



## NPCA Position on Draft Legislation Addressing New Source Review Permitting Reform

May 15<sup>th</sup>, 2018

Dear Representative,

Since 1919, the National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our more than 1.3 million members and supporters nationwide, I urge you to **oppose** the draft legislation addressing new source review permitting reform that will be before the Energy and Commerce Subcommittee on Environment on Wednesday, May 16<sup>th</sup>. If passed, this bill would weaken air pollution safeguards relied on by millions of people and could lead to increased air pollution and related damage to national parks and surrounding ecosystems. It would also limit public stakeholder engagement in important decisions affecting our air and our climate.

The draft bill would allow industrial sources to increase pollution without environmental review and without requiring application of the best available control technology. This bill undermines the fundamental compromise of “grandfathering” built into the Clean Air Act, in which outdated facilities must install pollution reducing technology when they make modifications to keep a facility running.

The bill would exempt industrial sources from environmental review by changing the test for what constitutes a “modification” under the Clean Air Act’s New Source Review (NSR) Program from an annual emissions test to an hourly emissions test. Often, older facilities undergo significant renovations that do not increase hourly emissions, but instead allow the source to operate for more hours per year, increasing overall pollution. Such sources would evade the appropriate application of control technology.

Similarly, the bill seeks to limit NSR applicability to projects that deal with reliability or safety. These projects are also often designed to give new life to outdated equipment, and ultimately allow increased annual pollution. Requiring a lower level of scrutiny for them undercuts the progressive improvements anticipated by the Clean Air Act.

The bill also exempts sources making changes that reduce the emission rate of an air pollutant without considering possible increases in other pollutants. Pollution controls sometimes decrease one air pollutant at the cost of increasing another. This means that a minor decrease in pollution of one kind could negate a regulatory agency’s obligation to address significant increases of another type of pollutant.

The real-world outcome of the changes specified in this bill is that few, if any, modifications to outdated industrial sources would undergo New Source Review. It is precisely during this review that federal land managers responsible for protecting the

nation's public lands get the opportunity to consult with the permitting agency, reviewing impacts of proposed modification and engaging in the NSR rulemaking process to ensure that these sources comply with modern standards and laws. The draft bill would amend the Clean Air Act so that a major source of pollution could increase its emissions without notifying the public or federal land managers. This would limit the opportunity for stakeholders to engage in a comment process necessary to ensure transparency in decision-making and accountability.

While we appreciate the desire to encourage projects improving efficiency and reducing emission rates, because these projects can also end up increasing emissions or overall pollution, eliminating review and application of appropriate controls and the opportunity for public review does not make sense.

Thank you for considering our views. For further information, please contact Stephanie Kodish at (865) 329-2424 x28 or [skodish@npca.org](mailto:skodish@npca.org).

Sincerely,

Ani Kame'enui  
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