



REGIONAL AIR POLLUTION CONTROL AGENCY

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January 14, 2008

U.S. Environmental Protection Agency
EPA West (Air Docket)
Mail Code 2822T
1200 Pennsylvania Ave., NW
Washington, DC 20460

Attention: Docket ID No. EPA-HQ-OAR-2004-0014

Dear Sir/Madam:

The following are comments of the Regional Air Pollution Control Agency (RAPCA) of Dayton, Ohio on the U.S. Environmental Protection Agency's (EPA's) proposed rule titled, "Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR); Reconsideration of Inclusion of Fugitive Emissions" (*72 Federal Register* 63850; November 13, 2007). RAPCA is a six-county local air pollution control agency serving the citizens of the Southwest Ohio counties of Clark, Darke, Greene, Miami, Montgomery, and Preble.

RAPCA staff have reviewed this proposal and have participated in the drafting of comments by the National Association of Clean Air Agencies (NACAA). We concur with the comments of NACAA and offer the following to supplement those comments and emphasize several points.

For at least 24 years RAPCA has followed EPA guidance and included fugitive emissions in applicability determinations for major modifications. Such policy has worked well and resulted in the consideration and control of fugitive emissions. We are not aware of any undue burdens that application of this policy has placed on industrial sources in the Dayton Area. Likewise, we are not aware of any burdens this policy has imposed on sources nationwide. Thus, we fail to see any environmental justification for changing the rule.

The control of emissions from new or modified sources is essential to prevent significant deterioration of air quality which meets national standards and to prevent the exacerbation of air quality in areas which fail to meet national standards. EPA's proposal would exempt emissions increases based solely on their fugitive nature. The emissions increases would nonetheless be real and would impact local air quality. RAPCA disagrees with this proposal and feels the emissions should be subject to the applicability determination and subsequent controls (either BACT or LAER). Thus, we oppose EPA's proposal to exempt fugitive emissions increases from applicability determinations.

Additionally, we are concerned with EPA's discussion in the rule proposal regarding state and local minor new source review programs. Specifically, EPA is soliciting comment on whether it should require state and local programs to directly address fugitive emissions in minor NSR rules. In response to this request for comment, we suggest that EPA leave the minor NSR program details to the state and local agencies. If we feel that control of fugitive emissions is necessary to protect public health, we will do so.

Thank you for this opportunity to comment on this proposed rule. Please refer any questions on these comments to the undersigned.

Sincerely,

A handwritten signature in black ink that reads "John A. Paul". The signature is written in a cursive style with a large, prominent initial "J".

John A. Paul, RAPCA Administrator