

Notice Concerning Proposed Addendum to Kansas Air Quality  
Construction Permit and Public Hearing

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding an addendum to the air emission source construction permit issued on December 16, 2010. Sunflower Electric Power Corporation (Sunflower) located at 301 West 13th Street, Hays, Kansas was granted authorization on December 16, 2010, to construct and operate one new supercritical 895 megawatt (MW) pulverized coal fired steam generating unit (H2) and associated ancillary equipment (Holcomb expansion) at their generating station located at 2440 Holcomb Lane, Holcomb, Kansas. The Kansas Supreme Court reviewed the decision of KDHE to issue the permit upon litigation filed by Sierra Club. On October 4, 2013 the Kansas Supreme Court issued an opinion and remanded the permit back to KDHE for: 1) the application of the federal regulations establishing 1-hour NO<sub>2</sub> and SO<sub>2</sub> National Ambient Air Quality Standards (NAAQS); and, 2) requiring KDHE to apply new HAPs emission limits to H2 steam generator. *Sierra Club v. Moser, No. 105,493 (Ks. S.Ct. October 4, 2013)*

The PSD regulations require evaluation of emission reduction techniques to identify the best available control technology (BACT) for each regulated pollutant for which the emission rate exceeds the PSD significant level. This evaluation was conducted as part of the application process for the permit issued December 16, 2010. An air quality impact analysis, including increment consumption analysis, was also included as part of the permit application. These analyses remain valid. This addendum has no associated increase in increment consumption. The addendum does not change the existing permit and adds additional conditions as delineated in the Supreme Court opinion remanding the permit to the Kansas Department of Health and Environment.

Although no emission changes from the December 16, 2010 permit are part of the proposed addendum, any federal land manager who has reason to believe he/she may have a Class I area adversely impacted by the emissions from the expansion project has the opportunity to present KDHE with an analysis of the adverse impact on the air quality-related values of that Class I area during the comment period.

As stated in 40 CFR §52.21(r)(2) and adopted by KDHE in K.A.R. 28-19-350, “[a]pproval to construct shall become invalid if construction is not commenced within 18 months after receipt of such approval”. If the approval becomes invalid, the source can re-apply and go through the analyses required to obtain an approval. Since KDHE stayed the permit before the 18 month expiration, the re-analyses is not required.

A public comment period has been established to allow citizens the opportunity to express any concerns they may have about the amended permitting action. **Comments germane to the addendum outlining the two (2) issues that were remanded by the Kansas Supreme Court will be considered in this comment period.** The public comment period is to begin on January 16, 2014, and end on the end of the day February 19, 2014. All comments should be submitted to KDHE as follows:

- 1) Presented orally or in writing at the public hearing;
- 2) Submitted in writing to Christy Thurman, Bureau of Air, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366; or
- 3) Submitted by email to: [SunflowerComments@kdheks.gov](mailto:SunflowerComments@kdheks.gov)

A public hearing has been scheduled on February 19, 2014 to receive comments on the addendum to the air quality construction permit at the following location:

Garden City High School (Auditorium), 2720 Buffalo Way Blvd., Garden City, KS 67846

The public hearing will begin at 5:00 PM and run until all verbal and/or written comments have been submitted by participants.

All interested parties will be given a reasonable opportunity to present their views orally or by submission of written materials during the hearing. In order to give all parties an opportunity to present their views, it may be necessary that each participant limit oral presentations to a specific time limit.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed materials in an accessible format. Requests for accommodation must be made no later than February 10, 2014 by contacting Linda Vandevord at (785) 296-6423.

A copy of the permit and proposed addendum, all supporting documentation, and all information relied upon during the review process are available for public review for a period of 30 days from the date of publication during normal business hours (8:00 AM to 5:00 PM) at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the KDHE Southwest District Office, 302 West McArtor Road, Dodge City, KS 67801-6014. To obtain or review the permit or proposed addendum and all supporting documentation, contact Linda Vandevord, (785) 296-6423 at the KDHE central office or Erich Glave, District Environmental Administrator in the KDHE Southwest District Office, (620) 225-0596. The standard departmental cost will be assessed for any copies requested.

These same materials are available, free of charge, at the KDHE Bureau of Air website, <http://www.kdheks.gov/bar/index.html>.

Robert Moser, Secretary  
Kansas Department of Health and Environment