



REGIONAL AIR POLLUTION CONTROL AGENCY

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Air and Radiation Docket and Information Center
U.S. Environmental Protection Agency
Mail Code: 6102T
1200 Pennsylvania Ave., NW
Washington, DC, 20460

RE: Docket ID No. EPA-HQ-OAR-2001-0004

The following comments are provided on behalf of the Regional Air Pollution Control Agency (RAPCA) of Dayton, Ohio in response to EPA's proposed rule regarding "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Reasonable Possibility in Recordkeeping." RAPCA is one of nine local agencies in Ohio and is responsible for air quality activities in the six Ohio counties of Clark, Darke, Greene, Miami, Montgomery, and Preble.

RAPCA personnel have carefully reviewed EPA's proposal and recommend adoption of option 2, the "potential emissions trigger," with some clarity as detailed below. Since EPA clearly does not prefer this option and devoted only two paragraphs on the option in the proposal, we offer the following suggestions on this option. EPA should craft the requirement, such that if an industry would have been required to obtain a permit to install/modify under the previous actual-to-potential applicability test, then they should:

- Document the source modification and calculated emissions (both potential and projected actual).
- Notify the appropriate state/local permitting agency of the calculated nonapplicability and submit a plan for "monitoring" emissions from the effected source. The notification should be prior to source modification, but could be on another schedule if agreed to by the appropriate regulatory agency. The source emissions "monitoring" plan should be agreed to between the company and the state or local agency.
- Maintain records of emissions for 5 years for a modified source and 10 years for a new unit.
- As a part of its annual compliance certification, the company should certify that actual emissions have not increased beyond the significance level which would have subjected the source to the requirement for a permit.

- If at any time actual emissions increase to the point whereby a permit requirement is triggered, the company should immediately submit appropriate applications and undergo NSR/PSD analysis, including BACT or LAER as appropriate.

Several additional comments are offered. First, we find it disheartening that EPA has chosen to implement its preferred option, the “percentage increase trigger” as a final action in Appendix S. Appendix S applies in newly designated nonattainment areas prior to the submission of an approvable attainment plan. We do not feel EPA should be using such areas as testing grounds for the lesser protective of the two offered options. Thus, we object to the inclusion of option 1 in Appendix S as a final action.

We also are concerned with repeated EPA references in its new source review reforms to the state and local minor source review programs which are apparently to serve as backup programs to assure environmental degradation and adverse health effects do not occur as a result of the federal relaxations. We have seen this both in federal rule preambles and in industry comments on the rule proposals. EPA is fully aware that in many areas the state or local minor new source review programs do not provide adequate protection. In fact, many states have legislative prohibitions against state programs more stringent than those required by the federal government. Additionally, this agency (RAPCA) is intimately familiar with an effort by industrial groups to weaken state laws that currently are more stringent than federal law. Such an effort was successful in Ohio in 2006. Therefore, any claims that federal relaxations in the new source review program are adequately covered at the state or local level are dubious at best.

Thank you for this opportunity to comment on the proposed rule. Please contact this writer with any comments or questions.

Sincerely,



John A. Paul, Administrator
Regional Air Pollution Control Agency