

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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March 9, 2018

Mr. John D. Walke
Clean Air Director
Natural Resources Defense Council
1152 15th Street, N.W.; Suite 300
Washington, DC 20005

Dear Mr. Walke:

Thank you for appearing before the Subcommittee on Environment on February 14, 2018, to testify at the hearing entitled "New Source Review Permitting Challenges for Manufacturing and Infrastructure."

Pursuant to the Rules of the Committee on Energy and Commerce, the hearing record remains open for ten business days to permit Members to submit additional questions for the record, which are attached. To facilitate the printing of the hearing record, please respond to these questions with a transmittal letter by the close of business on Friday, March 23, 2018. Your responses should be mailed to Kelly Collins, Legislative Clerk, Committee on Energy and Commerce, 2125 Rayburn House Office Building, Washington, DC 20515 and e-mailed in Word format to kelly.collins@mail.house.gov.

Thank you again for your time and effort preparing and delivering testimony before the Subcommittee.

Sincerely,



John Shimkus
Chairman
Subcommittee on Environment

cc: The Honorable Paul Tonko, Ranking Member, Subcommittee on Environment

Attachment

Attachment—Additional Questions for the Record

The Honorable John Shimkus

1. Seeing that you do not support reforming the NSR program to include a maximum hourly emission rate test, do you believe that the maximum hourly emission rate test used under the EPA's New Source Performance Standards has not been successful? Please explain.

The Honorable Frank Pallone, Jr.

1. Did EPA Conduct any sort of public health study or analysis of the changes proposed in their December 7th Memo?
2. Did they take into account the disproportionate impact air pollution has on the most vulnerable among us; children, minority communities, or outdoor workers?

Mr. Holmstead's written statement said that "the best approach would be to make clear that there is not a 'major modification' under NSR if there is not a 'modification' as defined under NSPS. Thus, companies (and EPA) would evaluate a project to determine whether it would increase the maximum hourly emission rate at the plant. If not, then the project does not trigger NSR."

3. Do you agree? Please explain.
4. Would this approach allow companies to increase actual air pollution and escape air pollution controls and offsets, when that increased air pollution could require air pollution controls and offsets under the Clean Air Act for "modifications" today?
5. Would this approach allow companies to increase actual air pollution and escape air pollution controls and offsets, when that increased air pollution could require air pollution controls and offsets under PSD/NSR regulations for "modifications" today?
6. Please identify differences that EPA says exist between "modifications" under the NSPS and NSR regulatory programs. Be specific concerning the air pollution increases that EPA says are permissible, or that require air pollution controls and/or emission limitations, under the two programs.

In his oral statement, Mr. Holmstead said "even if the NSR program disappeared completely tomorrow," that "there would not be any increase in air pollution at all."¹

7. Do you agree? Please explain.

¹ Transcript, p. 51

8. In light of your testimony, how do you understand Mr. Holmstead's statement that "there would not be any increase in air pollution at all" "even if the NSR program disappeared completely tomorrow"? Please explain.
9. Would Mr. Holmstead's support for the approach to "modification" used in the NSPS program allow increases in actual annual pollution levels from facilities subject, or potentially subject, to the PSD/NSR programs?

Mr. Holmstead suggested that there would not be any increase in air pollution "because of the many other programs that regulate the same pollutants from the same facilities."

10. Do you agree?
11. If the NSR program disappeared from EPA regulations and the Clean Air Act, are there laws and regulations in place, at the state and/or federal levels, that would prevent any and all stationary sources in the U.S. from experiencing "any increases in air pollution at all," that would otherwise be regulated by NSR?