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POLLUTION CONTROL HEARINGS BOARD
FOR THE STATE OF WASHINGTON

SIERRA CLUB, NATIONAL PARKS)	
CONSERVATION ASSOCIATION, and)	PCHB NO. 09-
NORTHWEST ENVIRONMENTAL DEFENSE)	
CENTER,)	
)	NOTICE OF APPEAL
Appellants,)	
)	
vs.)	
)	
SOUTHWEST WASHINGTON CLEAN AIR)	
AGENCY and TRANSALTA CENTRALIA)	
GENERATION, L.L.C.,)	
Respondents,)	
)	

IDENTITY OF APPEALING PARTIES AND REPRESENTATIVES

The appealing parties are:

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1 The representatives of the appealing parties are:

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7 IDENTIFICATION OF OTHER PARTIES

8 The Respondents in this appeal are the Southwest Clean Air Agency (“SWCAA”) and
9 TransAlta Centralia Generation, LLC (“TransAlta”).

10 THE DECISION UNDER APPEAL

11 This is an appeal of final Air Operating Permit SW98-8-R3 (hereinafter “TransAlta
12 Permit”), issued by SWCAA to TransAlta on September 18, 2009.

13 SHORT AND PLAIN STATEMENT SHOWING GROUNDS FOR APPEAL

14 The TransAlta Permit is unlawful because it fails to ensure that carbon dioxide, mercury,
15 and nitrogen oxide emissions from the TransAlta facility located in Centralia, Washington (the
16 “Coal Plant”) will comply with all “applicable requirements” of state and federal law. See 42
17 U.S.C. § 7661c(a); 40 C.F.R. § 70.1(b); WAC 173-401-100(2); WAC 173-400-040; SWCAA
18 400-040; 41 U.S.C. § 7491(b)(2); 40 C.F.R. §§ 51.302, 51.308.

19 SUMMARY OF FACTS AND LAW SUPPORTING APPEAL

20 The TransAlta Coal Plant began commercial operation in 1971. The facility is composed
21 of two boiler units that combust pulverized coal to produce up to 1,405 megawatts of electricity.¹
22 TransAlta Permit at 2 (attached as Appendix A). As the only coal-fired power plant in

23 _____
24 ¹ In 2002, TransAlta added four natural gas-fired combustion turbines to the facility that added
25 additional generating capacity to the facility. See TransAlta Permit at 2-3.

1 Washington State, the TransAlta Coal Plant is the single largest source of carbon dioxide and
2 mercury pollution in the state, and is also one of the largest, if not the largest, sources of nitrogen
3 oxide emissions.

4 As described more fully in the comments Appellants submitted to SWCAA regarding the
5 draft TransAlta Permit (attached as Appendix B), pollution from the TransAlta Coal Plant is
6 detrimentally impacting Washington’s residents and the state’s economy. For example, between
7 2000 and 2006, the facility emitted an average of 10 million metric tons of carbon dioxide per
8 year, which constitutes approximately 10 percent of Washington’s total greenhouse gas
9 emissions. Appendix B at 4. These carbon dioxide emissions have contributed to numerous
10 local impacts, including an average temperature increase in the Pacific Northwest of 1.5 degrees
11 Fahrenheit, a significant decrease in snowpack in the Cascades, and a significant increase in the
12 intensity and frequency of forest fires in the region. Appendix B at 5-8. In addition, the
13 TransAlta Facility emits approximately 372 pounds of mercury every year, a toxic heavy metal
14 that deposits into lakes, rivers, streams, and the ocean where it bioaccumulates in fish and can
15 lead to a variety of human health problems, particularly to children and fetuses. Appendix B at
16 12. The TransAlta Coal Plant also emits approximately 12,000 tons of nitrogen oxide annually,
17 creating and contributing to haze pollution in our most-valued natural areas including Mount
18 Rainier National Park, Olympic National Park, Alpine Lakes Wilderness Area, and Goat Rocks
19 Wilderness Area. Appendix B at 19-23. These and other national parks and wilderness areas are
20 designated “Class I” areas under the Clean Air Act and as such are required to receive the
21 highest degree of air quality protection in the nation.

22 SWCAA is obligated to control TransAlta’s carbon dioxide, mercury, and nitrogen oxide
23 emissions through the Title V permitting process. Those emissions constitute “air contaminants”
24

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1 as that term is defined in the state Clean Air Act. See RCW 70.94.030 (broadly defining “air
2 contaminant” as “dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous
3 substance, or any combination thereof.”); see also WAC 173-400-030; Executive Order 09-05
4 (“[G]reenhouse gases are air contaminants within the meaning of the state’s Clean Air Act and
5 pose a serious threat to the health and welfare of Washington’s citizens and the quality of the
6 environment . . .”). Accordingly, the TransAlta Permit must ensure that these emissions
7 comply with “applicable requirements” of state and federal law. 42 U.S.C. § 7661c(a); 40 C.F.R.
8 § 70.1(b); WAC 173-401-100(2). Those “applicable requirements” include but are not limited to
9 the following mandates:

- 10 • “[A]ll emissions units are required to use reasonably available control technology” to
11 control air contaminants. WAC 173-400-040.
- 12 • “No person shall cause or allow the emission of any air contaminant from any source if it
13 is detrimental to the health, safety, or welfare of any person, or causes damage to
14 property or business.” WAC 173-400-040(5).
- 15 • Nitrogen oxide emissions must be controlled using the “best available retrofit
16 technology” (“BART”). 41 U.S.C. § 7491(b)(2); 40 C.F.R. §§ 51.302, 51.308.

17 Despite these clear legal mandates, SWCAA has failed to include any carbon dioxide or mercury
18 controls in TransAlta Permit, and has also failed to require TransAlta to adopt BART controls for
19 its nitrogen oxide emissions. These failures violate state and federal law and render the
20 TransAlta Permit unlawful.

21 RELIEF REQUESTED

22 Appellants request that the Board remand the TransAlta Permit to SWCAA and order
23 SWCAA to modify the TransAlta Permit to ensure that emissions from the TransAlta Coal Plant
24 comply with applicable requirements of state and federal law.

25 SERVICE

26 Copies of this notice were sent to the respondents via Overnight Mail, 2nd Day Air, on

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1 September 28, 2009.

2 Respectfully submitted this 28th day of September, 2009.

3
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