

March 21, 2007

Environmental Protection Agency
Attention: Docket ID No. EPA-HQ-OAR-2004-0094

Submitted electronically: a-and-r-docket@epa.gov

The American Composites Manufacturers Association is pleased to submit these comments in response to the U. S. Environmental Protection Agency's January 3, 2007 proposal to revise the NESHAP General Provisions. 72 FR 69. (Public comment period extended to May 4, 2007 on March 5, 2007. 72 FR 9718.)

EPA has proposed to replace the agency's 1995 once-in-always-in policy, which has limited the ability of sources with potential hazardous air pollutant (HAP) emissions above major source thresholds from attaining minor source status, and avoiding Title V permitting and NESHAP requirements, by accepting federally enforceable limits to prevent emissions above the thresholds. Under the current policy, sources could take such federally enforceable limits, and become synthetic minors, only until the first substantive compliance date of an applicable NESHAP.

On January 3, EPA proposed to remove the time limit from the ability of sources to attain minor source status through federally enforceable emission limits. The proposed new policy would allow sources, with actual emissions above the major source threshold at the first substantive compliance date that have subsequently reduced emissions below the threshold, to attain minor source status. The policy would also allow sources with actual HAP emissions below the major source threshold, but that failed to apply for synthetic minor permits with federally enforceable emission limits before the first substantive compliance date, to attain minor source status.

ACMA supports the proposed change to the NESHAP General Provisions. EPA's proposed new policy will have the following benefits:

1. The proposed policy will encourage sources to reduce emissions.

Many sources have reduced HAP emissions as a result of adopting the Maximum Achievable Control Technology (MACT) requirements of a NESHAP. Many sources may be able to further reduce emissions through the use of newly available controls or pollution prevention technologies, or by taking enforceable annual emission limits. Under the 1995 policy, these sources would still be major sources subject to Title V permitting and NESHAP requirements, even though they may have reduced emissions to below the major source thresholds. EPA's proposed new policy will reward such emission reductions by offering these sources a way to avoid the Title V and NESHAP programs. Because those programs are so burdensome, many sources will take advantage of that offer, and air quality will benefit accordingly.

2. The proposed policy will reduce administrative costs for sources and permitting agencies.

Title V permits are administratively expensive for both sources and state permitting agencies. Further, the additional monitoring, recordkeeping and reporting requirements of NESHAP are often costly for sources to implement and permitting agencies to enforce. Many of these administrative requirements have no direct bearing on actual emissions; therefore, the cost per ton of emissions managed is disproportionately high. The proposed new policy will allow sources and permitting agencies to avoid these costs with no reduction in environmental protection.

3. The proposed policy will provide significant relief to many small businesses.

ACMA understands that thousands of small companies, with actual hazardous air pollutant emissions below the major source thresholds, could qualify for synthetic minor status if they applied for permits with federally enforceable emission limits. Many of these sources are not aware that these applications were due before the NESHAP substantive compliance dates, and under EPA's current policy would always be major sources, subject to full Title V and NESHAP requirements, even though their actual emissions may never exceed a fraction of the major source thresholds. By allowing these sources to now apply for synthetic minor permits, EPA's proposed new policy will allow state permitting agencies to increase compliance without severely penalizing small companies that had not received timely notice of applicable requirements.

Signed,



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