UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

The Honorable David K. Paylor, Director
Virginia Department of Environmental Quality
629 East Main Street
Richmond, VA 23219

Dear Mr. Paylor,

Thank you for the opportunity to comment on the proposed State Implementation Plan (SIP) revision addressing Virginia's startup, shutdown and malfunction provisions in response to the Environmental Protection Agency's (EPA) SIP call (80 FR 33840). The EPA comments are provided in the enclosure to this letter.

Please do not hesitate to contact me, or have your staff person contact Ms. Leslie Jones Doherty at 215-814-3409 or jones.leslie@epa.gov for questions pertaining to these comments.

Sincerely,

David L. Arnold, Acting Director
Air Protection Division

Enclosures

cc: Karen Sabasteanski, VADEQ

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EPA Comments Regarding the Virginia Proposed SIP revision for
Startup/Shutdown/Malfunction
(May 2, 2016, Virginia Register of Regulations, Volume 32, Issue 18)

1. If Virginia submits 9VAC5-20-180E as part of the State Implementation Plan (SIP), Virginia must also submit 9VAC5-20-50A to be included into the SIP. In addition, any variance that is subsequently applied for pursuant to 9VAC5-20-180E must also be submitted for SIP approval.

2. In accordance with 9VAC5-20-180G, if excess emissions occur due to a malfunction, an owner may demonstrate that they have met the procedural requirements of this section (9VAC5-20-180) or may submit an acceptable application for a variance. It is unclear what the process is for an owner to apply for such a variance. Please explain this process. It is also unclear when such a "variance" would be applicable. Is a variance for prospective emissions?

3. If the language in 9VAC5-20-180G regarding a variance is submitted as a SIP revision, all variances subsequently granted must also be submitted for SIP approval.