



REGIONAL AIR POLLUTION CONTROL AGENCY

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April 25, 2007

U.S. Environmental Protection Agency
EPA West (Air Docket)
1200 Pennsylvania Avenue
NW Room 3334 Mail code: 6102T
Washington, DC 20460

Attention: E-Docket ID No. EPA-HQ-OAR-2004-0094

Dear Sirs:

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 for the National Emission Standards for Hazardous Air Pollutants: General Provisions published in the *Federal Register*/Vol. 72, No. 1/Wednesday, January 3, 2007. 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.

In general we are supportive of changes to EPA rules which remove unnecessary administrative burdens on industry without detrimental environmental consequences, and we further support rules which promote pollution prevention. However, the proposal before us today and the subject of these comments appears to have a large potential for allowing emissions increases of toxic air pollution. Thus, we cannot support the rule as proposed.

EPA is proposing that air pollution sources subject to major source MACT standards may at any time in their operational history choose to take federally enforceable limitations to maintain HAP emissions below 10 TPY of a single HAP or 25 TPY combined HAPs rather than comply with an applicable MACT standard. Quite clearly such a policy has potential for allowing emissions increases. Any and every MACT source currently operating in compliance at a level below the thresholds would be allowed to increase emissions up to the thresholds. Only those MACT sources with compliant emissions above the thresholds would realize emissions decreases if they were to opt for the 10/25 TPY emissions thresholds. Furthermore, requirements of a major source MACT standard, such as monitoring, record keeping, and reporting requirements, would be lessened for sources choosing the thresholds and moving to the area source MACT standard, and removed for sources where there is no area source MACT standard at all. This would likely guarantee an increase in actual HAP emissions.

A simple first choice alternative to EPA's proposal is to include a provision which allows a source to choose to maintain emissions levels below the threshold limit and opt out of an applicable major source MACT standard only if that choice results in a decrease in actual emissions. If a source is reducing emissions, then it is logical to allow it increased flexibility as may be available under an area MACT standard or a federally enforceable state/local permit to operate.

EPA's verbiage in the proposal with regard to the probability of sources maintaining control equipment efficiencies and being subject to other requirements are weak arguments that emissions will not increase if this proposal is adopted. There is no assurance that control equipment will be maintained or that other rules will not be weakened. Instead of relying on such "probabilities," EPA should simply require that sources may not choose the threshold option if it results in increased emissions. Such a requirement would raise the "probability" that emissions do not increase to a certainty.

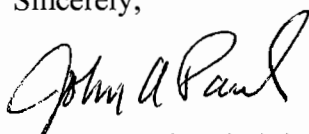
If a source currently meeting a MACT standard has emissions below the 10/25 TPY thresholds and is willing to accept federally enforceable permit conditions which maintain those established emissions levels, then we feel the company should have the freedom to work with the appropriate state/local agency regarding the additional requirements (such as monitoring, record keeping, and reporting requirements). Such a permit might give the source operational flexibility other than what would be required in the MACT standard, but would not allow emissions increases.

EPA's scenario's describing what procedures should be followed should a source fluctuate from major to minor back to major source status illustrate the uncertainty of the proposal. If a source has such potential to move back and forth between major and minor source status, then it should remain subject to the major source MACT standard. Thus, we recommend that the rule require that any proposed switch from minor to major source status require immediate MACT compliance.

With regard to pollution prevention measures, we recommend that EPA provide incentives for those sources willing to totally eliminate the use of HAPs. EPA references in this proposal its May, 2003 P2 proposal, and meetings with state and local officials (STAPPA/ALAPCO, now known as NACAA) prior to that proposal. We recommend that EPA finalize the May, 2003 proposal in line with comments provided by STAPPA/ALAPCO on July 14, 2003.

Thank you for this opportunity to comment on this important rule proposal. Please refer any questions to this writer.

Sincerely,



John A. Paul, Administrator
Regional Air Pollution Control Agency