

February 13, 2024

Mr. Matthew Spangler
Air Quality Policy Division
Office of Air Quality Planning and Standards
Office of Air and Radiation
U.S. Environmental Protection Agency
109 T.W. Alexander Drive
Research Triangle Park, NC 27711

Submitted electronically via the Federal eRulemaking Portal at <https://www.regulations.gov>

Dear Mr. Spangler:

The National Association of Clean Air Agencies (NACAA)¹ respectfully requests a 45-day extension of the public comment period on EPA’s recently proposed rule, “Clarifying the Scope of “Applicable Requirements” Under State Operating Permit Programs and the Federal Operating Permit Program,” 89 Fed. Reg. 1150 (Jan. 9, 2024), Docket ID No. EPA-HQ-OAR-2023-0401. Currently, comments are due on March 11, 2024. NACAA asks that EPA extend the deadline to April 25, 2024.

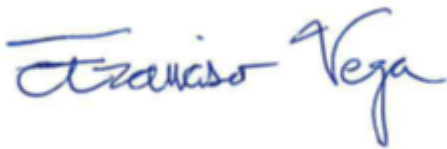
The proposed rule concerns the circumstances under which EPA will review New Source Review (NSR) preconstruction permitting decisions – the vast majority of which are made by state and local permitting authorities – under its Title V oversight authorities. EPA is also proposing to remove from its regulations provisions relating to what is known as “enhanced NSR” permitting and related Title V administrative amendments and “strongly encourages” state and local agencies that use similar approaches to eliminate these processes from their permitting programs. EPA contemplates that at least some agencies may discern a need to undertake rulemaking to make conforming changes to their approved Part 70 rules. The proposal therefore has obvious and potentially significant implications for state and local permitting authorities.

State and local air agencies require additional time to evaluate this proposal and develop informed comments on it. Extending the public comment period by 45 days would allow agencies to more thoroughly analyze whether their NSR and Title V permitting processes comport with EPA’s proposed approach, to consider whether they may need to amend their EPA-approved Part 70 rules, and to evaluate whether they agree or disagree with EPA’s policy assessments. An extension would also afford agencies more time to solicit feedback from Title V permittees and other stakeholders in their jurisdictions before finalizing and submitting comments on the proposed rule.

¹ NACAA is the national, nonpartisan, nonprofit association of 157 air pollution control agencies in 40 states, including 117 local air agencies, the District of Columbia and five territories.

Thank you for your consideration of this request. If you have any questions, please contact either of us or Karen Mongoven of NACAA at kmongoven@4cleanair.org.

Sincerely,



Francisco Vega
Washoe County, NV
Co-Chair
NACAA Permitting and NSR Committee



Ali Mirzakhali
Oregon
Co-Chair
NACAA Permitting and NSR Committee

cc: Mr. Scott Mathias (EPA OAR OAQPS/AQPD)