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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

November 3, 1980

Mr. John F. Neupert
Miller, Nash, Yerke, Wiener & Hager
Attorneys and Counselors at Law
900 S. W. Fifth Avenue
Portland, Oregon 97204

Dear Mr. Neupert:

This is in response to your letter of September 16, 1980 in which you requested EPA to develop general policy guidance concerning the completeness of PSD applications. You were concerned that the lack of such a policy is causing considerable inequities in how PSD sources obtain rights to build their construction projects.

EPA has recognized the importance of application completeness in our system of first-come, first-served allocation of PSD construction rights. What has not been clear is how detailed should the guidance be to determine when a PSD application would be judged as complete. This decision entails a balancing between the need to have nationally consistent determinations and the need to address the uniqueness of each permitting situation. Our guidance in this area has been and continues to be evolving.

On December 22, 1978 I sent a memo, as you noted in your attachments, which recommended that all EPA Regions use essentially the same level of BACT information in assessing the completeness of PSD applications. Similarly the revisions to the PSD regulations which were promulgated on August 7, 1980 (see enclosed copy) defined a complete PSD application as one which has all the information necessary for permit processing. This change charges all future permits to contain essentially the same type of information while still allowing them to vary in terms of depth of information at the discretion of the reviewing authority. In addition, studies are now underway in conjunction with the Agency's consolidated permit program which will result in further standardization of required PSD information. This additional guidance will be available by mid-1981.

Currently, EPA has as its highest PSD priority the transfer of the PSD program to the States. Assuming that we are successful in accomplishing this objective, many States are likely to incorporate within their own SIPs alternative means for allocating the PSD increment which may operate independent of the completeness of application date.

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States may allocate PSD growth rights and are not bound by EPA's present policy of first-come, first-served which considers the completeness determination as being critically important. Moreover, a State could also choose to retain the concept of first-come, first-served but decide the completeness issue entirely on a case-by-case basis.

I trust that my remarks have been responsive to you.

Sincerely yours,

Walter C. Barber,
Director
Office of Air Quality Planning
and Standards

Enclosure

cc: D. Rhoads
R. Devine