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DATE: JAN 10 1979

SUBJECT: BACT Determinations for Power Plants Subject to
Revised NSPS

FROM: Walter C. Barber, Director
Office of Air Quality Planning and Standards

TO: Deputy Regional Administrator, Regions I-X

It has come to my attention that some confusion may exist relative to the applicability of the proposed new source performance standard (NSPS) for steam electric power plants to the PSD permitting process. The PSD program requires a determination that new power plants employ best available control technology (BACT) which is defined on a case-by-case basis and can be no less stringent than the applicable NSPS. Thus, for new power plants where the proposed NSPS identifies the applicable standard, all PSD permit decisions regarding BACT and application completeness should be made to reflect at least the level of stringency contained in this proposal.

At the time of proposal Administrator Costle indicated that no final decision had been made as to the appropriate stringency of the standard and that he would base the final rule on the record developed during the public comment period. Mr. Costle further indicated that he was proposing the stringent alternative, in part, because it would be easier to design down to a less stringent promulgation than it would be to design up to a more stringent standard. Accordingly, BACT decisions made prior to promulgation which require control equal to that contained in the proposal should be reviewed against the final standard to determine if alternative (less stringent) controls would be more appropriate. Of course, any more stringent standards required by the promulgated rule would also establish a new technology baseline for the relevant portion of the BACT determination.

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