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January 12, 2022

Mr. Daniel Blackman, Regional Administrator  
U.S. EPA Region 4  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street, SW  
Atlanta, GA 30303-8960

Re: EPA ID No. EPA-HQ-OAR-2004-0014; FRL-4940.2-03-OAR

Mr. Blackman,

The Division for Air Quality (Division) appreciates the opportunity to provide comment on EPA's proposed rule, Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR); 87 Fed. Reg. 62322 (October 14, 2022).

While the Division appreciates EPA 'cleaning up' these provisions, the Division is concerned that EPA is creating a paperwork exercise that results in no actual emission reductions. The inclusion of fugitive emissions for modification purposes may force sources to trigger PSD requirements. By default, fugitive emissions are fugitive because they cannot be captured. Stringent PSD requirements to reduce other emissions at the source is inappropriate. The Energy and Environment Cabinet will incur significant unnecessary costs and a lengthy yearlong process to change the administrative regulations that currently include the requirements EPA is eliminating. The Division will incur additional costs putting together a SIP amendment for submittal to EPA. Requiring sources to include fugitive emissions when it has not been shown that they are contributing to NAAQS violations is inappropriate.

Many sources have been operating with the current system for over 40 years; a change will require education to both agency permitting staff and the regulated community as the rule change will impact how emissions are calculated in permitting moving forward. EPA has not shown that all the resources spent on such effort (rulemaking, SIP development, education of staff and the regulated community, additional permit reviews) is going to result in any actual reduction of emissions.

In addition, the Division suggests that EPA re-propose the removal of the 1980 language separately in order to give states the ability to adequately evaluate the impacts to their programs and provide meaningful comment from all involved parties, including the regulated community

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and citizens and lessen unnecessary confusion. Although EPA states they expect impact to be minimal, no specific data is provided, and even though it may “seem remote,” these impacts need to be fully vetted before a blanket removal.

If you have any questions or need additional information please contact Ms. Kelly Lewis, Manager, Program Planning and Administration Branch by phone at 502.782.6687 or email at [Kelly.Lewis@ky.gov](mailto:Kelly.Lewis@ky.gov).

Sincerely,

 Recoverable Signature

X *Michael Kennedy*

Signed by: Michael Kennedy

Michael Kennedy, P.E.

Director

Kentucky Division for Air Quality