

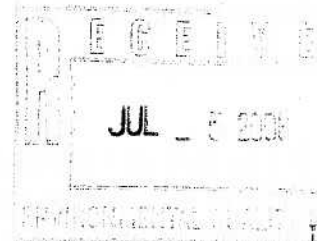
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State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

INDEPENDENT REGULATORY
REVIEW COMMISSIONDivision of Air Quality
P.O. Box 027
Trenton, NJ 08625-0027LISA P. JACKSON
CommissionerJON S. CORZINE
GovernorPennsylvania Environmental Quality Board
P.O. Box 8477
Harrisburg, PA 17101-2301

June 27, 2006

RE: **Comments on the Proposed Revisions to 25 PA Code Chapters 121 and 127
(Nonattainment New Source Review)**

Dear Pennsylvania Environmental Quality Board:

The New Jersey Department of Environmental Protection (NJDEP) would like to take this opportunity to comment on the proposed revisions to 25 PA Code Chapters 121 and 127 (Nonattainment New Source Review). Control of pollutants such as ozone and fine particulate (PM-2.5) are to a large extent a regional issue. Therefore, it is important for neighboring states to work together to solve air quality problems involving these types of regional pollutants. Southeastern Pennsylvania and Southern New Jersey are both part of the designated ozone and PM-2.5 nonattainment areas centered on Philadelphia. As a result, it is in both state's interest that each have an effective nonattainment New Source Review (NSR) program.

With our mutual air quality goals in mind, we would like to express our strong support for the following portions of the proposed revision to 25 PA Code Chapters 121 and 127.

1. We agree that facilities located in Bucks, Chester, Delaware, Montgomery, and Philadelphia counties should continue to be subject to the ozone related nonattainment requirements that are at least as stringent as those currently in effect. By doing so the region will avoid "backsliding" and maintain at least the same rate of progress towards attainment of the new 8-hour ozone standard as that which would have occurred with the current nonattainment NSR regulations. These requirements include:
 - Maintaining the definition of a major source facility at 25 tons per year or more of nitrogen oxides (NOx) or volatile organic compounds (VOC).
 - NOx and VOC offset ratios of at least 1 to 1.3.
2. We agree that when calculating an existing source's baseline emissions in a netting analysis, the proposal should use a 5-year look-back period. Use of the EPA suggested 10-year look-back period would result in more sources avoiding NSR and greater air pollution emissions. We support this same 5 year look-back period being used in plantwide applicability limits (PAL) related baseline calculations.

3. We agree with Pennsylvania's proposal that the same consecutive 2-year period should be used for all emission units and all NSR pollutants when calculating baseline emissions at a facility. This is practical and protective of air quality.
4. We support the establishment of a legally enforceable emissions limit for the modification. EPA's use of future actual emissions in their netting analysis is not enforceable, protective, or practical. Its uncertainty also puts sources in jeopardy of unanticipated future violations.

There is a change to the proposed revision we recommend Pennsylvania consider. As proposed, a major source is defined as 100 tons per year or more of direct PM-2.5 emissions, and a major modification is defined as 15 tons per year of direct PM-2.5 emissions. Given the adverse health effects of fine particulate at low concentrations, we recommend lower thresholds. We are considering a major source definition of 25 tons per year of direct PM-2.5 emissions and a major modification definition of 10 tons per year of direct PM-2.5 emissions.

Again, we appreciate the opportunity to comment on this proposal and commend Pennsylvania on your leadership in this important area of air quality protection. If you have any questions regarding these comments, please contact me at (609)984-1484.

Sincerely,



William O. Sullivan, P.E.

Director

c: Lisa P. Jackson, Commissioner
Nancy Wittenberg, Assistant Commissioner
Joyce Epps, Director, PADEP Bureau of Air Quality
John Preczewski, Assistant Director
John Jenks, Chief
Alan Dresser, Research Scientist