

DoD Comments on Proposed Regulation for New Source Review

1. Stringent Project Emission Calculations. Section 204 Permit Requirements for Major Sources Located in Non-Attainment Areas (New Source Review) 204.6(b), 204.6(d)

1.1 Comment: The proposed emission calculations uses the actual emissions vs. potential emissions (204.6(b) as opposed to the actual emissions vs. projected actual emissions. Using potential emissions in calculating the “net emissions increase” will likely unnecessarily trigger NSR permitting for small projects where actual operations and post project emissions is a fraction of the potential operations and emissions. Using the actual emissions vs. projected actual emissions method to determine the overall post project emissions portrays a more accurate way of measuring the projects’ effects.

1.1 Recommendation: Propose that DDOE NSR program mirror the Federal NSR program by using actual emissions vs. projected actual emissions to determine post project emissions.

2. Stringent Baseline Calculations of Plantwide Applicability Limit (PAL) Permits for Major Sources, New Section 208

2.1 Comment: The PAL baseline calculations are much more stringent than federal requirements. The PAL baseline period is defined as “the two (2) consecutive calendar years immediately prior to the year the application for a PAL is submitted. The Department may allow the use of a different consecutive twenty-four (24) month period within the last five (5) years upon a determination that the operations during that period would be more representative of normal source operation”. The same 2 year period would be used to calculate all NSR pollutants. Because of the nature of Military Construction (MILCON) project planning and funding, it is not unusual to have a surge of projects over a 5 year period of time followed by numerous years of maintenance and steady state. Therefore, the proposed timeframe of five years would not allow a timeframe to accurately portray a representative “normal source operation.”

2.1 Recommendation: Recommend modifying the proposed regulation to allow for the use of any 24 month period within the past 10 years in accordance with the Federal requirements in order to provide a better estimate of normal operations.

3. Clarification of Plantwide Applicability Limit (PAL) Permits for Major Sources, New Section 208

3.1 Comment: DDOE must reopen the PAL to “Reduce the PAL if the Department determines that a reduction is necessary to avoid causing or contributing to a NAAQS or PSD increment

violation, or to an adverse impact on an air quality related value that has been identified for a Federal Class I area by a Federal Land Manager and for which information is available to the general public” (208.12(d)). The conditions under which the DDOE must re-open the PAL are not well defined and should include more specificity.

3.1 Recommendation: Recommend that DDOE specifically define the conditions that “a reduction is necessary” warranting the PAL to be reopened.

3.2 Comment: DDOE “may set the PAL at a level that it deems to be more representative of the source’s PAL baseline emissions determined from the date of the renewal application, or that the Department determines to be more appropriate” through various factors “identified by the Department’s written rationale” (208.20). Though condition 208.18 allows the applicant to initially propose a PAL and provide supporting documentation, there does not appear to be another opportunity for the applicant to negotiate or suggest an alternative PAL once the Department provides their written rationale for the PAL level until the Public Comment period.

3.2 Recommendation: Recommend the language “The applicant can petition the Department for clarification of the rationale or provide additional information to suggest an alternative PAL” to be added in 208.12(d).

3.3 Comment: In 208.35(b), the source must “promptly submit reports of any deviations or exceedances of the PAL requirements.” It is unclear whether deviations should be submitted in the semi-annual deviation reports or earlier.

3.3 Recommendation: Recommend that DDOE provide clarification of “prompt” reporting of deviations.