



REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery, and Preble Counties
117 South Main Street, Dayton, OH 45422-1280
937.225.4435 — FAX: 937.225.3486
www.rapca.org

January 11, 2008

U. S. Environmental Protection Agency
EPA West (Air Docket)
Mail Code 2822T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Attention: Docket ID No. EPA-HQ-OAR-2004-0087

To Whom It May Concern:

The following are comments of the Regional Air Pollution Control Agency (RAPCA) of Dayton, Ohio on the U.S. Environmental Protection Agency's (EPA's) proposed rule titled, "Operating Permit Programs and Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR); Flexible Air Permitting Rule" (72 *Federal Register* 52206; September 12, 2007). RAPCA is a six-county local air pollution control agency serving the citizens of the Southwest Ohio counties of Clark, Darke, Greene, Miami, Montgomery, and Preble.

RAPCA staff have reviewed this proposal and have participated in the drafting of comments by the National Association of Clean Air Agencies (NACAA). We concur with the comments of NACAA and offer the following to supplement those comments and emphasize several points.

- The proposal requires that state or local agencies adopt the green groups provisions. Such mandatory language ignores the ability of a state or local agency to have a more stringent new source review regulation.
- The green groups provision is proposed for 10 to 15 years. This is much too long a period of time for a source to "hold" the rights to install a new source without contemporaneous review.
- Implementation of the provisions proposed in this rule could have significant resource impacts on state and local agencies. EPA needs to address the adequacy of resources at the state and local agency level and provide funding to meet these needs.

RAPCA is in favor of public policy which encourages good emissions controls and rewards industries that install controls beyond requirements; however this proposal simply appears to provide for 10 to 15 year permits to install, without guarantee of installation or environmental benefit.

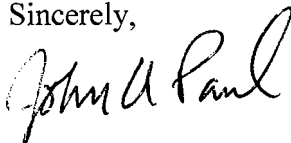
RAPCA recommends that EPA propose a rule which encourages new control equipment installations and assures environmental benefit. Companies could obtain advance approval for new source installations under the following conditions:

1. Permits would be for 5 years and renewable (corresponding to the Title V permit).
2. The company must install control equipment which reduces and caps emissions at or below current actual levels. The control equipment must be oversized to accommodate new sources.
3. The control equipment must represent BACT/LAER.
4. Additions of new sources over the 5-year time period must be tied in to the control equipment and cannot increase emissions above current actual levels (no actual increase in emissions).
5. The company must keep records and inform the agency when new units are added, but would not need permits to install the new units.

Such a proposal would reward companies for the installation of controls beyond current requirements by providing them the flexibility to install new units over the period of the permit without going through individual permit approvals. We would like the opportunity to discuss such a proposal with EPA staff.

Thank you for this opportunity to comment on EPA's proposed rule. Should you have any questions on these comments, please refer to this writer at 937-225-5948.

Sincerely,

A handwritten signature in black ink that reads "John A. Paul". The signature is written in a cursive, flowing style.

John A. Paul
Administrator