



November 3, 2025

Via Electronic Mail

Nick Waryanka, P.E., Air Quality Engineer
Thomas Joseph, P.E., Facilities Permitting Chief, Environmental Engineering Manager
Eric Gustafson, Regional Director
Southwest Regional Office, Pennsylvania Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222
nwaryanka@pa.gov
tjoseph@pa.gov
egustafson@pa.gov

Re: Written Comments of Environmental Integrity Project, Mountain Watershed Association, Health and Environmental Groups, and Residents Regarding Draft Title V Operating Permit No. 65-00990 for the Tenaska Westmoreland Generating Station

Dear Mr. Waryanka, Mr. Joseph, and Mr. Gustafson:

The Environmental Integrity Project (“EIP”), Mountain Watershed Association (“MWA”), Environmental Health Project (“EHP”), and Yough Communities CARE (“YCC”), and the additional undersigned groups and individuals (“Commenters”) (public interest groups or nearby residents to this facility) submit these comments to the Pennsylvania Department of Environmental Protection (“DEP” or the “Department”) on Draft Title V Operating Permit No. 65-00990 (“Draft Permit”) for Tenaska Pennsylvania Partners LLC’s Tenaska Westmoreland Generating Station located at 446 Smithton Pike, Smithton, PA 15479, South Huntingdon Township, Westmoreland County (“the Facility”).

Commenters ask DEP to consider each group and individual signatory who has signed at the bottom of this document as a separate Commenter.

DEP noticed its intent to issue this permit in the *Pennsylvania Bulletin*.¹ The comment period closes November 3, 2025; these comments are therefore timely. Furthermore, that notice states that any person may request that the DEP hold a public hearing and states that “[a] public hearing may be held in accordance with 25 Pa. Code § 127.429.”²

Commenters submitted a request for a public hearing for this Draft Permit on October 7, 2025. Commenters have not received a written response to that request.

¹ 55 Pa.B. 6967 (Oct. 4, 2025), <https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol55/55-40/1356a.html&search=1&searchunitkeywords=tenaska>.

² *Id.*

This comment letter: 1) sets forth substantive comments regarding legal and technical deficiencies and substantive changes that need to be made in the Draft Permit, and 2) requests, again, a public hearing for this Draft Permit given the significant issues with the Draft Permit and the immense public interest in this first Title V permit for the Facility.

Table of Contents

I.	Background - Commenters	3
II.	The Draft Permit Does Not Include Monitoring Provisions Sufficient to Determine Compliance with Emissions Limits, Which is Required by the Clean Air Act.	3
	a. The Draft Permit Does Not Require Sufficient Monitoring to Assure Compliance with Applicable Limits for VOCs, Total PM, PM ₁₀ , PM _{2.5} , Sulfuric Acid Mist, Sulfur Oxides, or Greenhouse Gases from the Combustion Turbines.....	5
	i. The Draft Permit Should Require Stack Testing At Least Annually of the Seven Pollutants for Which CEMS is Not Required.	6
	ii. The Draft Permit Fails to Specify Monitoring Requirements for VOCs or Formaldehyde from the Combustion Turbines and DEP Should Establish a VOC to CO Ratio to Continuously Measure VOCs Using CO as a Surrogate.....	9
	b. The Draft Permit Must Require Additional Monitoring and Maintenance To Assure Compliance with NO _x Emissions from the Power Blocks, Sources 101 and 102 (Combustion Turbines).	10
	c. The Draft Permit Must Require Additional Monitoring and Maintenance To Assure Compliance with CO and VOC Emissions from the Power Blocks, Sources 101 and 102 (Combustion Turbines).	11
	d. The Draft Permit Should Specify Exactly How Cooling Tower PM Emissions Must Be Calculated and Should Require Daily Monitoring of Total Dissolved Solids from the Cooling Tower Water Instead of Monthly Monitoring.	12
	e. The Draft Permit Sets Limits on Eight Pollutants from the Auxiliary Boiler But Does Not State the Method or Frequency Required to Monitor Any of Them, So the Draft Permit Does Not Assure Compliance With Limits As Required by the Clean Air Act.	12
	f. The Draft Permit Sets Limits on Seven Pollutants from the Emergency Fire Pump Engine But Does Not State the Method or Frequency Required to Monitor Any of Them.....	13
III.	The Draft Permit Fails to Limit the Duration of Combustion Tuning, Which Could Lead to High Emissions Releases.	14
IV.	Tenaska Must Be Required to Report to DEP All Emissions Monitoring It Does to Determine Compliance with Permit Limits.	15

V.	The Draft Permit Violates Pennsylvania Regulations Because It Fails to Contain a Compliance Schedule that Is Required Since the Tenaska Westmoreland Facility Has Been in Non-Compliance With the Clean Air Act for All 12 of the Last 12 Quarters.	15
VI.	The Permit Contains Additional Errors.....	16
VII.	Commenters Request A Public Hearing Before A Final Permit Issued Given the Numerous Substantive Deficiencies in This Draft Permit.	17
a.	A Public Hearing Is Warranted for this Major Source’s First Operating Permit.	17
b.	A Public Hearing is Warranted Because Emissions from This Facility Impact Environmental Justice Areas.	18
c.	A Public Hearing Is Warranted Because There is Significant Public Interest in this Facility, this Permit, and the Emissions from this Large Pollution Source.	22
VIII.	Conclusion	23

I. **Background - Commenters**

Commenter the Environmental Integrity Project (“EIP”) is a national nonprofit organization headquartered in Washington, D.C., and with several full-time staff throughout Pennsylvania. EIP is dedicated to advocating for more effective environmental laws and better enforcement. EIP has three goals: (1) to provide objective analyses of how the failure to enforce or implement environmental laws increases pollution and affects public health; (2) to hold federal and state agencies, as well as individual corporations, accountable for failing to enforce or comply with environmental laws; and (3) to help local communities obtain the protection of environmental laws. www.environmentalintegrity.org.

Commenter Mountain Watershed Association is a non-profit, 501(c)(3) organization with the mission to protect, preserve and restore the Youghiogheny River watershed and its broader communities through conservation, recreation, education, and advocacy. Our organization is unique in that we pursue on-the-ground restoration of past environmental damages while we advocate to protect the watershed from new sources of pollution, primarily caused by fossil fuel development. We achieve our mission through a variety of initiatives including abandoned mine drainage remediation, water quality monitoring, trail development, educational programming, grassroots organizing, and legal advocacy. <https://mtwatershed.com/>

The additional Commenters are other public health and environmental organizations with a focus on Pennsylvania and residents who live near the Tenaska Westmoreland Facility.

II. **The Draft Permit Does Not Include Monitoring Provisions Sufficient to Determine Compliance with Emissions Limits, Which is Required by the Clean Air Act.**

The Draft Permit is deficient because it does not include monitoring requirements that are sufficient to assure compliance with the limits in the permit. Pennsylvania’s Title V regulations

require that a Title V Operating Permit *must* include in the permit itself monitoring requirements that are specific and frequent enough to show if the facility is complying with or violating the limits in the permit, stating: “The monitoring requirements shall assure use of terms, test methods, units, averaging periods and other statistical conventions are consistent with the applicable requirement.”³

The U.S. Environmental Protection Agency (“EPA”) delegated authority to Pennsylvania to administer the Title V program of the federal Clean Air Act in 1996. Pennsylvania issues air pollution permits for major sources of regulated pollutants under the Title V program based on the regulations at 25 Pa. Code Chapter 127, Subchapter F, which EPA approved and which incorporate the requirements of Title V of the federal Clean Air Act contained at 42 U.S.C. Chapter 85, Subchapter V, and implementing regulations at 40 C.F.R. Part 70.

The Clean Air Act requires that “[e]ach permit” issued under the Title V program “shall set forth inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms and conditions.”⁴ Similarly, Pennsylvania’s Title V regulations require that monitoring must be sufficient to assure compliance, stating, “Title V permits shall contain the following elements . . . compliance certification, testing, monitoring, reporting and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit.”⁵

As explained by EPA in a recent Order granting a petition by EIP asking EPA to object to the Title V permit for U.S. Steel’s Edgar Thomson Plant:

The title V operating permit program . . . does require permits to contain adequate monitoring, recordkeeping, reporting, and other requirements to assure compliance with applicable requirements. 40 C.F.R. § 70.1(b); 42 U.S.C. § 7661c(c). One purpose of the title V program is to “enable the source, States, EPA, and the public to understand better the requirements to which the source is subject, and whether the source is meeting those requirements.” 57 Fed. Reg. 32250, 32251 (July 21, 1992). Thus, the title V operating permit program is a vehicle for compiling the air quality control requirements as they apply to the source’s emission units and for providing adequate monitoring, recordkeeping, and reporting to assure compliance with such requirements.⁶

However, the Draft Permit fails to include this required monitoring from several sources for many pollutants and limits. The DEP must make the substantive changes noted below in order for the Draft Permit to comply with federal and state clean air pollution law requirements.

³ See 25 Pa. Code § 127.511(a)(2).

⁴ 42 U.S.C. § 7661c(c).

⁵ 25 Pa. Code § 127.513(1).

⁶ *In the Matter of United States Steel Corporation, Edgar Thomson Plant Permit No. 0051-OP23 Issued by the Allegheny County Health Department*, EPA Order on Title V Petition No. III-2023-15, at 2 (Feb. 7, 2024), https://www.epa.gov/system/files/documents/2024-02/us-steel-edgar-thomson-order_02-07-2024.pdf [hereinafter “EPA Order on Edgar Thomson”].

a. **The Draft Permit Does Not Require Sufficient Monitoring to Assure Compliance with Applicable Limits for VOCs, Total PM, PM₁₀, PM_{2.5}, Sulfuric Acid Mist, Sulfur Oxides, or Greenhouse Gases from the Combustion Turbines.**

The Draft Permit does not include sufficient emissions monitoring requirements to assure compliance with applicable limits for seven pollutants (VOCs, total PM, PM₁₀, PM_{2.5}, sulfuric acid mist (H₂SO₄), sulfur oxides, or greenhouse gases) for which there are emissions limitations set for the two combustion turbines.⁷ The Draft Permit’s emissions restrictions for the combined cycle combustion turbines include the following emissions restrictions on ten pollutants that apply on a 12-month rolling basis⁸:

SECTION E. Source Group Restrictions.

Group Name: G001
 Group Description: Combined Cycle Combustion Turbines
 Sources included in this group

ID	Name
101	COMBINED CYCLE UNIT #1 (3,147 MMBTU/HR)
102	COMBINED CYCLE UNIT #2 (3,147 MMBTU/HR)

I. RESTRICTIONS.

Emission Restriction(s).

001 [25 Pa. Code §127.441]
Operating permit terms and conditions.
 At all times, including startup, shutdown, and combustion tuning, emissions from each combined cycle combustion turbine, Source IDs 101 and 102, shall not exceed the following on a 12-month rolling basis:

- (a) Nitrogen Oxides (NOx): 148.4 tpy
- (b) Carbon Monoxide (CO): 318.6 tpy
- (d) Volatile Organic Compounds (VOC): 109.6 tpy
- (e) Total Particulate Matter (PM): 42.5 tpy
- (f) Total Particulate Matter with an aerodynamic diameter less than 10 microns (PM10): 42.5 tpy
- (g) Total Particulate Matter with an aerodynamic diameter less than 2.5 microns (PM2.5): 42.5 tpy
- (h) Sulfuric Acid Mist (H₂SO₄): 7.5 tpy
- (c) Sulfur Oxides (SOx): 11.25 tpy
- (i) Ammonia (NH₃): 96.9 tpy
- (j) Greenhouse Gases, expressed as Carbon Dioxide Equivalent (CO₂e): 1,830,976 tpy

However, while the Draft Permit requires continuous emissions monitoring systems (“CEMS”) for three pollutants with limits (NOx, CO, and ammonia), the permit fails to set required monitoring methods, calculations, or frequencies for these other seven pollutants. While the permit states “[s]ources subject to this section shall install, operate and maintain continuous nitrogen oxides monitoring systems and other monitoring systems to convert data to required reporting units in compliance with Chapter 139, Subchapter C (relating to requirements for continuous in-stack monitoring for stationary sources),” and “(c) Sources subject to this section shall submit results on a regular schedule and in a format acceptable to the Department and in compliance with Chapter 139, Subchapter C,”⁹ the permit itself does not include or specify the

⁷ See Draft Permit, at 37.

⁸ Draft Permit, at 37.

⁹ Draft Permit, at 39, Section E.III #012.

“other monitoring systems,” the “regular schedule,” or the “format” so the permit fails to assure compliance with the applicable limitations for pollutants without CEMs.

By failing to specify in the text of the permit itself what monitoring is required to assure compliance with the applicable limits for these seven pollutants, the Draft Permit fails to comply with the Clean Air Act’s requirements at 42 U.S.C. § 7661c(c) or Pennsylvania Air Pollution Control Act regulations at 25 Pa. Code § 127.513(1). DEP must make specific, substantive changes to the permit to set forth the exact monitoring requirements applicable to Tenaska that will assure compliance.

i. The Draft Permit Should Require Stack Testing At Least Annually of the Seven Pollutants for Which CEMS is Not Required.

The Draft Permit should require at least annual stack test testing for the seven pollutants for which CEMS is not required that have rolling 12-month permit limitations. As stated above, there are rolling 12-month permit limits for VOCs, total PM, PM₁₀, PM_{2.5}, sulfuric acid mist (H₂SO₄), sulfur oxides, or greenhouse gases from each of the combustion turbines.¹⁰ The Draft Permit only requires stack testing of VOCs, formaldehyde, and PM “no less often than every two years after initial testing,”¹¹ requires stack testing every 25,000 hours (approximately 2.85 years) for CO₂,¹² and does not specify the frequency of stack testing for the other pollutants. A single stack test performed every two years or more is not sufficient to determine hourly or even annual emissions.

Under Title V, the frequency of monitoring must be reasonably related to the averaging time to determine compliance with a limit.¹³ Pennsylvania regulations are similar, requiring each permit to “contain...periodic monitoring sufficient to yield accurate and reliable data from the relevant time that are representative of the source’s compliance with the permit,” and stating that “the monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions are consistent with the applicable requirement.”¹⁴

In 2008, the D.C. Circuit Court of Appeals vacated an EPA rule that would have prohibited state and local authorities from adding monitoring provisions to Title V permits if needed to “assure compliance.”¹⁵ The court stated that a “monitoring requirement insufficient ‘to assure compliance’ with emission limits has no place in a [Title V] permit unless and until it is supplemented by more rigorous standards.”¹⁶ In addition, the court acknowledged that the mere

¹⁰ Draft Permit, at 37.

¹¹ Draft Permit, at 39.

¹² Draft Permit, at 39, Section E.III #011.

¹³ 40 C.F.R. § 70.6(a)(3)(i)(B) (“Where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring), periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source’s compliance with the permit, as reported pursuant to paragraph (a)(3)(iii) of this section. Such monitoring requirements shall assure use of terms, test methods, units, averaging periods, and other statistical conventions consistent with the applicable requirement. Recordkeeping provisions may be sufficient to meet the requirements of this paragraph (a)(3)(i)(B) of this section.”).

¹⁴ 25 Pa. Code § 127.511(a)(1), (a)(2).

¹⁵ See *Sierra Club v. EPA*, 536 F.3d 673 (D.C. Cir. 2008).

¹⁶ *Id.* at 677 (citing 40 C.F.R. § 70.6(c)(1)).

existence of periodic monitoring requirements may not be sufficient.¹⁷ For example, the court noted that annual testing is unlikely to assure compliance with a daily emission limit.¹⁸ In other words, the frequency of monitoring must have a reasonable relationship to the averaging time used to determine compliance.¹⁹

Since then, EPA has expressly found that annual testing alone is insufficient to assure compliance with an hourly limit.²⁰ In *In re Northeast Maryland Waste Disposal Authority*, Order on Petition No. III-2019-2 (“NMWDA Order”), EPA found that petitioners demonstrated that the annual stack testing required to demonstrate compliance with an hourly limit for HCl at Covanta’s incinerator in Montgomery County, Maryland was insufficient and that the additional monitoring measures cited by the permitting agency did not cure the deficiency.²¹ In fact, in the NMWDA Order, the EPA strongly suggested that even monitoring on a 3-hour basis is likely inadequate to assure continuous compliance with an hourly standard.²²

In 2024, EPA issued an Order granting to a petition filed by Commenter EIP that objected to a Pennsylvania Title V Permit for the U.S. Steel Edgar Thomson Plant based on four claims that the permit had “insufficient periodic stack tests (every two years four years, or five years) . . . to assure compliance with emission limits that appl[ied] on a much shorter time period (hourly and any consecutive 12-month period).”²³ EPA cited its 2023 Order objecting to U.S. Steel’s Clairton Coke Works’ Title V Permit, stating:

As a general matter, EPA agrees with the Petitioners that the time period associated with monitoring or other compliance assurance provisions must bear a relationship to the limits with which the monitoring assures compliance. See 40 C.F.R. § 70.6(a)(3)(i)(B); In the Matter of Georgia-Pacific Consumer Operations LLC, Crossett Paper Operations, Order on Petition Nos. VI-2018-3 and VI-2019-12 at 18–19 (Feb. 22, 2023) (Crossett Order); MCRRF Order at 9.²⁴

In the Edgar Thomson Order, EPA explained that:

¹⁷ *Id.* at 676–77.

¹⁸ *Id.* at 675.

¹⁹ *Id.*

²⁰ *In re Northeast Maryland Waste Disposal Authority*, Order on Petition No. III-2019-2, at 9, (Dec. 11, 2020) (“NMWDA Order”), available at https://www.epa.gov/sites/default/files/2020-12/documents/montgomery_response2019.pdf. The Order granted Petitioners’ objections to more than just these four claims.

²¹ *Id.*

²² *Id.* at 10–11, note 10 (“use of a 3-hour block average, even if using a certified HCl CEMS, is likely inappropriate for demonstrating compliance with a 1-hour standard.”).

²³ *In re*

United States Steel Corporation, Edgar Thomson Plant, Order on Petition No. III-2023-15, at 11 (Feb. 7, 2024) (“Edgar Thomson Order”) (objecting to Permit No. 0051-OP23 Issued by the Allegheny County Health Department), available at https://www.epa.gov/system/files/documents/2024-02/us-steel-edgar-thomson-order_02-07-2024.pdf.

²⁴ Edgar Thomson Order, at 12, (citing *In the Matter of U.S. Steel Corp., Clairton Coke Works*, Order on Petition Nos. III-2023-5 & III-2023-6 at 10 (Sept. 18, 2023) (“Clairton Order”).

To assist with these case-by-case determinations, the EPA has described five factors permitting authorities may consider as a starting point in determining appropriate monitoring for a particular facility: (1) the variability of emissions from the unit in question; (2) the likelihood of a violation of the requirements; (3) whether add-on controls are being used for the unit to meet the emission limit; (4) the type of monitoring, process, maintenance, or control equipment data already available for the emission unit; and (5) the type and frequency of the monitoring requirements for similar emission units at other facilities.²⁵

EPA held in the Edgar Thomson Order that biannual stack testing was insufficient to assure compliance with annual limits, and ordered the permitting authority, the Allegheny County Health Department (“ACHD”), to revise the permit, stating: “ACHD must ensure that the Permit contains sufficient testing, monitoring, and recordkeeping requirements to assure compliance with the hourly and 12-month emission limits at issue” for each of the four claims.²⁶

Similarly, the Draft Permit fails to set forth monitoring requirements that assure compliance with the rolling 12-month limits in the permit for 7 pollutants from the combustion turbine. DEP must revise the permit terms to include more frequent and specific monitoring requirements that are capable of assuring compliance with permit limits in order to comply with Title V of the Clean Air Act.

In addition, EPA’s Title V Regulations require that the rationale for the selected monitoring requirements must be clear and documented in the permit record.²⁷ EPA has reinforced and supported these decisions in multiple orders it has issued in response to Title V petitions.²⁸

In the Draft Permit, permit monitoring requirements that require stack testing only once every two years, or that do not specify the method or frequency at all for some pollutants are

²⁵ Edgar Thomson Order, at 12 (citing *In the Matter of CITGO Refining and Chemicals Company, L.P.*, Order on Petition No. VI-2007-01 at 7–8 (May 28, 2009) (“CITGO Order”).

²⁶ Edgar Thomson Order, at 17.

²⁷ 40 C.F.R. § 70.7(a)(5); *In the Matter of Consolidated Environmental Management, Inc. – Nucor Steel St. James Parish, Louisiana Pig Iron and DRI Manufacturing*, Order on Petition Nos. VI-201-05, VI-2011-06 and VI-2012-07, at 46 (Jan. 30, 2014) (referencing *In the Matter of CITGO Refining & Chemicals Co.*, Order on Petition No. VI-2007-01 at 7 (May 28, 2009)); *In the Matter of United States Steel, Granite City Works* (“Granite City I Order”), Order on Petition No. V-2009-03, at 7–8 (Jan. 31, 2011).

²⁸ *See, e.g., In the Matter of: Wheelabrator Baltimore, L.P., Baltimore Maryland*, Order Responding to Petitioners’ Request that Administrator Object to the Issuance of a Title V Operating Permit, Permit No. 24-510-01886 (Apr. 14, 2010) (“Wheelabrator Baltimore Order”) (finding that MDE failed to analyze whether multiple monitoring requirements sufficiently assured compliance with emission limits and failed to include the methodology for monitoring to assure compliance with applicable requirements in the Title V permit); *In the Matter of: Tennessee Valley Authority, Bull Run, Clinton, Tennessee*, Order Responding to Petitioners’ Request that the Administrator Object to the Issuance of a Title V Operating Permit, Petition No. IV-2015-14 (Nov. 11, 2016) (“TVA Bull Run Order”) (finding that the permit did not include sufficient monitoring requirements for an applicable opacity limit and directing TDEC to require PM CEMS to demonstrate compliance with the limit); *In the Matter of: Kinder Morgan Crude & Condensate LLC, Galena Park, Harrison County, Texas*, Order Responding to Petition Requesting Objection to the Issuance of Title V Operating Permit, Petition No. VI-2017-15 (Dec. 16, 2021) (“Kinder Morgan Order”) (where EPA granted petitioners’ objection that monitoring associated with emissions limits on two heaters failed to assure compliance with emissions limits for VOCs because there was no indication in the permit that there were monitoring requirements associated with VOCs).

clearly not sufficient to assure continuous compliance with emission limits that apply continuously on 12-month rolling bases.

The Department has not identified any other testing or monitoring requirements for these emission limits in the Renewal Permit or provided a clear and documented rationale for how biennial stack tests or unspecified monitoring could possibly assure compliance with the emission limits in the Draft Permit as required by 40 C.F.R. Section 70.6(a)(3)(i)(B) and 25 Pa. Code Section 127.511(a).

As such, DEP should require more frequent monitoring that is hourly or, at the very least, annual stack testing for all pollutants with annual limits from the combustion turbines in order to comply with applicable Title V requirements.

- ii. The Draft Permit Fails to Specify Monitoring Requirements for VOCs or Formaldehyde from the Combustion Turbines and DEP Should Establish a VOC to CO Ratio to Continuously Measure VOCs Using CO as a Surrogate.

The proposed permit fails to include any specific requirements for monitoring or calculating emissions of VOC or formaldehyde from the combustion turbines. The Draft Permit sets a VOC limit of 109.6 tpy for each of the two turbines,²⁹ but does not establish a VOC monitoring method or frequency. As such, the Draft Permit's monitoring requirements are not sufficient to assure compliance with permit limits for VOCs from the combustion turbines.

VOCs, including formaldehyde, are emitted from turbines as the result of incomplete combustion.³⁰ Emissions of VOC follow a pattern similar to emissions of CO, with higher emissions at lower operating loads.³¹ In addition, the performance of the oxidation catalyst, which controls both CO and VOC emissions, varies with the condition of the catalyst. While a catalyst's life can extend for many years, the performance can deteriorate over time, with periodic cleaning and eventual replacement of the catalyst required to restore the performance to the original activity levels.³² DEP should require VOC and formaldehyde monitoring and emission calculation methods that appropriately document any variability in emissions.

DEP should require Tenaska to establish a VOC to CO correlation during VOC stack testing to ensure continuous monitoring of VOC emissions using CO as a surrogate. DEP has required VOC monitoring using this method at the Birdsboro Power Project in Birdsboro, PA,³³ which also operates a natural gas powered combined cycle turbine of similar size to the turbines at Tenaska.³⁴ The permit requires that continuous compliance with the VOC emission limit for the

²⁹ See Draft Permit, at 37.

³⁰ AP-42 Chapter 3.1 Stationary Gas Turbines at 2.

³¹ AP-42 Chapter 3.1 Stationary Gas Turbines at 4.

³² EPA, Air Pollution Control Cost Manual, Section 3, Chapter 2: Incinerators and Oxidizers, at 18 (Nov. 2017).

³³ DEP Title V/State Operating Permit No. 06-05154, available at [https://files.dep.state.pa.us/Air/AirQuality/AQPortalFiles/Permits/PermitDocuments/1294817\[06-05154\]_Issued_v2.pdf](https://files.dep.state.pa.us/Air/AirQuality/AQPortalFiles/Permits/PermitDocuments/1294817[06-05154]_Issued_v2.pdf).

³⁴ The Birdsboro turbine capacity is 3,000 MCF/hr, nearly identical to the 3,026 MCF/hr capacity of the Tenaska turbines. Compare Permit No. 06-05154, at 4, Section A, with Draft Permit, at 4, Section A.

Birdsboro turbine be ensured by establishing a VOC to CO ratio during VOC stack testing, which is then used to calculate VOC emissions on an ongoing basis while the turbine is in operation.³⁵ This monitoring method is also already required at other regional Natural Gas Power Stations, including Kleen Energy Systems in Dayville, Connecticut; CPV Towantic Power Station in Oxford, Connecticut and the Keys Energy Center in Brandywine, Maryland.³⁶ In order to assure continuous compliance with applicable VOC limits here, the Draft Permit should, likewise, establish a VOC to CO correlation during VOC stack testing to ensure continuous monitoring of VOC emissions using CO as a surrogate.

b. The Draft Permit Must Require Additional Monitoring and Maintenance To Assure Compliance with NOx Emissions from the Power Blocks, Sources 101 and 102 (Combustion Turbines).

The Draft Permit does not include monitoring and maintenance requirements for NOx emissions sufficient to assure compliance with applicable limits. Specifically, the DEP's Review Memo says that DEP's BACT determination for control of NOx was good combustion practices and installation of Selective Catalytic Reduction ("SCR"), and states that "Tenaska is required to":

- 1) continuously measure and record the SCR pressure differential;
- 2) continuously monitor and record the inlet and outlet temperatures;
- 3) continuously monitor and record the ammonia injection rate of the SCR;
- 4) conduct maintenance per the manufacturer's specifications; and
- 5) visually inspect the catalyst during planned outages and clean/replace as needed.³⁷

However, the Draft Permit fails to include any of these requirements.

³⁵ Permit No. 06-05154 at 24 (Section D, Source ID 101 #012).

³⁶ CTDEEP Permit No. 104-0150-TV at 18 (III.A.4.b.x.), available at https://portal.ct.gov/-/media/deep/air/permits/titlev/kleen_energy/p-104-0150-tv.pdf?rev=7c355a1f734e48d1b694733b7bd576e7&hash=88E754AC85146FB9E90873C3604E2162 (stating that VOC emissions "shall be determined by correlating the VOC emissions to the CO emissions using manufacturer's data and tracked using the CO CEMS"); CTDEEP Permit No. 144-0033-TV at 21 (III.A.2.c.i(D)), available at https://portal.ct.gov/-/media/deep/air/permits/titlev/cpv_towantic_oxford/p-144-0033tv.pdf?rev=7d3a417369a947fcb8229ad2c78a92b9&hash=B59F6D342144CDC9A3020407617AD371 (stating that VOC emissions from the turbines are to be "determined by correlating the VOC emissions to the CO emissions using the results of a diagnostic stack test or vendor correlation data and tracked using the CO CEMS"); MDE Permit No. 24-033-2737 at 41-42 (Table IV-1:1.3.E), available at <https://mde.maryland.gov/programs/permits/AirManagementPermits/Documents/Public-Review/new%20Title%20V%20public%20review/PSEG%20Keys%20Docket%202.pdf> (stating that "CO CEMS data shall be used as a surrogate for VOC emissions. A correlation shall be developed between CO and VOC emissions based on an initial stack test. The emission correlation shall be verified annually by stack test, or a new correlation established.").

³⁷ Technical Review Memo, at 22.

Similar Pennsylvania Title V permits include these requirements. For example, DEP Title V permits that require monitoring pressure differential and inlet and outlet temperatures include: the Hummel Station LLC Sunbury Natural Gas Plant,³⁸ Hamilton Liberty,³⁹ and Moxie Freedom.⁴⁰ DEP Title V Permits that require monitoring of the ammonia injection rate include Birdsboro⁴¹ and Ironwood.⁴²

The Permit must be changed to require each of these practices from each of the combustion turbines in order to require BACT is being achieved and to assure compliance with NOx limits.

c. The Draft Permit Must Require Additional Monitoring and Maintenance To Assure Compliance with CO and VOC Emissions from the Power Blocks, Sources 101 and 102 (Combustion Turbines).

The Draft Permit does not include monitoring and maintenance requirements for CO or VOC emissions sufficient to assure compliance with applicable limits. Specifically, the DEP's Review Memo says that the "Department has determined the appropriate control technology for both CO and VOC is the use of good combustion practices and operation of an oxidation catalyst," and states that "Tenaska is required to":

- 1) continuously monitor and record the pressure differential across the oxidation catalyst;
- 2) continuously monitor and record the inlet and outlet temperatures to ensure proper operation;
- 3) conduct maintenance as per the manufacturer's specifications; and
- 4) visually inspect the catalyst during planned outages and clean/replace as needed.⁴³

However, the permit fails to include any of these requirements. The Permit must be changed to require each of these.

³⁸ DEP, Title V Permit No. 55-00026 for the Hummel Station LLC Sunbury Natural Gas Plant (issued Nov. 25, 2024) (requiring SCR catalyst monitoring at #012 at 38 and #012 at 43 (required separately for each turbine) and also requiring oxidation catalyst monitoring at #014 at 38, 43).

³⁹ DEP, Title V Permit No. 08-00045 for the Hamilton Liberty LLC Hamilton Liberty LLC Plant Plant (issued Oct. 15, 2023) (with SCR catalyst monitoring at #016 at 52-53 and oxidation catalyst monitoring is #014 at 52).

⁴⁰ DEP, Title V Permit No. 37-1751759-1 for the Moxie Freedom LLC Caithness Moxie Freedom Generationg Plant (issued Aug. 13, 2025) (with SCR catalyst monitoring at #011 at 44 and oxidation catalyst monitoring on #010 at 44, and also requiring maintenance per manufacturer's recommendations at #002 at 63).

⁴¹ DEP, Title V Permit No. 37-1779677-1 for the Birdsboro Power LLC Birdsboro Power Project (issued Dec. 31, 2020) (#011 at 24 (which also requires monitoring inlet temp (but not outlet) and pressure differential), and also requiring maintenance per manufacturer's recommendation for both SCR catalyst and oxidation catalyst at requirement #022 at 26).

⁴² DEP, Title V Permit No. 27-1923399-1 for the Helix Ironwood LLC Helix Ironwood LLC/Lebanon Plant (issued Aug. 27, 2024) (#001 at 66, #001 at 68 (both conditions also require monitoring inlet temperature)).

⁴³ Technical Review Memo, at 22.

d. The Draft Permit Should Specify Exactly How Cooling Tower PM Emissions Must Be Calculated and Should Require Daily Monitoring of Total Dissolved Solids from the Cooling Tower Water Instead of Monthly Monitoring.

DEP states that PM, PM₁₀, and PM_{2.5} emissions will be recorded “based upon the measured parameters,”⁴⁴ but fails to specify anywhere in the permit what that means or how such measurements and recordings will be calculated. The Draft Permit must specifically set forth, in the permit itself, the method by which PM emissions will be recorded to ensure these emissions are being recorded in a way that will ensure compliance with permit limits.

In addition, the Draft Permit should require monitoring of Total Dissolved Solids (“TDS”) from the cooling tower on a daily, rather than monthly, basis. The Draft Permit establishes an emission restriction of 2,000 ppm of TDS from the cooling tower water in addition to setting emissions limits from the cooling tower for Total PM (limits of 1.5 lb/hr and 6.57 tpy on a 12-month rolling basis), Total PM₁₀ (limits of 0.75 lb/hr and 3.29 tpy on a 12-month rolling basis), and Total PM_{2.5} (limits of 0.002 lb/hr and 0.009 tpy on a 12-month rolling basis).⁴⁵ However, the Draft Permit requires monitoring of the circulating water TDS content only on a monthly basis as well as continuous monitoring and recording of the circulating water and make up water flow rates on a 24-hour average.⁴⁶

DEP should require that the sampling of the circulating water TDS content is conducted on a daily basis (rather than monthly) in order to assure accurate TDS concentrations. DEP should require more frequent monitoring of TDS – either through direct sampling or through establishing a TDS-to-conductivity ratio and then monitoring conductivity more frequently, in order to assure that the monitoring will assure compliance with permit limits. DEP did not explain how monthly monitoring of TDS will assure compliance with permit limits. There are numerous examples of permits that require daily monitoring, including the Birdsboro TVOP, which has daily conductivity monitoring requirement.⁴⁷

e. The Draft Permit Sets Limits on Eight Pollutants from the Auxiliary Boiler But Does Not State the Method or Frequency Required to Monitor Any of Them, So the Draft Permit Does Not Assure Compliance With Limits As Required by the Clean Air Act.

The Draft Permit sets limits on NO_x, CO, VOC, Total PM, Total PM₁₀, Total PM_{2.5}, H₂SO₄, and SO₂ that apply on a 12-month rolling basis, but fails to require any monitoring or testing requirements to ensure compliance with permit limits⁴⁸:

⁴⁴ Draft Permit at 32.

⁴⁵ Draft Permit at 32.

⁴⁶ *Id.*

⁴⁷ DEP, Title V Permit No. 06-05154 for the Birdsboro Power LLC Birdsboro Power Project, at 36 (issued Dec. 31, 2020); *see also* EPA, *In the Matter of Valero Refining-Texas, L.P. Valero Houston Refinery Harris County, Texas Permit No. 01381*, Order Responding to Petition No. VI-2021-S, at 58-59 (June 30, 2022) (“Valero Order”).

⁴⁸ Draft Permit, at 25.

I. RESTRICTIONS.

Emission Restriction(s).

[25 Pa. Code §127.441]

Operating permit terms and conditions.

The emissions from the auxiliary boiler shall not exceed the following:

- (a) NO_x: 0.011 lb/MMBtu or 5.76 tpy on a 12-month rolling basis.
- (b) CO: 0.037 lb/MMBtu or 19.85 tpy on a 12-month rolling basis.
- (c) VOC: 0.0054 lb/MMBtu or 2.89 tpy on a 12-month rolling basis.
- (d) Total PM: 0.0075 lb/MMBtu or 4.00 tpy on a 12-month rolling basis.
- (e) Total PM₁₀: 0.0075 lb/MMBtu or 4.00 tpy on a 12-month rolling basis.
- (f) Total PM_{2.5}: 0.0075 lb/MMBtu or 4.00 tpy on a 12-month rolling basis.
- (g) H₂SO₄: 9.20E-06 lb/MMBtu or 4.94E-03 tpy on a 12-month rolling basis.
- (h) SO₂: 0.0006 lb/MMBtu or 0.32 tpy on a 12-month rolling basis.

Compliance with the above emission limits ensures compliance with 25 Pa. Code §§ 123.11, 123.22, and the applicable RACT III requirement of § 129.112(g)(1)(i).

[25 Pa. Code §127.441]

Operating permit terms and conditions.

The permittee shall not allow the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either of the following:

- (a) Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in anyone hour.
- (b) Equal to or greater than 30% at any time.

Throughput Restriction(s).

[25 Pa. Code §127.441]

Operating permit terms and conditions.

Total fuel usage of the auxiliary boiler shall not exceed 1,052 MMsctyr on a 12-month rolling basis.

II. TESTING REQUIREMENTS.

No additional testing requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

III. MONITORING REQUIREMENTS.

No additional monitoring requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements).

Title V requires monitoring requirements sufficient to assure compliance with permit limits.⁴⁹ DEP must revise the Draft Permit to include specific monitoring requirements, including frequencies and methods sufficient to assure compliance with applicable permit limits can be determined.

f. The Draft Permit Sets Limits on Seven Pollutants from the Emergency Fire Pump Engine But Does Not State the Method or Frequency Required to Monitor Any of Them.

The Draft Permit sets limits on NO_x, CO, VOC, Total PM, Total PM₁₀, Total PM_{2.5}, and SO₂ emissions from the emergency fire pump engine that apply on a 12-month rolling basis, but fails to require any monitoring or testing requirements to ensure compliance with permit limits⁵⁰:

⁴⁹ See, e.g., 40 C.F.R. § 70.6(a)(3)(i)(B); 25 Pa. Code § 127.511(a)(1), (a)(2).

⁵⁰ Draft Permit, at 30.

I. RESTRICTIONS.

Emission Restriction(s).

[25 Pa. Code §127.441]

Operating permit terms and conditions.

The emissions from the emergency fire pump engine shall not exceed the following:

- (a) NO_x: 3.30 lb/hr and 0.82 tpy on a 12-month rolling basis.
- (b) CO: 0.85 lb/hr and 0.21 tpy on a 12-month rolling basis.
- (c) VOC: 0.11 lb/hr and 0.03 tpy on a 12-month rolling basis.
- (d) Total PM: 0.13 lb/hr and 0.03 tpy on a 12-month rolling basis.
- (e) Total PM₁₀: 0.11 lb/hr and 0.03 tpy on a 12-month rolling basis.
- (f) Total PM_{2.5}: 0.11 lb/hr and 0.03 tpy on a 12-month rolling basis.
- (g) SO₂: 0.007 lb/hr and 0.002 tpy on a 12-month rolling basis.

Fuel Restriction(s).

[25 Pa. Code §127.441]

Operating permit terms and conditions.

Sulfur content of the diesel fuel combusted by the fire pump engine shall not exceed 15 ppm.

Operation Hours Restriction(s).

[25 Pa. Code §127.441]

Operating permit terms and conditions.

Operation of the emergency fire pump engine shall not exceed 500 hours on a 12-month rolling basis.

II. TESTING REQUIREMENTS.

No additional testing requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

III. MONITORING REQUIREMENTS.

No additional monitoring requirements exist except as provided in other sections of this permit including Section B (Title V General Requirements) and/or Section E (Source Group Restrictions).

Title V requires monitoring requirements sufficient to assure compliance with permit limits.⁵¹ DEP must revise the Draft Permit to include specific monitoring requirements, including frequencies and methods sufficient to assure compliance with applicable permit limits can be determined from this source.

III. The Draft Permit Fails to Limit the Duration of Combustion Tuning, Which Could Lead to High Emissions Releases.

The Draft Permit fails to limit the duration of combustion tuning and it must be revised to do so in order to assure compliance with emission limits in the permit. The Draft Permit's section restricting operating hours for "Startups, shutdowns, and combustion tuning" for the combustion turbines actually only limits durations of startups and shutdowns *but not combustion tuning*.⁵² The permit must be changed to limit duration for combustion tuning as well.

A review of previously issued plan approvals for this facility shows that DEP did include tuning in its section limiting durations of startups and shutdowns previously, but that it was later removed, perhaps erroneously. In Plan Approval 65-00990F that was issued in 2023, limits on

⁵¹ See, e.g., 40 C.F.R. § 70.6(a)(3)(i)(B); 25 Pa. Code § 127.511(a)(1), (a)(2).

⁵² Draft Permit, at 39, Operation Hours Restriction(s) #008.

the duration of combustion tuning were included, stating “[t]otal startup, shutdown, and combustion tuning duration for each combined cycle combustion turbine shall not exceed 390 hours in any consecutive 12-month period.”⁵³ However, when Plan Approval 65-00990C was approved on Jun 7, 2024 the words “combustion tuning” were removed, with the permit stating “[t]otal startup and shutdown duration for each combined cycle combustion turbine shall not exceed 390 hours in any consecutive 12-month period.”⁵⁴ The omission of “combustion tuning” from the hourly duration restriction was carried over into the Draft Title V Operating Permit. Excluding tuning events could lead to unfettered emissions, so the failure to limit their duration makes the permit unable to assure compliance with permit limits. The Draft Permit should be revised accordingly.

IV. Tenaska Must Be Required to Report to DEP All Emissions Monitoring It Does to Determine Compliance with Permit Limits.

The Draft Permit does not require recordkeeping or reporting of all emissions data, and all monitoring that Tenaska does to determine compliance with permit limits for each source should be required to be reported to DEP. Both EPA and Pennsylvania Title V regulations require that reporting requirements must assure compliance with permit limits.⁵⁵ In addition, in the absence of the facility having to report all emissions data that Tenaska uses to determine compliance with permit restrictions, neither DEP nor the public would be able to access that information or determine compliance. The Draft Permit must be revised to assure all emissions restrictions have not only monitoring requirements but also recordkeeping and reporting requirements sufficient to assure compliance with applicable limits.

V. The Draft Permit Violates Pennsylvania Regulations Because It Fails to Contain a Compliance Schedule that Is Required Since the Tenaska Westmoreland Facility Has Been in Non-Compliance With the Clean Air Act for All 12 of the Last 12 Quarters.

An operating permit in Pennsylvania cannot be issued to a facility that is out of compliance with the Air Pollution Control Act, the Clean Air Act, or the regulations thereunder unless the operating permit contains “an enforceable schedule requiring the source to attain compliance as soon as possible.”⁵⁶

According to EPA’s Enforcement and Compliance History Online (“ECHO”) Database, the Tenaska Westmoreland facility has been in noncompliance with the Clean Air Act for all 12 of

⁵³ DEP, Plan Approval Permit No. 65-00990F for the Tenaska PA Partners Westmoreland Generating Facility, at 14 (issued Nov. 28, 2023) (stating that “a) The durations of startups, shutdowns, and combustion tuning events shall be minimized to the maximum extent possible,” and “b) Total startup, shutdown, and combustion tuning duration for each combined cycle combustion turbine shall not exceed 390 hours in any consecutive 12-month period.”).

⁵⁴ DEP, Plan Approval Permit No. 65-00990C for the Tenaska PA Partners Westmoreland Generating Facility, at 36 (issued June 7, 2024).

⁵⁵ 40 C.F.R. § 70.6(a)(3)(i)(B); 25 Pa. Code § 127.511(a)(1), (a)(2).


⁵⁶ 25 Pa. Code §§ 127.445(a), (b), 127.513(3).

the last 12 quarters, with the compliance status listed as “high priority noncompliance,” the 12 quarters all “quarters with significant violation,” and the violations are labeled “unresolved”⁵⁷:

Detailed Facility Report

Report Violation | Report Data Error | Data Dictionary | Print | Help

Facility Summary



TENASKA PA PARTNERS/WESTMORELAND GEN FAC
418 NICHOLS RD, RUFFS DALE, PA 15679
 FRS ID: 110060078810
 EPA Region: 03
 Latitude: 40.175375
 Longitude: -79.692836
 Locational Data Source: FRS
 Industries: Utilities
 Indian Country: N

Related Reports

- Enforcement Case Report
- View Envirofacts Reports

Enforcement and Compliance Summary

Statute	Compliance Monitoring Activities (5 years)	Date of Last Compliance Monitoring Activity	Compliance Status	Qtrs with NC (of 12)	Qtrs with Significant Violation	Informal Enforcement Actions (5 years)	Formal Enforcement Actions (5 years)	Penalties from Formal Enforcement Actions (5 years)	EPA Cases (5 years)	Penalties from EPA Cases (5 years)
CAA	3	08/14/2025	High Priority Violation	12	12	1	1	\$14,997	--	--

Regulatory Information

Clean Air Act (CAA): Operating Major (PA000716802)
Clean Water Act (CWA): No Information
Resource Conservation and Recovery Act (RCRA): No Information
Safe Drinking Water Act (SDWA): No Information

[Go To Enforcement/Compliance Details](#)
[Known Data Problems](#)

Other Regulatory Reports

Air Emissions Inventory (EIS): No Information
Greenhouse Gas Emissions (eGGRT): No Information
Toxic Releases (TRI): No Information
Compliance and Emissions Data Reporting Interface (CEDRI): No Information

CAA Compliance Pipeline (Compliance Monitoring → Violations → Enforcement Actions) (10 Years)

This table shows how violations relate to compliance monitoring (CM) activities and enforcement. Currently available for CAA and RCRA only. Full CM history available below.

PA000716802 : TENASKA PA PARTNERS/WESTMORELAND GEN FAC

Compliance Monitoring			Violations					Enforcement Actions			
Compliance Monitoring Type	Compliance Monitoring Agency	Compliance Monitoring Date	Violation Type	Violation Agency	Violation Programs	Violation Determ. Date	Violation End Date	Enforcement Action Type	Enforcement Action Date	Penalty Assessed	Comp Action Cost
--	--	--	FRV	PA	CAASIP	08/15/2023	N/A	--	--	--	--
--	--	--	FRV	PA	CAASIP	01/18/2022	N/A	--	--	--	--
--	--	--	FRV	PA	CAASIP	03/18/2020	N/A	--	--	--	--
--	--	--	FRV	PA	CAASIP	11/08/2019	N/A	--	--	--	--
--	--	--	FRV	PA	CAASIP	10/10/2019	N/A	--	--	--	--
--	--	--	FRV	PA	CAASIP	10/10/2019	N/A	--	--	--	--
--	--	--	FRV	PA	CAASIP	10/03/2019	N/A	--	--	--	--
--	--	--	FRV	PA	CAASIP	09/03/2019	N/A	--	--	--	--
PCE On-Site Monitoring/Sampling	State	03/20/2019	HPV	PA	CAASIP CAATVP	06/12/2019	Unresolved	Administrative - Formal	09/16/2022	\$14,997	\$0
--	--	--	FRV	PA	CAASIP	01/13/2019	N/A	Notice of Violation	06/12/2019	--	--

Entries in italics are not counted as compliance monitoring strategy activities. For programs without compliance monitoring strategies, entries in italics are not counted as on-site activities within EPA's Annual Results.

The Draft Permit does not include a compliance plan as required by the applicable regulations despite this noncompliance, and therefore does not comply with the Clean Air Act, APCA, or implementing regulations. A compliance plan for outstanding violations must be included in the final permit.

VI. The Permit Contains Additional Errors.

The Draft Permit contains additional errors that must be address in the final permit. In particular, Commenters note that the lettered subparts of Section E.1. #001 are out of order, with

⁵⁷ EPA, ECHO Database, Tenaska Westmoreland, PA000716802, <https://echo.epa.gov/detailed-facility-report?fid=110060078810> (last visited Nov. 3, 2025).

subsection “(c)” appearing between “(h)” and “(i)” rather than between “(b)” and “(d).” This, and any other errors, must be corrected in the final permit.

VII. Commenters Request A Public Hearing Before A Final Permit Issued Given the Numerous Substantive Deficiencies in This Draft Permit.

Commenters renew and re-state our request for a public hearing as made in our October 7, 2025 letter requesting a public hearing. A public hearing is warranted for the Draft Permit because:

- 1) this is a Title V facility;
- 2) the Facility’s emissions heavily impact environmental justice areas; and
- 3) there is significant public interest in this facility and this permit.

Commenters specifically request that the public hearing be held in the host municipality at a time convenient for the community. Here, the best location is the Turkeytown Volunteer Fire Co. at 90 Supervisor Drive, West Newton, PA. We request the public hearing be held after work hours, commencing no earlier than 6pm, and include a remote participation option.

a. A Public Hearing Is Warranted for this Major Source’s First Operating Permit.

Residents who live near the Tenaska Westmoreland facility have been dealing with Tenaska’s operation and breathing its emissions since it was first permitted with a Plan Approval in April 2015, but this is the very first operating permit proposed for this plant. *See, e.g.*, Tenaska Pennsylvania Partners LLC, Initial Title V Operating Permit Application, at 1 (July 2024) (“TVOP Application”). This is the first time impacted residents have been able to formally comment on an operating permit for this major emitter of pollutants despite it being built and allowed to “temporarily operate” for a decade. A public hearing allowing DEP to hear from the community about improvements needed for this permit is important, especially given that some people are more comfortable providing their comments verbally than in writing. Failing to grant a public hearing to this community would be devastating to concerned community members and would be, frankly, unkind.

According to Tenaska’s TVOP Application, the Facility is a major source of nitrogen oxides (“NO_x”), carbon monoxide (“CO”), and volatile organic compounds (“VOCs”), and also emits significant emissions of many other pollutants that can pose risks to health and the environment:⁵⁸

⁵⁸ TVOP Application, at 5.

3.0 Potential Emissions

The Facility is considered a **major source** of NO_x, CO, and VOC emissions. A summary of facility potential emissions is provided in Table 4. Detailed calculations are provided in Appendix E.

Table 4 – Facility Potential Emissions

Pollutant	Total Emissions (tpy)
NO _x	303.07
CO	657.16
SO ₂	22.79
VOC	222.19
PM	95.44
PM ₁₀	92.15
PM _{2.5}	88.88
Sulfuric Acid Mist	15.19
NH ₃	193.84
HCHO	8.67
Total HAPs	22.07
CO ₂	3,693,644
CH ₄	1,168.13
N ₂ O	6.64
CO ₂ e	3,724,827

DEP should use its discretion to grant a public hearing because the Facility is a major source polluter of several pollutants and a significant emitter of other pollutants and the people most at risk of being harmed by exposure to these pollutants deserve to have their voices heard by DEP as it is making permitting decisions.

Pennsylvania regulations state that DEP may hold a public hearing for operating permits.⁵⁹ For major sources of pollution like the Facility that require Title V Operating Permits, there are additional regulations regarding public hearings.⁶⁰

b. A Public Hearing is Warranted Because Emissions from This Facility Impact Environmental Justice Areas.

The Tenaska Westmoreland Generating Station is located in an area such that its emissions disperse into environmental justice areas with high environmental justice scores on Pennsylvania’s PennEnviroScreen mapping tool. DEP defines an “environmental justice area” as “[a] geographic area characterized by increased pollution burden, and sensitive or vulnerable populations based on demographic and environmental data.”⁶¹

⁵⁹ 25 Pa. Code § 127.401(b).

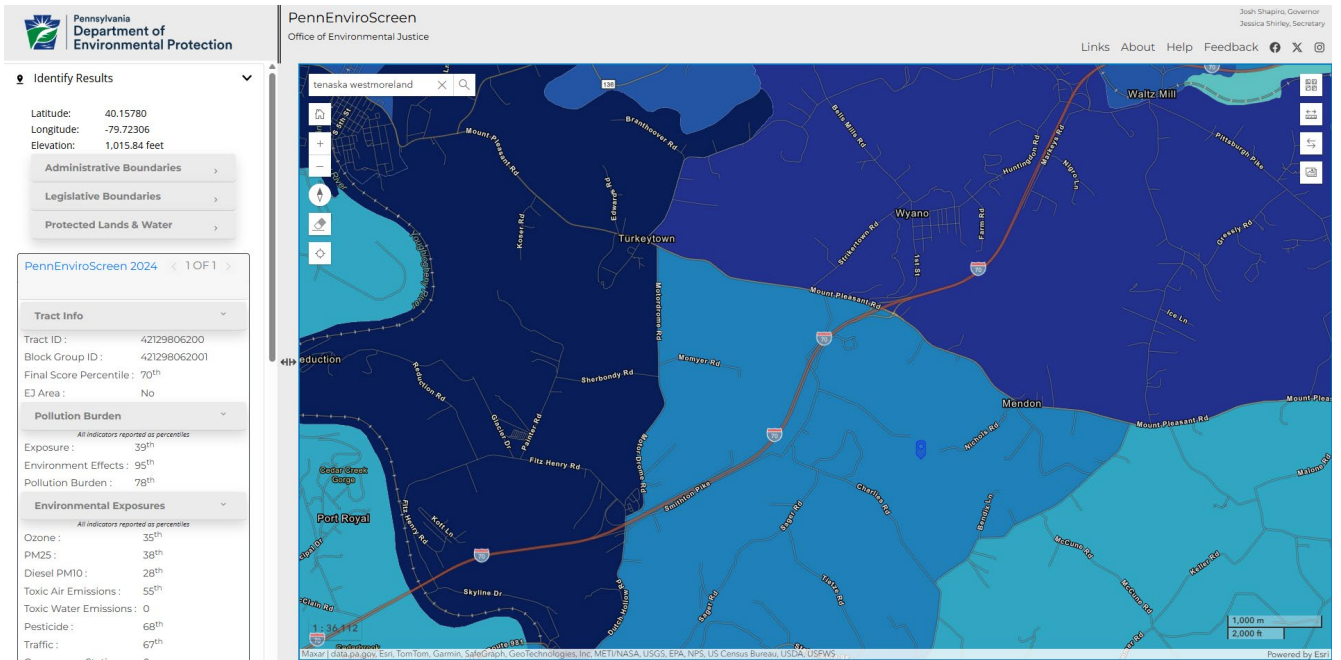
⁶⁰ See, e.g., 25 Pa. Code § 127.521(e) (DEP “will give notice of a public hearing at least 30 days in advance of the hearing”).

⁶¹ Environmental Justice Office, DEP, Environmental Justice Policy, Doc. No. 015-0501-002, at 3 (Sept. 16, 2023), <https://greenport.pa.gov/elibrary/GetDocument?docId=5600403&DocName=ENVIRONMENTAL%20JUSTICE%20POLICY.PDF%20%20%3cspan%20style%3D%22color:green%3b%22%3eCOMMENTS%20DUE%20OCTOBER%2029%2c%202023%3c/span%3e%20%3cspan%20style%3D%22color:blue%3b%22%3e%28NEW%29%3c/span%3e> (“DEP EJ Policy”).

While the Facility, marked with a pin in “Map A,” below, is not in a tract with a high environmental justice score, it is located very near to an area with a very high environmental justice score of 96%, as displayed in “Map B,” below.⁶² As displayed on Map B, below, the area shaded in dark below to the west of the facility received the following scores in PennEnviroScreen⁶³:

Exposure :	98 th
Environment Effects :	> 99.5 th
Pollution Burden :	> 99.5 th

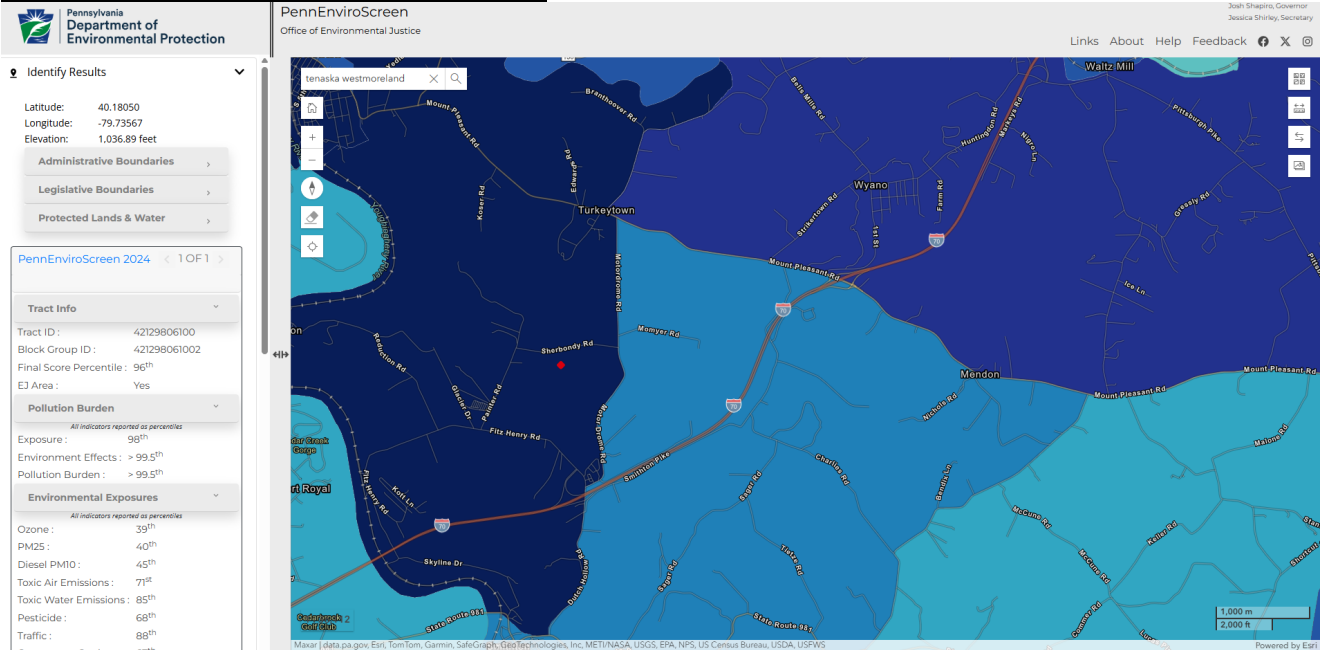
Map A: PennEnviroScreen Map Showing Tenaska Westmoreland Facility with Blue Pinmark.



⁶² PennEnviroScreen, <https://gis.dep.pa.gov/PennEnviroScreen/> (last visited Oct. 6, 2025).

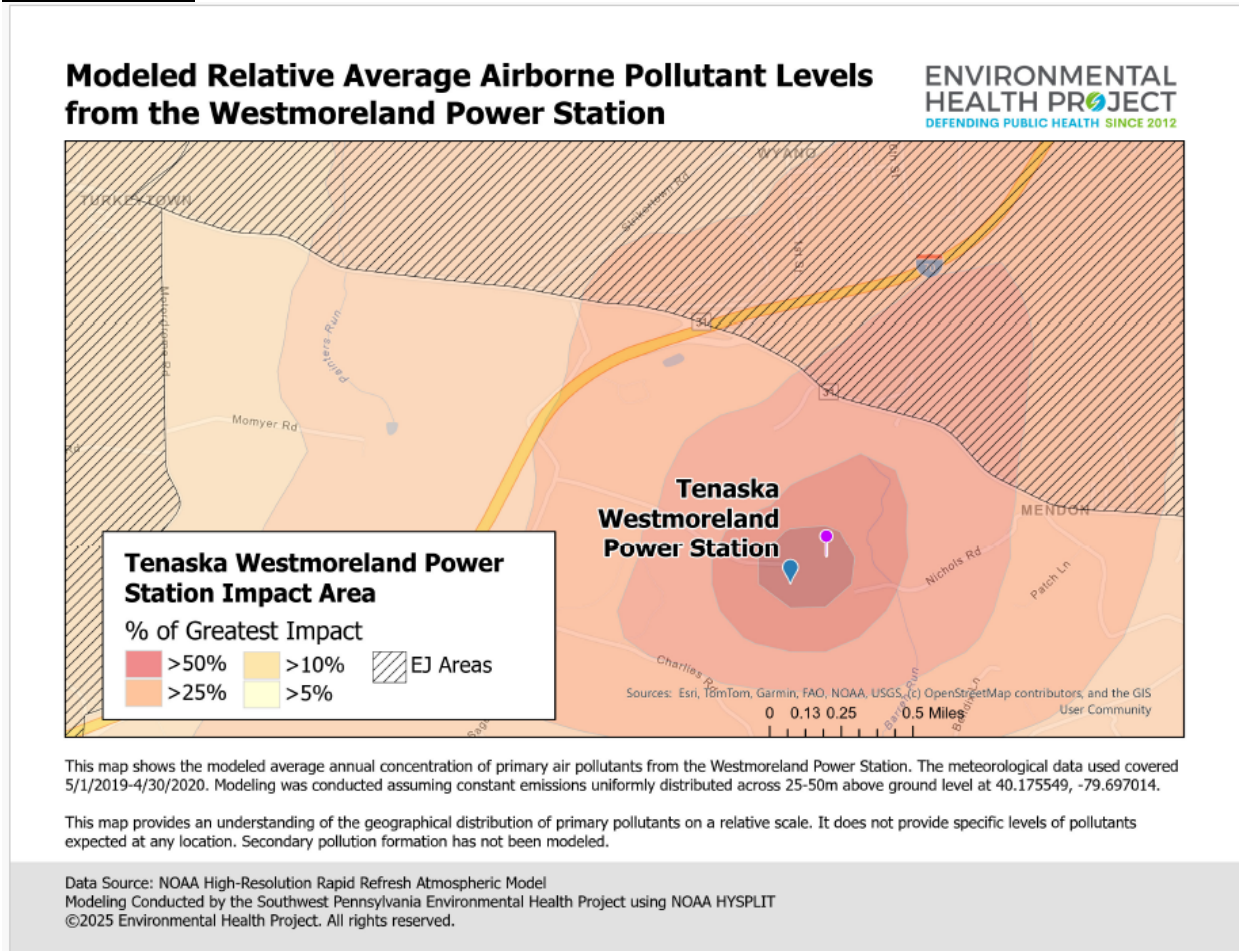
⁶³ *Id.*

Map B: PennEnviroScreen Map Showing EJ Characteristics of Community Immediately West of Tenaska Westmoreland Facility.



In Map C, the Environmental Health Project overlaid the environmental justice areas around the Tenaska Westmoreland Generating Station with the Modeled Relative Average Airborne Pollutant Levels from the Plant. There is significant overlap between the areas of greatest impact from airborne pollutants from the Plant and the environmental justice areas, as shown below.

Map C: Modeled Relative Average Airborne Pollutant Levels from the Westmoreland Power Station



DEP’s Environmental Justice Policy requires enhanced public participation for Title V permit comment periods in areas with high environmental justice scores on PennEnviroScreen. For an environmental justice area, DEP must consider and make available additional public participation measures according to DEP’s recently updated Environmental Justice Policy.⁶⁴

Projects in Environmental Justice areas can either automatically trigger (“Trigger” projects) or opt-in on account of public request or DEP determination (“Opt-In” projects) to Enhanced Public Participation procedures. The DEP EJ Policy defines Enhanced Public Participation as:

Outreach activities and other support for EJ communities regarding public participation Trigger and Opt-In Projects that is in addition to minimum legal requirements related to municipal or public notice, public meetings, public hearings and the opportunity for comment on applications or other regulatory decisions

⁶⁴ See DEP EJ Policy.

under review by DEP. Enhanced Public Participation may additionally facilitate meaningful public comment through technical or other consulting support.⁶⁵

Under DEP’s Environmental Justice Policy, public hearings are expressly discussed as one example of the type of Enhanced Public Participation that should be made available for an environmental justice community confronting the permitting of a facility. The Environmental Justice Policy states that permitting of facilities in environmental justice areas subject to enhanced public participation procedures means that “[a]t a minimum, in addition to regulatory requirements, the public participation strategy for Trigger and designated Opt-In Projects should evaluate additional outreach methods to engage the public. **This Enhanced Public Participation can include as appropriate, but is not limited to, notice, one or more public meetings or hearings (virtual or in-person),** and the opportunity for comment that is consistent with regulatory review timeframes, or other appropriate Enhanced Public Participation.”⁶⁶

Given the Facility’s close proximity to areas with very high environmental justice scores, DEP should grant this public hearing request for the Tenaska Westmoreland TVOP Draft permit. Denying the nearby citizens, especially those residing in EJ communities, *any* opportunity to present their comments at a public hearing would circumvent the spirit and purpose of public participation and public engagement in the permitting process that the Department is supposed to support.

c. A Public Hearing Is Warranted Because There is Significant Public Interest in this Facility, this Permit, and the Emissions from this Large Pollution Source.

There is already significant public interest in this Facility, this TVOP, and the emissions from this facility, which further supports the need for DEP to grant a public hearing. The community has been meeting with organizers from EIP, EHP, and MWA regularly for many months expressing concerns about this permit and wanting to prepare for a public hearing. The DEP is well aware of this, as DEP’s Emily Green was present on a virtual meeting that included more than 30 community members regarding the Tenaska TVOP, held at the Turkeytown VFD community meeting room on April 30, 2025.

Commenters have serious concerns about how the Tenaska facility’s pollution will impact our health, safety, and environment.

Commenters also have serious concerns about bringing this Draft Permit’s monitoring requirements into compliance with the Clean Air Act and the Air Pollution Control Act, which require monitoring sufficient to assure compliance with applicable limits.

Commenters also have serious concerns about whether the Tenaska facility, without appropriate monitoring requirements and operating limits will be in compliance with these air pollution laws.

⁶⁵ DEP EJ Policy, at 2–3.

⁶⁶ *Id.* at 8–9 (emphasis added).

VIII. Conclusion

The Draft TVOP for the Tenaska Westmoreland Generating Station contains many substantive deficiencies that must be fixed before the permit is issued, including failing to require adequate monitoring to assure compliance with applicable pollution limits for several pollution sources for several pollutants. This is a new facility with a new permit and the limits and monitoring should be the best possible reflect the state of the art controls expected of a new facility. Given the plethora of substantive issues and the significant public interest in this permit, DEP should act swiftly to grant a public hearing for the Tenaska Westmoreland Generating Station's first operating permit, a Title V Operating Permit that would authorize major source emissions of NO_x, CO, and VOCs as well as emissions of many other pollutants.

Respectfully submitted,

/s/ Lisa Hallowell

Lisa Hallowell, Senior Attorney (Philadelphia)
Environmental Integrity Project
888 17th Street NW, Ste 810
Washington, DC 20006
lhallowell@environmentalintegrity.org
(202) 294-3282

Lisa Graves Marcucci
PA Coordinator, Community Outreach
(Pittsburgh)
Environmental Integrity Project
370 Temona Drive
Pittsburgh PA 15236
lgmarcucci@environmentalintegrity.org
(412) 897-0569

Emilee Hough, Regional Community Organizer
Mountain Watershed Association
1414 Indian Creek Valley Road
Melcroft, PA 15462
em@mtwatershed.com
724-455-4200

Ashley Funk, Executive Director
Mountain Watershed Association
1414 Indian Creek Valley Road
Melcroft, PA 15462
ashley@mtwatershed.com
724-455-4200

Melissa Marshall, Senior Legal Advocate
Mountain Watershed Association
1414 Indian Creek Valley Road
Melcroft, PA 15462
Melissa@mtwatershed.com
724-455-4200

Lawrence Hafetz, Legal Director
Clean Air Council
1617 JFK Boulevard, Suite 1130
Philadelphia, PA
215-567-4004 x 115
lhafetz@cleanair.org
Yough Communities CARE
1400 Round Hill Road
Elizabeth, PA 15037
Youghccare@gmail.com

Alison L. Steele, MBA, Executive Director
[Environmental Health Project](http://EnvironmentalHealthProject.org)
4165 Blair Street
Pittsburgh, PA 15207
724-260-5504
astele@environmentalhealthproject.org

Gillian Graber, Executive Director
Protect PT
3344 PA-130 Suite A, Harrison City, PA 15636
724-392-7023
gillian@protectpt.org

Hilary Starcher O'Toole
Beaver County Marcellus Awareness
Community (BCMAMC)
PO Box 31, Ambridge, PA 15003
info@marcellusawareness.org

Vanessa Lynch
Moms Clean Air Force – PA Chapter
555 12th St NW #400, Washington, DC 20004
757-277-3729
vlynch@momscleanairforce.org

Archbishop Dr. Marcia Dinkins
Founder & Executive Director
Black Appalachian Coalition (BLAC)
marcia@blackappalachiancoalition.org

Rev. B. De Neice Welch, Ph.D. - Executive
Director
Pennsylvanian Interfaith Impact Network
1800 Murray Avenue Unit 81563
Pittsburgh, PA 15217
412-952-8829
RevDeNeice@piinpa.org

Matthew Mehalik, Ph.D.
Executive Director
Breathe Project
Energy Innovation Center
1435 Bedford Avenue, Suite 140
Pittsburgh, PA 15219
412-514-5008
mmehalik@breatheproject.org

Catherine Anderson
2900 Schwirian Dr.
Elizabeth, PA 15037
cathjanderson@verizon.net
412-302-7014

Kenneth D. Ball & April A. Ball
PO Box 53
738 Boyd's Hollow Road
Buena Vista, PA 15018
kenball2@aol.com (412)427-4207
aprilball@aol.com (412)999-7249

Martha Evans
100 Styche Street
Buena Vista, Pa 15018
9bubba@comcast.net
412-751-5543

Joanne Hall
Jeffrey Hall
1116 High St
West Newton, PA 15089
jjhall3@comcast.net
Joanne 412-327-8962
Jeffrey 412-427-8915

David Holliday
327 Karen Drive
Elizabeth, PA 15037
dpholliday@hotmail.com
724-444-4437

Nancy Ivan
320 N. Water Street
West Newton PA 15089
nivan.eatright@gmail.com
412-298-9194

Dennis McAndrew
327 Karen Drive
Elizabeth, PA 15037
724-444-4434
Dennismcandrew@yahoo.com

Mary Lou Mills
Janet Roslund
1007 Thomas Street
Monongahela, PA 15063
Mlmscarlatti@gmail.com
Mmetenaj@gmail.com
352-552-2417

Lisa Riley
718 Miller Avenue
Sutersville, PA 15083
kresovich@gmail.com
412-476-6505

Diana M. Steck
850 Linmore Drive
North Huntingdon, PA 15642
dsteck1315@gmail.com

CC:

Via Email

Emily Green, Southwest Regional Coordinator, DEP, emgreen@pa.gov

Jessica Shirley, Secretary, DEP, jesshirley@pa.gov

Paul Entwistle, EPA Region 3 Title V Permitting, Entwistle.Paul@epa.gov

Krystal Stankunas, EPA Region 3 Title V Permitting, Stankunas.Krystal@epa.gov