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DEPARTMENT OF THE NAVY

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NAVY REGION, MID-ATLANTIC  
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NORFOLK, VA 23511-2737

INDEPENDENT REGULATORY  
REVIEW COMMISSION

IN REPLY REFER TO:

5090  
N451/05/6406  
JUN 28 2006

Environmental Quality Board  
Post Office Box 8477  
Harrisburg, PA 17105-8477

Dear Board Members:

SUBJECT: PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION,  
25 PA CODE CHS. 121 AND 127, NONATTAINMENT NEW SOURCE  
REVIEW

Thank you for providing the Department of Defense an opportunity to comment upon the Pennsylvania Department of Environmental Protection proposal to revise and extend New Source Review requirements. We have the following questions and comments:

a. In section 127.218(1) "Applicability", the proposed new regulation establishes a Plantwide Applicability Limit (PAL) for nonattainment New Source Review (NSR) pollutants. How will these changes affect existing major sources currently operating under a Federally Enforceable Emission Cap in accordance with section 127.448? Which regulation will apply?

b. Does section 127.218(3)(E) limit each PAL permit to just one pollutant? It would seem more reasonable to allow a single permit to accommodate multiple pollutants with separate monitoring conditions for each affected pollutant. Additionally, the regulation should allow for the ability to include NSR PAL and Prevention of Significant Deterioration (PSD) PAL established in accordance with 40 CFR 52.21(aa) on a single permit.

c. Section 127.218(5)(iv) "Setting the ten-year actual PAL level", states that "emissions from units on which actual construction began after the two-year baseline period must be added to the PAL level in an amount equal to the actual emissions of the units." How will actual emissions be defined for units which have not yet operated at time of permit submittal? 40 CFR 52.21(aa)(6) states that emissions from units

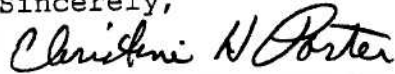
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on which construction began after the two-year baseline period must be added to the PAL level in an amount equal to the *potential to emit* of the units. Recommend revising proposed regulation to allow that the "*permitted potential emissions*" of units which actual construction began after the two-year baseline period be added to the PAL level.

d. Section 127.218(9)(iv)(B), what criteria will the Department use to set PAL level upon renewal if facility fails to meet the 80 percent level stated in 127.218(9)(iv)(A)?

We appreciate the efforts of the Environmental Quality Board and the Pennsylvania Department of Environmental Protection and look forward to working with you on this subject matter. If you have any questions, please contact Mr. Gary Koerber at (757) 445-6392.

Sincerely,



CHRISTINE H. PORTER  
Director, Regional Environmental  
Coordination Department  
By direction of the Commander