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### **Region 9 F.A.R. Comments on *Refinement of Increment Modeling Procedures***

Region 9 nonconcur on the Increment Modeling rule, at the level of the Air Division Director. We await a final position from our Regional Administrator.

The proposed revisions to the regulatory definitions and procedures for calculating increment consumption would likely result in significant underestimation of emissions, and cause greater deterioration of air quality. We do not believe the following issues have been adequately addressed.

First, the rule's definition of "actual emissions" would allow annual average emission rates to be used in modeling for increments with 24-hour and 3-hour ("short-term") averaging times. This could seriously underestimate short-term increment consumption, by a factor of two or more. The rule does not provide any criteria for determining the appropriateness of using the annual emissions rate on a case-by-case basis.

A second problem in the "actual emissions" definition is the unlimited discretion that state and local agencies would be provided for defining the 24-month period a source must use as a basis. The rule would not establish any criteria for justifying use of a particular period. This would likely result in periods chosen that would be favorable to sources (e.g. in terms of coal sulfur content) and in greater deterioration of air quality.

Finally, the change to 40 CFR §51.166(f)(1)(i) is also problematic. It states: "Actual emissions shall be calculated based on information that, in the judgment of the reviewing authority, provides the most reliable, consistent, and representative indication of the emissions ..." We believe that the regulations as currently written allow use of reliable, consistent and representative methodologies on a case-by-case basis after consultation between the source, state or local agency, and EPA Regional office. The new wording would undermine the consultation with the EPA Regional offices on the advisability of allowing a particular methodology, and also the ability of the public to challenge questionable approaches. We are concerned that limiting EPA Regional office and public involvement could ultimately leave sources at risk as well as allowing air quality deterioration.

In summary, we believe that this rule would jeopardize protection of the PSD increments and limit the EPA's and the public's involvement in the permitting process.

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