

Mr. Robert W. Varney
New England Regional Administrator
U. S. Environmental Protection Agency
JFK Federal Building
Boston, Massachusetts 02203

Dear Administrator Varney:

On December 31, 2002 and on August 27, 2003 changes to the federal New Source Review (NSR) program were adopted by EPA. These were changes in the base program describing the minimal NSR program which SIPs must carry out in order to comply with the Clean Air Act. States have until January 2, 2006 to submit revisions to their existing programs showing that the changes have been adopted or to demonstrate that the existing state program (federally approved NSR SIP) meets the newly adopted federal regulatory requirements. Vermont has chosen to demonstrate that its existing NSR SIP provisions already meet the newly adopted federal regulatory requirements.

Attached is a demonstration showing how Vermont's existing NSR SIP rules and narrative incorporate the essence of the six major elements of the federal NSR base program that were added or changed by rules adopted by EPA on December 31, 2002 and on August 27, 2003. Vermont believes that its existing NSR SIP meets the requirements of the Clean Air Act by being at least as-stringent-as the federal NSR regulations. Our NSR program has been tailored to the types and sizes of new sources that we see in Vermont and therefore has some significant differences from other state NSR programs as well as the federal one. In general we experience new source growth from much smaller sources than the national average and believe that to adopt the applicability criteria and specific exclusions that are intended to streamline the federal rules would limit the effectiveness of the currently well accepted existing NSR program we operate.

I therefore request that you concur with our interpretation that the Vermont NSR SIP provisions are at least as-stringent-as and therefore "equivalent" to the federal NSR program, and thus comply with the Clean Air Act.

Sincerely,

Jeffrey Wennberg
Commissioner, Department of Environmental Conservation