

STAPPA / ALAPCO

STATE AND TERRITORIAL
AIR POLLUTION PROGRAM
ADMINISTRATORS

ASSOCIATION OF
LOCAL AIR POLLUTION
CONTROL OFFICIALS

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State/Local Air Officials Release Regulatory Alternatives for New Source Review to Better Address Air Quality and Public Health Needs

Deeply concerned that rules recently issued by the U.S. Environmental Protection Agency (EPA) to “reform” a fundamental component of our nation’s clean air program will diminish air quality protections, state and local air pollution control officials have developed a comprehensive “menu” of alternatives for those areas that wish to adopt or retain rules that differ from EPA’s.

The program in question, the federal New Source Review (NSR) program, was established by Congress in the 1977 Clean Air Act Amendments to ensure that new sources and those that undertake major modifications install state-of-the-art pollution controls and assess air quality impacts to protect against violations of health-based air quality standards. Although state and local air officials have long supported changes to the NSR program that would reduce its complexity and make it easier to implement and enforce, they have been critical of EPA’s revisions – issued on December 31, 2002 and August 27, 2003 – and, in fact, had cautioned against them.

“Our associations’ chief concern with EPA’s revisions is that harmful emissions will now go uncontrolled. We are worried that giving a ‘free pass’ to sources of pollution could seriously undermine the ability of states and localities to achieve and sustain our nation’s clean air and public health goals,” said S. William Becker, Executive Director of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO).

Through STAPPA and ALAPCO, states and localities worked for nearly a year to develop a range of regulatory alternatives to EPA’s NSR rules for areas that have attained clean air standards, known as “prevention of significant deterioration” or PSD areas. In October 2003, the associations released a final review draft of their work and invited discussion, comment and feedback by convening a series of meetings with stakeholder groups, including EPA, industry and the environmental and health communities. Their final product, *New Source Review: A Menu of Options*, reflects the input received and includes as well a new section addressing NSR in nonattainment areas.

For each of six major program elements – calculation of the emissions baseline against which to measure emission increases, the NSR applicability test, the “Clean Unit” exclusion, the “Pollution Control Project” exclusion, “Plantwide Applicability Limits” and replacement unit exclusions – the *Menu* includes a detailed discussion of EPA’s previous NSR provisions, the recent rule revisions, state and local air agencies’ specific concerns and the alternatives identified by STAPPA and ALAPCO. In separate sections for PSD and nonattainment areas, the *Menu* sets forth EPA’s regulatory language side-by-side with the corresponding regulatory alternatives developed by state and local air agencies. “Our goal in providing this *Menu* is to augment states’ and localities’ efforts to craft NSR programs that will better address their air quality and public health needs,” noted Becker.

STAPPA and ALAPCO are the two national associations of air pollution control agencies in the states, territories and major metropolitan areas across the country. For more information, please visit the associations’ web site at www.cleanairworld.org. *New Source Review: A Menu of Options* is available in the “STAPPA/ALAPCO Clean Air Innovations” section at www.cleanairworld.org/newsourcemenue.html.

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