

October 18, 2005

Mr. Steve Page, Director  
Office of Air Quality Planning and Standards, C404-04  
U.S. Environmental Protection Agency  
Research Triangle Park, NC 27711

Dear Mr. Page,

On behalf of the NESCAUM Permit Modeling Committee I offer the following comments on the May 19, 2005 letter from Stuart Clark, President of Western States Air Resources Council (WESTAR) to Jeffrey Holmstead of EPA regarding the Prevention of Significant Deterioration (PSD) program. In this letter WESTAR presented EPA with a set of 14 recommendations for improving the PSD program. The goal of the WESTAR recommendations was to provide for more effective and efficient air quality management associated with the protection of both the PSD increments and Air Quality Related Values (AQRVs) in Federal Class I areas.

NESCAUM shares WESTAR's belief that the current method of implementing certain aspects of the PSD program can and should be improved. Our states' long experience in implementing the protection of the PSD increments and AQRVs has raised many of the same issues identified by WESTAR. However, our Permit Modeling Committee has significant concerns with some of the recommendations suggested by WESTAR. These concerns were previously raised during the deliberations of the PSD Reform Subcommittee formed by STAPPA/ALAPCO to review the WESTAR recommendations and were reflected in a May 10, 2005 letter from that association to Dan Johnson of WESTAR<sup>1</sup>. Five members of the NESCAUM Permit Modeling Committee participated on that Subcommittee and concurred with STAPPA/ALAPCO's conclusion that, as a package, the WESTAR recommendations cannot be supported. Nevertheless, we echo the following statement contained in STAPPA/ALAPCO's comment letter to WESTAR:

*"EPA should undertake a comprehensive review of the PSD program and modify the structure as to more effectively accomplish long-term protection of Class I areas and allow for consistent and predictable analysis of emissions that impact these areas."*

The majority of the 14 WESTAR recommendations are an attempt to provide clarity and regulatory certainty in administering the PSD program. While many of these recommendations reflect guidance and policy positions already in place for the PSD program, they have not always been practiced consistently by the states, Federal Land Managers (FLMs) or EPA.

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<sup>1</sup> <http://www.4cleanair.org/members/committee/permits/PSDREFORMfinal5-10.pdf>

NESCAUM supports the following recommendations offered by WESTAR:

*Recommendation # 1:* Significant impact levels for Class I, II, and III areas should be promulgated as the trigger for cumulative analysis. These levels – included in EPA’s 1996 proposed PSD rule – have been used for many years in the vast majority of states.

*Recommendations # 5 to 7:* These recommendations seek more explicit guidance and regulatory structure with regard to the role of FLMs in PSD permitting activities. They encourage increased cooperation between the states and the FLMs and encourage the use of “critical load” information in the review of Class I area PSD permits. Better communication and early consultation between the FLMs, EPA Regional offices and the state (recommendations 13 and 14) can only improve the ability of a regulatory agency to protect Class I areas. Such an approach was put in effect a decade ago by a Class I Subcommittee of the NESCAUM Modeling Committee.

*Recommendations # 8 to 10:* These recommendations make the argument that sufficient time should be provided before statutory response timeframes are triggered to allow a state to verify that an increment violation or AQRV exceedance in the initial PSD application modeling analysis is based on the best modeling approach and, consequently, that any mitigation measures are appropriate. It is the experience of NESCAUM’s member states that such time allowances have been provided in essentially all permit application reviews.

NESCAUM opposes the following recommendations in the WESTAR package:

*Recommendation #3:* A five-year periodic review schedule does not fully recognize the resource intensive nature of such reviews and the potential difficulty of implementing this schedule as an explicit requirement for all sources. Although we would support such reviews for Class I areas on a case by case basis, the requirement that PSD increment consumption emission inventories should always include area and mobile sources is not supported.

*Recommendation #4:* Advocates for a menu of methods for calculating short-term point source emission rates for modeling PSD increment consumption. Of particular concern is the use of annual average actual emissions or similar methods using continuous emissions monitoring (CEM) data when modeling short-term PSD increment consumption. It is our understanding that at least two EPA regional meteorologists also voiced their opposition to this recommendation, as reflected in the April 7, 2005 memorandum from the WESTAR PSD Reform Workgroup to the WESTAR Council.

*Recommendation #12:* Air quality monitoring data should not be used to assess PSD increment status on a routine basis. Only under very limited conditions can such an

approach provide assistance in implementing the PSD program (such as the limited instance of Periodic Review proposed in the recommendation).

Detailed comments on certain aspects of the WESTAR Recommendations are provided in the attached document. NESCAUM's Permit Modeling Committee would welcome an expanded dialogue with EPA, the FLMs and WESTAR with regard to any future activities aimed at improving the PSD program. I ask that you take these comments into account in your evaluation of the WESTAR recommendations.

Sincerely,



Arthur N. Marin,

Executive Director, NESCAUM

Cc: NESCAUM Directors  
NESCAUM Permit Modeling Committee  
Dave Conroy, EPA Region 1  
William Baker, EPA Region 2  
Stuart A. Clark, President, WESTAR  
Dan Johnson, Executive Director, WESTAR  
S. William Becker, Executive Director, STAPPA/ALAPCO