal Land Managers under the PSD regulations, which is information the permitting authority considers as part of its proposed action. *Id.* and 18 AAC 50.040(h)(14)(which adopts by reference 40 C.F.R. § 52.21(p), 84 Fed. Reg. 45419)). Finally, the information on the ADEC's website fails to include information received from EPA in its oversight role of the PSD program. *Id.* See also, 18 AAC 50.040(h)(4)(which adopts by reference federal definitions, including 40 C.F.R. § 52.21(b)(17), 84 Fed. Reg. 45419).

In order for NPCA and its experts the opportunity to review these additional documents and provide meaningful feedback on behalf of NPCA, once ADEC makes these additional documents available, I request a 60-day extension to the comment period. This set of requests is important not only to NPCA but also to ensuring that ADEC satisfies its disclosure obligations to the public as part of its permitting process.

Please feel free to contact me if you have any questions or would like to discuss this request.

Sincerely,



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cc: Stephanie Kodish, NPCA
Jim Adams, NPCA

Enclosure A

NPCA requests the following tables that appear in ADEC's pre-TAR in native format, including all supporting calculations and information:

- Table 10: Emissions Summary and Permit Applicability
- Table 12: Detailed Permanent EU Inventory and Potential to Emit (tpy)
- Table 3-2: AGDC Economic Analysis (6th Edition) for Technically Feasible NO_x Controls (EUs 1 – 6)
- Table 3-3: AGDC Economic Analysis (7th Edition) for Technically Feasible NO_x Controls (EUs 1 – 6)
- Table 3-4: Department Economic Analysis (6th Edition) for Technically Feasible NO_x Controls (EUs 1 – 6)
- Table 3-5: Department Economic Analysis (7th Edition) for Technically Feasible NO_x Controls (EUs 1 – 6)
- Table 3-11: AGDC Economic Analysis for Technically Feasible GHG Controls (EUs 1 – 10)
- Table 3-12: Department Economic Analysis for Technically Feasible GHG Controls (EUs 1 – 10)
- Table 4-2: AGDC Economic Analysis (6th Edition) for Technically Feasible NO_x Controls (EUs 7 – 10)
- Table 4-3: AGDC Economic Analysis (7th Edition) for Technically Feasible NO_x Controls (EUs 7 – 10)
- Table 4-4: Department Economic Analysis (6th Edition) for Technically Feasible NO_x Controls (EUs 7 – 10)
- Table 4-5: Department Economic Analysis (7th Edition) for Technically Feasible NO_x Controls (EUs 7 – 10)
- Table 4-11: AGDC Economic Analysis for Technically Feasible GHG Controls (EUs 1 – 10)
- Table 4-12: Department Economic Analysis for Technically Feasible GHG Controls (EUs 1 – 10)
- Table 5-3: AGDC Economic Analysis for Technically Feasible NO_x Controls (EU 11)
- Table 5-4: Department Economic Analysis for Technically Feasible NO_x Controls (EU 11)
- Table 5-7: AGDC Economic Analysis for Technically Feasible CO Controls (EU 11)
- Table 5-8: AGDC Economic Analysis for Technically Feasible CO Controls (EU 12)
- Table 5-9: Department Economic Analysis for Technically Feasible CO Controls (EU 11)
- Table 5-10: Department Economic Analysis for Technically Feasible CO Controls (EU 12)
- Table 5-13: AGDC Economic Analysis for Feasible Particulate Controls (EU 11)
- Table 5-14: Department Economic Analysis for Feasible Particulate Controls (EU 11)