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**Energy and Environment Cabinet
Department for Environmental Protection**

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March 22, 2010

Docket ID # EPA-HQ-OAR-2003-0062
Air and Radiation Docket
Environmental Protection Agency
Mail Code: 6102T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Sir or Madam:

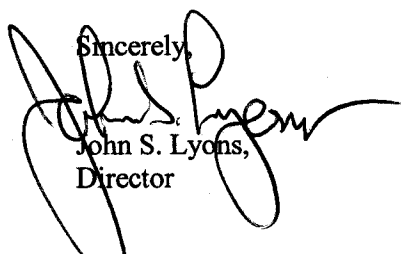
On behalf of the Commonwealth of Kentucky, the Division for Air Quality (Division) respectfully submits the following comments in response to the February 11, 2010, Federal Register that proposes to Repeal the Grandfathering Provision and End the PM₁₀ Surrogate Policy for PM_{2.5}.

The Division strongly disagrees with the assumptions that EPA has cited for the proposal. Specifically, EPA has not demonstrated that the technical issues that gave rise to the PM₁₀ Surrogate Policy have fully been resolved. The states have not been provided clear guidance regarding modeling protocols for handling precursors of PM_{2.5}. Additionally, states are still waiting for the finalization of PSD increments, Significant Monitoring Concentrations (SMCs), and Significant Impact Levels (SILs) that were proposed in 2007. Further, test methods for PM_{2.5} have only recently been established and an emissions inventory for PM_{2.5} is in development and grossly incomplete. The resolution of these issues must be finalized before a state can begin to implement the PM_{2.5} New Source Review (NSR) program without a surrogacy policy. Therefore, EPA should continue to allow PM₁₀ to be used as a surrogate for meeting PM_{2.5} NSR requirements until those specific technical issues referenced above are resolved.

Due to the largely unresolved technical issues relating to the implementation of the PM_{2.5} NSR program, states and applicants continue to rely on this surrogate policy. Additionally, the three-year transition period is provided to allow SIP-approved states sufficient time to modify their NSR program and to incorporate all aspects of PM_{2.5} rulemaking into their NSR programs. However, without the finalization of PSD increments, SMCs, and SILs, states can not completely adopt and implement the PM_{2.5} NSR program. Therefore, the Division recommends that EPA extend the surrogate policy for a period of at least one year following the final rulemaking for increments, SILs, and SMCs.

Thank you for this opportunity to comment on the proposed regulation. If you have any questions or concerns regarding our comments, please contact me at 502-564-3999.

Sincerely,


John S. Lyons,
Director

JSL/als

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