

12/28/1978

VOC481228781

**Category:** 48 – General VOC Issues

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DATE: DEC 28, 1978

SUBJECT: PSD and NRS SIP Revision Submittals

FROM: Merrill S. Hohman, Director  
Air & Hazardous Materials Division

TO: Walter Barber  
Deputy Assistant Administrator  
Office of Air Quality Planning and Standards

On December 22, 1978 I sent a memo to you requesting your response to proposed compliance schedules for VOC regulations developed by the six New England States, New York and New Jersey at a New England Staff for Coordinated Air Use Management (NESCAUM) meeting. At that same meeting and at a follow-up meeting on December 19, 1978 those states discussed their SIP revisions for the new source review program for the purpose of developing consistent procedures among the states which will be acceptable to both them and EPA.

The purpose of this memo is to request your response to those issues which were covered at the NESCAUM meetings and not in my December 22, 1978 memo to you. (A copy of the minutes of the November NESCAUM meeting is enclosed.)

1. The states do not want to utilize the term potential emissions in their regulations; they feel that the term is too confusing for the general public to understand. They plan to demonstrate in their submittals that all sources with potential emission rates in excess of 100 tons per year will be reviewed under their system.

2. For sources with total allowable emission over 50 tons per year but made up of facilities with allowable emissions of under 50 tons per year, the states purpose not to do a case by case BACT analysis but will assume their new source regulations will constitute BACT. They plan to make a general demonstration to this effect in their submittal with some type of periodic review system built in.

3. Except as otherwise required by federal regulation (i.e. NSPS) the states will assume that their present sulfur in fuel regulations will be BACT for the area. This means that some new sources will be allowed to burn up to 2.2% sulfur fuel.

4. The states plan to state that the visibility, soils, and vegetation analyses will be covered in either the state or the federal environmental impact statement system or a similar such evaluation. It will not be specifically included in the PSD analyses.

5. Analysis of secondary growth will not be reviewed for individual sources, but will be evaluated as in (4) above. The annual and biannual analysis of total increment utilization will include the secondary growth impacts.

6. The states would like to use some type of increment allocations scheme. They feel that no source should be able to use up more than 75% of the short-term increments, nor more than 25% of the available annual increment (these numbers are adjustable depending upon the size of the facility that will consume the increment). The states would like to be able to use this scheme for not only intrastate but also interstate impact analyses. Is this scheme acceptable to EPA?

7. If a state adopts an allocation scheme such as in Item 6 and includes it in its SIP revision does that scheme become federally enforceable and/or subject to citizen suit? And if it is federally enforceable, then does EPA have to approve any variance or any sources who would consume a larger portion of the increment than their specified limits?

8. In tracking the increment utilization, most states felt that they would have to go to a UTM coordinate grid system. They would use CDM to track the annual increment with the short-term increment evaluated for individual sources greater than 50 tons per year and other sources caught by a periodic review and/or a triggering mechanism system.

9. Who has the rights to the emissions from sources that have been shut down and for how long can they retain those rights?

10. Earlier this month, Dick Rhoads wrote a letter to Tony Cortese discussing the need for public participation on small sources (copy enclosed). The states have interpreted this letter as meaning "we like your idea, but we don't know if it is legal and we will check it out." The questions raised in that letter should be addressed as soon as possible.

Many of these issues were also raised at the STAPPA meeting in Mobile, Alabama at the beginning of the month. We would appreciate a response from you as soon as possible since the states have hearings scheduled in the near future and we must resolve these issues quickly.

cc: L. Murphy  
D. Stonefield  
T. H. Helms  
Air & Hazardous Materials Division Directors - Regions II thru X  
State Air Program Directors - Region I, New York and New Jersey