



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

**OFFICE OF THE
REGIONAL ADMINISTRATOR**

JUN 06 2013

Mr. Eric L. Hiser
Jordan Bischoff & Hiser, P.L.C.
7272 E. Indian School Road, Suite 360
Scottsdale, Arizona 85251

Dear Mr. Hiser:

The U.S. Environmental Protection Agency (EPA) has received the petition you submitted on February 4, 2013 on behalf of Arizona Electric Power Cooperative (AEPSCO), seeking reconsideration and a stay of effectiveness of certain elements of EPA's final rule entitled "Approval, Disapproval and Promulgation of Air Quality Implementation Plans; Arizona; Regional Haze State and Federal Implementation Plans" as it applies to the Apache Generating Station (Apache), 77 FR 72512 (Dec. 5, 2012). We have also received the supplement to the petition that you submitted on May 29, 2013, which sets out an alternative to the determinations of Best Available Retrofit Technology (BART) for Apache Units ST2 and ST3 reflected in that rule.

In response to your petition, EPA is granting partial reconsideration of our final rule pursuant to section 307(d)(7)(B) of the Clean Air Act (CAA), 42 U.S.C. § 7607(d)(7)(B). In particular, in response to AEPSCO's proposed alternative to BART for Apache Units ST2 and ST3, we are granting reconsideration of the emission limits for nitrogen oxides (NO_x), sulfur dioxide (SO₂) and particulate matter (PM) at those units. In addition, we are granting reconsideration of the compliance methodology for NO_x in our final rule as it applies to Apache Units ST2 and ST3. Finally, we are granting reconsideration of the provisions of our final rule concerning Apache Units ST1 and GT1 in order to clarify the circumstances under which the BART limits for ST1 apply to these units.

Accordingly, EPA plans to publish a notice of proposed rulemaking seeking comment on an alternative to BART and a revised compliance methodology for Apache Units ST2 and ST3. As part of this notice, we also intend to propose and seek comment on a clarification to the regulatory text concerning the applicability of BART limits to ST1 and GT1.

If you have any questions regarding the reconsideration process, please contact Charlotte Withey at (415) 972-3915 or Lea Anderson at (202) 564-5571. We thank you for your continued interest in this

rule and look forward to hearing from you during the reconsideration process.

Sincerely,



Jared Blumenfeld

cc: Mr. Eric Massey, Arizona Department of Environmental Quality
Mr. Joseph P. Mikitish, Arizona Attorney General's Office
Mr. Michael Hiatt, Earthjustice
Arizona Congressional Delegation