

Allegheny County Health Department

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Environmental Quality Board
PO Box 8477
Harrisburg, PA 17105-8477

Re: Proposed New Source Review Regulations, Title 25

Dear Board Members:

Thank you for the opportunity to comment on the proposed New Source Review (NSR) regulations, Title 25, Article III, Chapter 127, Subchapter E. As a sister air pollution control agency in Pennsylvania, we want effective, sensible, and understandable regulations for the construction, modification and reactivation of sources of air pollution in the Commonwealth. We recognize, of course, the Department of Environmental Protection (DEP) is substantially following the new federal regulations in many aspects.

What the Commonwealth adopts in response to the federal regulations will dictate how the Allegheny County Health Department responds to its obligations to administer a program that is also acceptable to the U.S. Environmental Protection Agency. We intend to operate in a consistent manner with DEP. For that reason we have a strong interest in a clear and workable set of regulations. To this end, we submit the following comments on the proposed language as published in the *Pa Bulletin* on April 29, 2006, in order to help DEP, citizens, industry and us have the best possible regulations.

As we understand it, the intent of the regulations is to establish a two step process for determining whether major NSR or minor NSR applies to a proposed new source or a modification of a source. The first step looks at the project being proposed and sums the projected actual emissions from any changes less the current baseline actual emissions and determines whether that sum would exceed the significant level as defined in the regulations. The second step involves a source taking a retrospective look back to factor in past changes, both increases and decreases, to see if that sum still exceeds the significant levels. The time period over which a source looks back to past changes is determined by the result of the first step. Whether full major NSR requirements apply, or something less than that, is determined by the second step.

These very crucial two steps are supposed to be described in the proposed new Section 127.203a. Unfortunately the use of similar language for terms which should be distinguishable as to when they are employed, and the poorly placed guidance in Subsection (1) as to what procedures to follow (i.e., go to paragraph 4) make Subsections 127.203a(a)(1)-(4) difficult to understand. The uninitiated reader could not discern at all what is intended to be applied, and those with knowledge of the intent would be thwarted in their attempt to glean the proper steps from the text as proposed.

Specifically, problems arise with the multiple uses of the term "net emissions increase." The term "net emissions increase" is supposed to be determined in accordance with Section 127.203a(a)(4) as stated in the definitions in Section 121.201 and repeated again in Section 127.203a(a)(1). By

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following the sequence of Section 127.203a(a)(1), one is referred immediately to Subsection (4) and never returns to (1) and never gets to apply the important step in the applicability process as presented in Subsection (2). However, if one were to try to apply the important step in Subsection (2) regardless, one finds a completely different and contrary "definition" of "net emission increase" from the procedure as described in (4). In other words, the term "net emission increase" is being used in Section 127.203a for two different calculations to be applied over different time periods.

More simply stated, the use of the term "net emissions increase" to apply to the project at hand and also to the sum of projects over the last 5 or 15 years is totally confusing.

Under Section 127.203a(a)(5) the "baseline period" is based on the two years immediately prior to the current application, but doesn't make it clear that for netting purposes that the appropriate baseline period is the two years prior to each of the contemporaneous projects involved in the netting. As proposed, the language could be interpreted such that the same immediate two year time period is used in both Subsections (2) and in (4)(i)(B). Using the most recent two year period in Subsection (4)(i)(B) makes no sense when netting past projects.

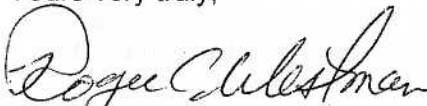
Section 127.203a should be rewritten with clear instructions to first sum "the differences between the projected actual emissions and the baseline actual emissions" for the project(s) in the current plan approval application, and to determine if that sum is significant. Then, depending on the result from the first step, subsequent subsections should allow netting over the past 5 years or require netting over the past 15 years. The language of Section 127.203a as proposed needs to be changed.

Regarding Plantwide Applicability Limits (PALs), as presented in Section 127.218, there is a possible inequity in the emission limitations resulting from the non-renewal of a PAL. According to 127.218(f) the level of a PAL is established as the sum of the baseline emissions plus an amount equal to the significant level. Under 127.281(j)(1)(i) if the PAL is not renewed then that sum is distributed among the units. If changes were made during the last five years of a PAL which increased actual emissions but within the PAL limit, these units may then be eligible to have a second opportunity to increase emissions by an amount equal to the significant level without triggering NSR.

In Section 127.218(c)(1) the language should read "total" instead of average in the second sentence: "For each month during the PAL effective period after the first 12 months of establishing a PAL, the owner or operator of the major facility shall show that the sum of the monthly emissions from each emissions unit under the PAL for the previous 12 consecutive months, expressed as a 12-month rolling total, is less than the PAL."

Thank you again for the opportunity to comment.

Yours very truly,



Roger C. Westman
Manager

cc: Bruce W. Dixon, M.D., Director

