



February 6, 2024

Mr. Matthew Spangler
Air Quality Policy Division
Office of Air Quality Planning and Standards
Office of Air and Radiation
U.S. Environmental Protection Agency
109 T.W. Alexander Drive
Research Triangle Park, NC 27711

Submitted via the Federal eRulemaking Portal at <https://www.regulations.gov>

Subject: 45-day comment period extension for proposed rulemaking, “Clarifying the Scope of ‘Applicable Requirements’ Under State Operating Permit Programs and the Federal Operating Permit Program” (Docket ID No. EPA-HQ-OAR-2023-0401)

Dear Mr. Spangler:

The Association of Air Pollution Control Agencies (AAPCA)¹ is requesting a 45-day extension of the comment period for the U.S. Environmental Protection Agency’s (EPA) proposed rule, “Clarifying the Scope of ‘Applicable Requirements’ Under State Operating Permit Programs and the Federal Operating Permit Program.”² This proposal has broad and direct implications for Clean Air Act permitting programs, which are largely overseen by state, local, and tribal air agencies. As co-regulators that will be subject to the final rule, air agencies have stressed the need for additional time to evaluate the proposal and develop substantive comments to improve the rulemaking.

Since U.S. EPA’s proposed rule was published in the *Federal Register* on January 9, 2024, air agencies have requested multiple calls with U.S. EPA to provide additional clarity on the proposal, including for altered public notice on permits and elimination of the “enhanced” New Source Review (NSR) mechanism. Implementing these changes on the ground could prove challenging and may further constrain the resources of state and local agencies. Appropriate time for co-regulator review and input will provide U.S. EPA with the needed feedback to improve a final rule.

¹ AAPCA is a national, non-profit, consensus-driven organization focused on assisting state and local air quality agencies and personnel with implementation and technical issues associated with the federal Clean Air Act. Created in 2012, AAPCA represents 51 state and local air pollution control agencies, and senior officials from 21 state environmental agencies currently sit on the AAPCA Board of Directors. AAPCA is housed in Lexington, Kentucky as an affiliate of [The Council of State Governments](#). More about AAPCA is at: www.cleanairact.org.

² [89 Fed. Reg. 1150](#) (January 9, 2024).



Thank you for considering this request to extend the comment period on this proposal. If you have any questions, please contact Mr. Jason Sloan, Executive Director, at jsloan@csg.org or (859) 244-8043.

Sincerely,

Executive Director, AAPCA

cc: Mr. Scott Mathias, EPA OAQPS