



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
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ATLANTA, GEORGIA 30303-8960

AUG 12 2008

MEMORANDUM

SUBJECT: Region 4 Non-concurrence on the Prevention of Significant Deterioration New Source Review: Refinements of Increment Modeling Procedures Rulemaking

FROM: J. I. Palmer, Jr.
Regional Administrator

TO: Cheryl Newton, Acting Director
Air and Radiation Division, Region 5

The purpose of this memorandum is to transmit Region 4's position on the proposed final rule Prevention of Significant Deterioration New Source Review: Refinements of Increment Modeling Procedures. Region 4 non-concurs with this proposed final rulemaking.

While the proposed final rule addresses a number of Region 4 concerns raised on previous versions of the rule, there remain a number of revisions to the increment calculating procedures that would reduce consistency, accuracy and public review as provided in EPA's current guidance and regulations and could allow greater deterioration of air quality in clean areas rather than preventing significant deterioration. The proposed final rule does not provide complete, technically sound, and clear regulations needed to ensure consistent PSD increment assessments nationwide. Our specific comments on the proposed rule are provided in the attachment to this memorandum.

Attachment

July 29, 2008

Region 4 Review Comments

Final Rule – Prevention of Significant Deterioration New Source Review: Refinement of Increment Modeling Procedures

Introduction

A rule addressing increment modeling procedures will ensure consistent PSD analyses nationwide. The rule should be technically sound, properly documented/justified, and clearly written.

Issues in Proposed Final Rule

- The final rule does not provide explicit, clear, and precise procedures to ensure consistent and technically acceptable PSD increment assessments to meet the goal of the PSD program.
- The proposed refinements to PSD increment modeling procedures replaces previously developed consistent and technically acceptable guidance (e.g., Appendix W, NRS Manual) with procedures that are vague and allow unlimited discretion to reviewing authority. This introduces ambiguity in regulatory requirements and procedures.
- The final rule allows the use of annual average emission rates to assess short-term increment compliance. This is not protective of the short-term increment because these emissions can underestimate ambient concentrations by factors of two or more.
- The final rule allows the use of allowable emissions to establish baseline concentrations, rather than actual emissions, which will overestimate baseline emissions and underestimate consumption of PSD increment.
- The final rule allows use of proprietary software/data which will prevent full public review and evaluation of permitting information.