

From: Corinne Greenberg
Sent: Thursday, November 04, 2004 10:18 AM
To: Art Williams; Jonathan Trout
Subject: Add'l comment re exemptions & de minimis

Art, Jon --

This thought occurred to me after Tuesday's meeting where you proposed some possible exemptions for the STAR program: would you please also consider an exemption for replacement or addition of pollution control devices that will only result in reduced emissions? Such an exemption would encourage facilities to be proactive in reducing air emissions. Otherwise, as the draft program currently reads, there is a disincentive for any modification -- including such obvious improvements to air quality -- if such a change would trigger the modeling requirements. Such an exemption would be consistent with precedent set by other jurisdictions, including Michigan R 336.1285(d)-(f) which exempts from permitting requirements:

(d) Reconstruction or replacement of air pollution control equipment with equivalent or more efficient equipment.

(e) Installation, construction, or replacement of air pollution control equipment for an existing process or process equipment for the purpose of complying with the national emission standards of hazardous air pollutants regulated under section 112 of par A of Title I of the Clean Air Act, 84 Statutes 1685, 42 U.S.C. Section 7412.

(f) Installation or construction of air pollution control equipment for an existing process or process equipment if the control equipment itself does not actually generate a significant amount of criteria air contaminants... or a meaningful quantity of toxic air contaminants.

Similarly, I would also encourage you to consider adding exemptions for changes in processes, process control equipment, or raw materials that do not result in an increase in emissions. Precedence for such an exemption can be found at Michigan R 336.1285(b)(i)-(vii).

Thank you for your consideration of these additional exemptions, and thanks also for the proposed list of exemptions/de minimis provisions discussed at Tuesday's meeting. I look forward to our next meeting.

Sincerely,

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