



October 2, 2019

EPA Docket Center  
U.S. EPA  
Mail Code 28221T  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Attn: Docket No. ID EPA-HQ-OAR-2018-0048; FRL-9997-95-OAR

**Re: Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Project Emissions Accounting Proposed Rule**

The Institute of Clean Air Companies (ICAC) appreciates the opportunity to provide comments on the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Project Emissions Accounting Proposed Rule (EPA-HQ-OAR-2018-0048; FRL-9997-95-OAR).

ICAC is the national trade association of companies that supply air pollution control and monitoring systems, equipment, and services for stationary sources. For over 60 years, ICAC member companies have helped to clean the air by developing and installing reliable, cost effective control and monitoring systems. We believe that improved air quality and industrial growth best occur when achievable cost-effective policies are paired with innovative technologies.

ICAC has previously commented on the need for further examination of the New Source Review program's impact on potential efficiency improvements in comments submitted to EPA in response to the proposed Affordable Clean Energy (ACE) rule and the proposed Clean Power Plan. We support the proposed changes and find that the proposed rule for NNSR: Project Emissions Accounting will provide more certainty and consistency, while reducing both costs and emissions.

Sincerely,

Clare Schulzki  
ICAC Executive Director

### **Background: Previous ICAC Comments on NSR**

As noted above, ICAC has previously commented on the need for further examination of the NSR program in comments submitted to EPA in response to the proposed ACE rule and the proposed Clean Power Plan (see both sets of comments as separate attachments). In summary, ICAC's previous comments outlined that the NSR program continued to pose significant uncertainty regarding efficiency improvements and that further examination of this issue is worthwhile, so long as it also leads to long-term improvements in air quality.

### **Comments on Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Project Emissions Accounting Proposed Rule**

For facilities and supporting organizations pursuing air permitting for capital projects, this proposed change should provide more certainty and consistency across various state and local regulatory agencies. Having codified regulations versus memoranda should allow delegated agencies to evaluate permit applications with more confidence of appropriate treatment under the NSR program. This should also help companies with sites in various regulatory jurisdictions to be able to evaluate projects more consistently.

Additionally, this proposed change facilitates equipment replacements by isolating the replacement in Step 1. The new equipment can be netted against the old equipment without pulling in the rest of the plant. This change would more easily allow upgrading of a facility, such as for efficiency improvements, but those types of projects may still need to go to Step 2 even with this change.

This change appears to have a stronger legal footing than prior proposed NSR reforms that were vacated by the courts, since this change is related to the procedure for netting and does not exempt processes altogether (such as pollution control projects). Further, by eliminating a redundant procedural step, there will be a reduction in the cost of permitting for both the applicant and the relevant agencies by reducing the permitting time and schedule. ICAC believes that the intent of this proposed change is that it will not result in an increase in emissions.

ICAC appreciates EPA's attention to the NSR program through its recently released Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Project Emissions Accounting Proposed Rule (EPA-HQ-OAR-2018-0048; FRL-9997-95-OAR).

Thank you for the opportunity to submit comments on the proposed rule. We welcome any questions related to our comments and we are happy to provide additional information as needed.

Sincerely,



Clare Schulzki  
Executive Director, ICAC