Rev. 11/90

DIVISION OF WATER RESOURCE MANAGEMENT

FROM: _____ DATE: _____ FILE IN: _____

TO:	INITIAL:	PLEASE:	REMARKS:
___	_____ G. AKITA	___ See Me	
___	_____ L. Nanbu	___ Take Action By_____	
		___ Route to Your Branch	
___	_____ E. Sakoda	___ Review & Comment	1/29
___	_____ G. Matsumoto	___ Draft Reply___	
___	_____ E. Lau	___ Acknowledge Receipt	Note:
___	_____ L. Chang	___ Xerox ____copies	Change lead agency to CO
___	_____ Y. Shiroma	___ File	
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___	_____ _____		Cabinet #3.
___	_____ _____	FOR YOUR:	File #13
___	_____ _____		
___	_____ _____	___ Approval	
___	_____ _____	___ Signature	
___	_____ _____	___ Information	
___	_____ M. TAGOMORI		
___	_____ S. Kokubun		

DOH

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92 JAN 29 P 3: 14
DIV. OF WATER & LAND DEVELOPMENT

HAWAII ISLAND GEOTHERMAL ALLIANCE
777 Kilauea Ave., Suite 109, A255
Hilo, Hawaii 96720-4200
Phone: 959-2098

January 14, 1992

TO: Director, DOH
☑ PLEASE COORDINATE with DBEP, DLNR
FOR:
___ Comment/Recommendation (required)
___ Appropriate attention
___ Direct reply (cc/bcc: Governor)
___ Your information/file
_✓_ Draft reply for Governor's signature
___ Follow up/report
___ Submit copy of response (if any)
___ Keep enclosure(s)
___ Return enclosure(s)
___ Other

DUE seven working days from Jan 28 1992
(If delay is encountered in meeting suspense date, please advise by telephone immediately)
In reply, please refer to: 92-041-08Y

The Honorable John Waihee
Governor, State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Waihee:

The Hawaii Island Geothermal Alliance has received reports that the State Department of Health is developing **air quality standards** which would impact geothermal development and other industrial activity, including sugar mills and sewer treatment plants.

The Alliance is interested in supporting regulations which protect health and safety. But we are concerned that needlessly stringent restrictions will kill the fledgling geothermal industry in Hawaii before it gets off the ground.

In discussions with industry representatives, it has been indicated that draft regulations are being considered by the Department of Health which may be unnecessarily restrictive. It is our understanding these draft regulations describe air quality standards many times more stringent than those imposed by other states, and emergency levels a fraction of OSHA limits.

HIGA urges you to use your good offices to direct the Department of Health to impose reasonable standards to assure public health and safety, standards which are based on sound technical justification.

We understand that TRUE Geothermal has violated none of the permit provisions under which they operate, yet would be penalized with the even more restrictive regulations under consideration.

HIGA's membership, which includes grassroots members and labor land business representatives, believes geothermal energy would be good for Hawaii Island environmentally and economically. We organized about two years ago because we believed in the geothermal initiative you announced when you became Governor.

Enclosed are copies of advertisements we sponsored recently which note some of the reasons HIGA continues to support geothermal energy development for Hawaii Island. We hope you will do all you can to move geothermal energy development forward in a rational and expeditious manner.

041-08

Representatives of HIGA soon will be calling your office to request an appointment so we might discuss in some detail HIGA's specific concerns about what we perceive to be unnecessary and unfortunate delays in moving ahead with geothermal energy development, and what we fear the adverse consequences will be if solutions are not forthcoming.

Very sincerely,

Wayne Blyth
Chairman

cc: Dr. John Lewin, Director, State Health Department
Mr. William Paty, Director, Department of Land and Natural Resources
Mr. Murray Towill, Director, Department of Business, Economic Development

Geothermal Energy Will

Help Us Control Our Own Destiny.

We Can Reduce Air Pollution and Help Guard Against Oil Spills.

There are many reasons to support geothermal power on the Big Island. One important reason is that it is good for the environment.

Legitimate environmentalists should support geothermal energy over oil and coal powerplants. Oil-fired electric plants generate 13 times more pollution than geothermal. Coal plants put out 40 times more.

The plan to use only 2% of the 27,000-acre Puna forests is a small price to pay for cleaner air and less reliance on imported oil or coal. Also, geothermal developers will be required to reforest and to develop programs to prevent non-native weeds from taking root in the Puna forest. Years before anyone dreamed of geothermal energy, the forest already was infested with noxious plants brought in by pigs.

Natural vents on the Big Island produce 2.4 million pounds of pollution every day. The 25-megawatt powerplant built in Puna will be limited to only a few pounds of emissions each day.

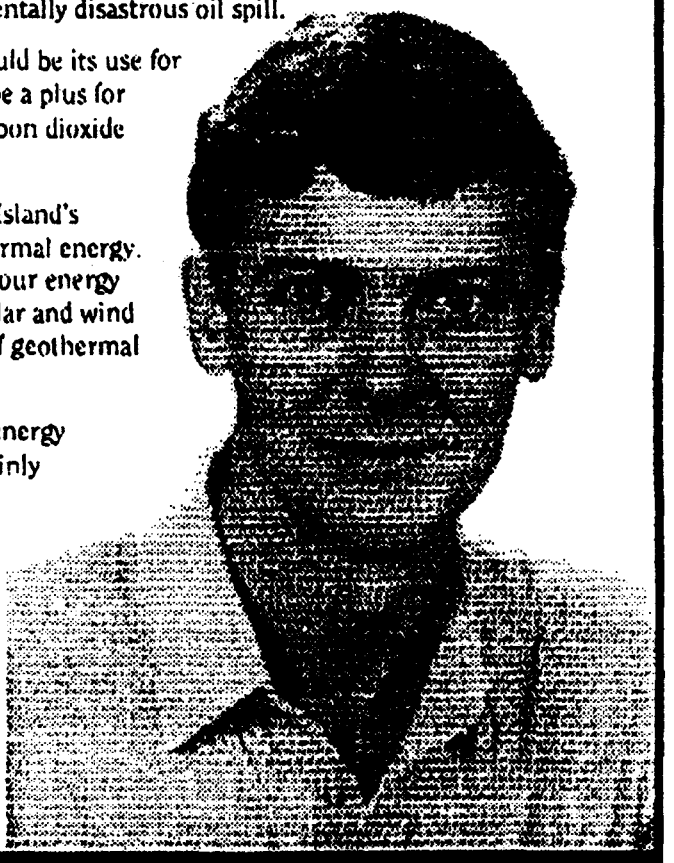
A geothermal plant producing 100 megawatts of electricity would cause a reduction in carbon dioxide emissions equivalent to the "cleaning" done by a 90,000-acre forest.

Geothermal power produced on the Big Island for use on the Big Island also reduces the need for imported oil and the chances of an environmentally disastrous oil spill.

Another spin-off benefit of geothermal energy could be its use for pumping water to dry West Hawaii. This would be a plus for agriculture and another plus for reduction of carbon dioxide — the more plant life the less carbon dioxide.

People who are sincere about protecting the Big Island's environment are supportive of developing geothermal energy. They also are supportive of other ways to resolve our energy problems, such as conservation and the use of solar and wind energy to augment our baseload power sources of geothermal and oil.

Geothermal energy will not solve all of Hawaii's energy needs, but it is a big part of the solution. It certainly isn't part of the problem.



Wayne Blyth
Roofing-Flooring Contractor

Hawaii Island Geothermal Alliance
777 Kilauea Ave., Suite 109
Hilo, Hawaii 96720-4200

Hawaii Island Geothermal Alliance

Geothermal Energy Will

Help Us Control Our Own Destiny.

Our Oil Habit Is Dangerous To Our Health.

Much has been written pro and con about geothermal energy, but the major reasons I continue to support the use of this special Big Island resource are:

1. Geothermal energy will reduce our dependence on oil, and
2. Geothermal energy offers significant environmental advantages.

Presently, Hawaii is more than 90 percent dependent on oil that is shipped in. This makes us the most oil-hooked state in the nation. New Hampshire is second at 66 percent, and the national average is much lower.

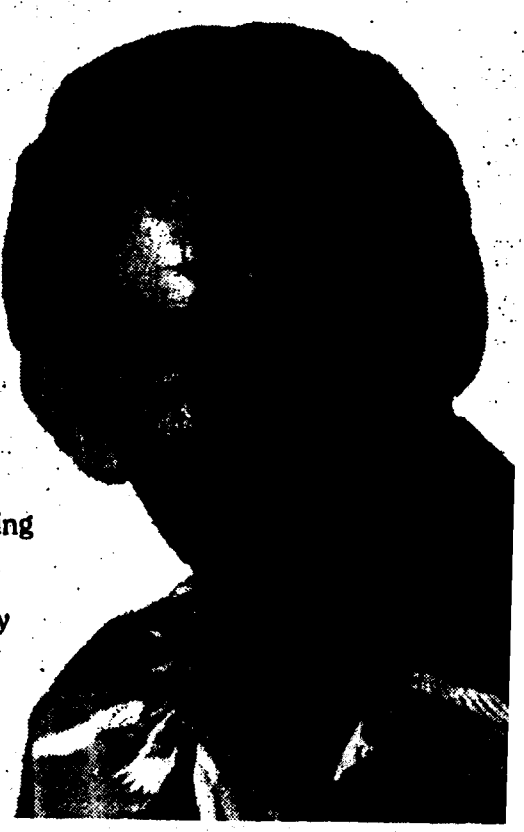
Hawaii's oil habit is extremely dangerous, especially for our kids. We're more susceptible to oil embargoes, such as occurred in the early 1970's. We are at risk because of the wild swings which occur with oil prices. We're also at risk from oil spills, which would destroy birds, fish and other marine life and foul the shorelines that we depend on for food and recreation.

Other geothermal benefits:

1. Hawaii residents through the State Public Utilities Commission could determine our electric rates, not foreign oil producers.
2. Millions of dollars flow out of the state to purchase imported oil. With "homegrown" geothermal energy, that money will remain in Hawaii to help improve Hawaii for our families.
3. Geothermal energy could be used to pump water to arid West Hawaii, increasing the Island's ability to grow more crops.
4. A mature geothermal industry will provide increased job and business opportunities.
5. Geothermal steam and heat can be used to prevent pests from destroying the Big Island's papaya, anthurium and other export crops. Other geothermal by-product applications include fish farming, wood drying and many arts and crafts endeavors.

A vote for geothermal energy is a vote for a better economy and a better environment for Hawaii.

George Martin
Labor Officer - Retired



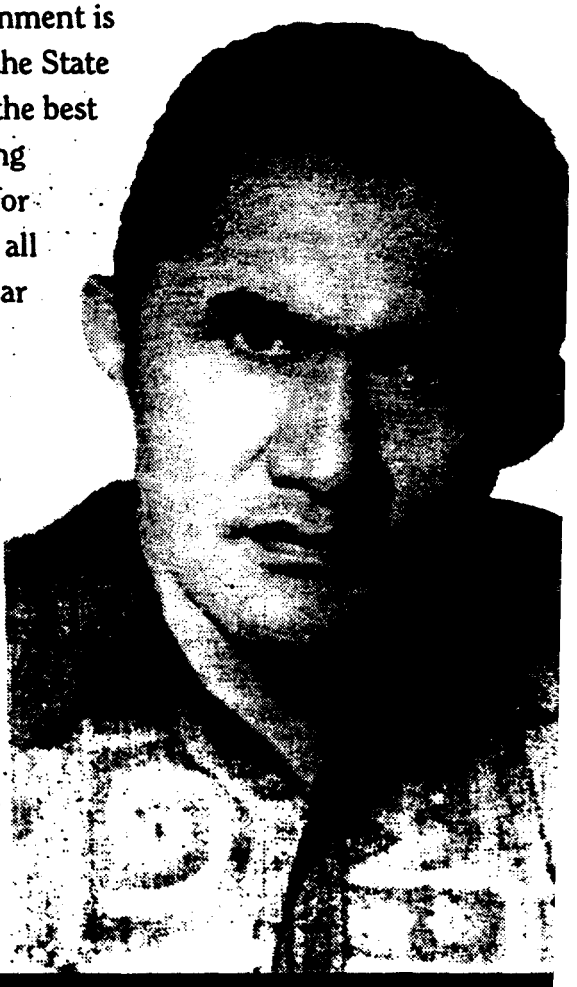
Here's An Energy Source for Hawaii and Hawaiians.

As a native Hawaiian and a lifetime resident of the Big Island, my aloha to government leaders and supporters of geothermal energy for approving geothermal royalties to benefit Hawaiians.

The 1991 State Legislature and our Governor approved a measure which gives 20 percent of the geothermal royalties to the Office of Hawaiian Affairs. This was done in recognitio of native Hawaiian ceded land rights.

As important, 30% of the royalties collected also go to the County of Hawaii. This is fair because geothermal power production impacts Big Islanders. In addition, there also is a Geothermal Asset Fund made up of contributions from developers and government. Thi money will help alleviate any problems caused by geothermal, including temporary or permanent relocation of residents, if they are truly inconvenienced.

I'm not one of those people who thinks government is uncaring. I believe the geothermal effort by the State and County of Hawaii is being carried out in the best interest of the most people. I believe it is being done with care and concern for the land and for the health, safety and economic well-being of all Big Islanders, including residents who live near the projects.



Thank you, Mayor Inouye.
Thank you, Governor Waihee and Legislators.

Let's move forward with geothermal energy development.

Randolph K. Ahuna, Jr.
Farmer/Industrial Manager

Hawaii Island Geothermal Alliance
777 Kilauea Ave., Suite 109
Hilo, Hawaii 96720-4200

Hawaii Island Geothermal Allian

D. NAKANO
APR 19 1985

DRAFT

"TITLE 11
DEPARTMENT OF HEALTH
CHAPTER 60
AIR POLLUTION CONTROL

Subchapter 1 Prohibitions and General Requirements

Subchapter 2 Open Burning

Subchapter 3 Stationary Sources

Subchapter 4 Prevention of Significant Deterioration Review

Historical Note: Chapter 60 of Title 11, Administrative Rules, is based substantially on Public Health Regulations, Chapter 43, Air Pollution Control, Department of Health, State of Hawaii. [Eff. 3/21/72; am 9/13/72, 1/15/73, 2/13/76; R 11/29/82]

SUBCHAPTER 1

PROHIBITIONS AND GENERAL REQUIREMENTS

§11-60-1 Definitions. As used in this chapter:

"Actual emissions" means the actual rate of emissions of a pollutant from an emissions unit.

(1) In general, actual emissions as of a particular date shall equal the average rate in tons per year at which the unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The director shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours,

[§11-60-38] §11-60-22 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the application of such provision to other persons or circumstances and the remainder of this chapter shall not be affected thereby. [Eff. November 29, 1982; ren §11-60-22 and comp.] (Auth: HRS §§342-3, 342-22; 42 U.S.C. §§7407, 7410, 7416; 40 C.F.R. Parts 50, 51, 52) (Imp: HRS §§342-3, 342-22; 42 U.S.C. §§7407, 7410, 7416; 40 C.F.R. Parts 50, 51, 52)

§11-60-23.1 Geothermal wells. (a) A well as used in this section and section 11-60-23.2 means any well which obtains, or is designed to obtain, a geothermal resource.

(b) Prior to a well being part of a distribution system which supplies a geothermal resource to a power plant which has commenced using the geothermal resource, emissions from the well shall not be in excess of five pounds of particulates, and five pounds of hydrogen sulfide, per one hundred pounds of each respective pollutant in the geothermal resource. Provided, however, that after the provisions of section 11-60-45 are complied with, during well venting, best available control technology shall be applied without reference to a numerical percentage efficiency.

(c) After a well is part of a distribution system which supplies a geothermal resource to a power plant which has commenced using the geothermal resource, emissions from the well shall be as follows:

(1) For power plants smaller than 25 MW in maximum design capacity, emissions from the well of hydrogen sulfide shall not be in excess of five pounds per one hundred pounds of hydrogen sulfide in the geothermal resource.

(2) For power plants equal to or greater than 25 MW in maximum design capacity, emissions from the well of hydrogen sulfide shall not be in excess of two pounds per one hundred pounds of hydrogen sulfide in the geothermal resource.

(3) For any size of power plant, during periods of malfunction or regularly scheduled service, best available control technology shall be applied for hydrogen sulfide emissions without reference to a numerical percentage efficiency.

(d) The owner or operator of a well shall obtain authority to construct and permit to operate as follows:

(1) Prior to commencement of well construction, authority to construct shall be obtained in conformance with subchapter 3, and if applicable, subchapter 4.

(2) Prior to a well being part of a distribution system which supplies geothermal resource to a power plant which has commenced using the geothermal resource, a permit to operate shall be obtained in conformance with subchapter 3.

(e) This section shall be in effect immediately for any well which has not begun actual construction before the effective date of this section.

An existing well or one which has begun actual construction before the effective date of this section shall be in compliance with this section by December 31, 1986. [Eff.] (Auth: HRS §§342-3, 342-22, 342-23) (Imp: HRS §§342-3, 342-22, 342-23)

§11-60-23.2 Geothermal power plants. (a) A power plant as used in this section and section 11-60-23.1 means any power plant which uses or is designed to use, a geothermal resource. A power plant as defined shall not include the well(s) supplying the geothermal resource to the power plant.

(b) Hydrogen sulfide emissions from a power plant shall be as follows:

(1) For power plants smaller than 25 MW maximum design capacity, hydrogen sulfide emissions shall not exceed five pounds per one hundred pounds of hydrogen sulfide in the incoming geothermal resource.

(2) For power plants equal to or greater than 25 MW maximum design capacity, hydrogen sulfide emissions shall not exceed two pounds per one hundred pounds of hydrogen sulfide in the incoming geothermal resource.

(3) For any size of power plant, during periods of malfunction or regularly scheduled service, best available control technology shall be applied for hydrogen sulfide emissions without reference to a numerical control efficiency.

(c) The maximum allowable increase in hydrogen sulfide concentration in the ambient air above natural background level shall be thirty-five ug/m^3 as a one-hour average, considering all stationary sources except geothermal wells in the area affected by the power plant applying for authority to construct. The maximum allowable increase may be exceeded once per twelve-month period at any one location.

(d) No power plant shall consume any part of the thirty-five ug/m^3 maximum allowable increase until authority to construct application is certified complete by the director.

(e) The owner or operator of a power plant shall obtain authority to construct and permit to operate in conformance with subchapter 3, and if applicable, subchapter 4.

(f) This section shall be in effect immediately for any power plant which has not begun actual construction before the effective date of this section. An existing power plant or one which has begun actual construction before the effective date of this section shall be in compliance with this section by December 31, 1986. [Eff.] (Auth: HRS §§342-3, 342-22, 342-23) (Imp: HRS §§342-3, 342-22, 342-23)

§§11-60-24 to 11-60-30 (Reserved)

G. Sato ~~938-6293 (H)~~
938-8311 (B)

NAS Otc Oceanic Law ext. 6410 (DOH)
Ralph Patterson 944-5545

DOH and Air Advisory Board still discussing draft of proposed Ambient Air Quality Stds. Sept-1 draft (given out to G.A.C. members) contain a 2-step abatement process:

95% abatement for ≤ 25 MW plant
98% " for ≥ 25 MW plant

Draft of proposed stds include 100 ppb total H_2S conc. including ambient air concentrations. There have been several drafts since the 3/22/84 draft that is referenced in our report.

DOH still to finalize drafts and will hold public info mtgs.

per 3/22/84 draft: Air pollution alert is reached if H_2S conc. is ≥ 100 ppb or 139 ug/m³ for one hour average.

At April 85 G.A.C., DOH stated that they are re-drafting any proposed air quality stds. DOH and Air Advisory Bd (Sierra Club, Outdoor circle, PRI, HECO, Amer. Lung Assoc., DPED, D.O.T. Testing lab) are re-grouping to re-assess and develop new proposed stds.

Clean Air Act
Re National Parks

extra
A NAKANO

STATE AUTHORITY

SEC. 159. (a) Nothing in this part shall preclude or deny any State or political subdivision thereof from adopting or enforcing any requirement respecting the control of any substance, practice, process, or activity for purposes of protecting the stratosphere or ozone in the stratosphere except as otherwise provided in subsection (b).

(b) If a regulation of any substance, practice, process, or activity is in effect under this part in order to prevent or abate any risk to the stratosphere, or ozone in the stratosphere, no State or political subdivision thereof may adopt or attempt to enforce any requirement respecting the control of any such substance, practice, process, or activity to prevent or abate such risk, unless the requirement of the State or political subdivision is identical to the requirement of such regulation. The preceding sentence shall not apply with respect to any law or regulation of any State or political subdivision controlling the use of halocarbons as propellants in aerosol spray containers.

PART C—PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY

SUBPART 1

PURPOSES

SEC. 160. The purposes of this part are as follows:

(1) to protect public health and welfare from any actual or potential adverse effect which in the Administrator's judgment may reasonably be anticipated to occur from air pollution or from exposures to pollutants in other media, which pollutants originate as emissions to the ambient air), notwithstanding attainment and maintenance of all national ambient air quality standards;

(2) to preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of special national or regional natural, recreational, scenic, or historic value;

(3) to insure that economic growth will occur in a manner consistent with the preservation of existing clean air resources;

(4) to assure that emissions from any source in any State will not interfere with any portion of the applicable implementation plan to prevent significant deterioration of air quality for any other State; and

(5) to assure that any decision to permit increased air pollution in any area to which this section applies is made only after careful evaluation of all the consequences of such a decision and after adequate procedural opportunities for informed public participation in the decisionmaking process.

PLAN REQUIREMENTS

SEC. 161. In accordance with the policy of section 101 (b) (1), each applicable implementation plan shall contain emission limitations and such other measures as may be necessary, as determined under regulations promulgated under this part, to prevent significant deterioration of air quality in each region (or portion thereof) identified pursuant to section 107(d) (1) (D) or (E).

INITIAL CLASSIFICATIONS

SEC. 162. (a) Upon the enactment of this part, all—

(1) international parks,

(2) national wilderness areas which exceed 5,000 acres in size,

(3) national memorial parks which exceed 5,000 acres in size, and

(4) national parks which exceed six thousand acres in size, and which are in existence on the date of enactment of the Clean Air Act Amendments of 1977 shall be class I areas and may not be redesignated. All areas which were redesignated as class I under regulations promulgated before such date of enactment shall be class I areas which may be redesignated as provided in this part.

(b) All areas in such State identified pursuant to section 107(d) (1) (D) or (E) which are not established as class I under subsection (a) shall be class II areas unless redesignated under section 164.

INCREMENTS AND CEILINGS

SEC. 163. (a) In the case of sulfur oxide and particulate matter, each applicable implementation plan shall contain measures assuring that maximum allowable increases over baseline concentrations of, and maximum allowable concentrations of, such pollutant shall not be exceeded. In the case of any maximum allowable increase (except an allowable increase specified under section 165(d) (2) (C) (iv)) for a pollutant based on concentrations permitted under national ambient air quality standards for any period other than an annual period, such regulations shall permit such maximum allowable increase to be exceeded during one such period per year.

Volcano National Park 78

(b)(1) For any class I area, the maximum allowable increase in concentrations of sulfur dioxide and particulate matter over the baseline concentration of such pollutants shall not exceed the following amounts:

Pollutant	*Maximum allowable increase (micrograms per cubic meter)*
Particulate matter:	
Annual geometric mean	5
Twenty-four-hour maximum	10
Sulfur dioxide:	
Annual arithmetic mean	2
Twenty-four-hour maximum	5
Three-hour maximum	25

(2) For any class II area, the maximum allowable increase in concentrations of sulfur dioxide and particulate matter over the baseline concentration of such pollutants shall not exceed the following amounts:

Pollutant	*Maximum allowable increase (micrograms per cubic meter)*
Particulate matter:	
Annual geometric mean	19
Twenty-four-hour maximum	37
Sulfur dioxide:	
Annual arithmetic mean	20
Twenty-four-hour maximum	91
Three-hour maximum	512

(3) For any class III area, the maximum allowable increase in concentrations of sulfur dioxide and particulate matter over the baseline concentration of such pollutants shall not exceed the following amounts:

Pollutant	*Maximum allowable increase (micrograms per cubic meter)*
Particulate matter:	
Annual geometric mean	37
Twenty-four-hour maximum	75
Sulfur dioxide:	
Annual arithmetic mean	40
Twenty-four-hour maximum	182
Three-hour maximum	700

(4) The maximum allowable concentration of any air pollutant in any area to which this part applies shall not exceed a concentration for such pollutant for each period of exposure equal to—

(A) the concentration permitted under the national secondary ambient air quality standard, or

(B) the concentration permitted under the national primary ambient air quality standard,

whichever concentration is lowest for such pollutant for such period of exposure.

(c)(1) In the case of any State which has a plan approved by the Administrator for purposes of carrying out this part, the Governor of such State may, after notice and opportunity for public hearing, issue orders or promulgate rules providing that for purposes of determining compliance with the maximum allowable increases in ambient concentrations of an air pollutant, the

following concentrations of such pollutant shall not be taken into account:

(A) concentrations of such pollutant attributable to the increase in emissions from stationary sources which have converted from the use of petroleum products, or natural gas, or both, by reason of an order which is in effect under the provisions of sections 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any subsequent legislation which supersedes such provisions) over the emissions from such sources before the effective date of such order.

(B) the concentrations of such pollutant attributable to the increase in emissions from stationary sources which have converted from using natural gas by reason of a natural gas curtailment pursuant to a natural gas curtailment plan in effect pursuant to the Federal Power Act over the emissions from such sources before the effective date of such plan.

(C) concentrations of particulate matter attributable to the increase in emissions from construction or other temporary emission-related activities, and

(D) the increase in concentrations attributable to new sources outside the United States over the concentrations attributable to existing sources which are included in the baseline concentration determined in accordance with section 169(4).

(2) No action taken with respect to a source under paragraph (1)(A) or (1)(B) shall apply more than five years after the effective date of the order referred to in paragraph (1)(A) or the plan referred to in paragraph (1)(B), whichever is applicable. If both such order and plan are applicable, no such action shall apply more than five years after the later of such effective dates.

(3) No action under this subsection shall take effect unless the Governor submits the order or rule providing for such exclusion to the Administrator and the Administrator determines that such order or rule is in compliance with the provisions of this subsection.

AREA REDESIGNATION

SEC. 164. (a) Except as otherwise provided under subsection (c), a State may redesignate such areas as it deems appropriate as class I areas. The following areas may be redesignated only as class I or II:

(1) an area which exceeds ten thousand acres in size and is a national monument, a national primitive area, a national preserve, a national recreation area, a national wild and scenic river, a national wildlife refuge, a national lakeshore or seashore, and

(2) a national park or national wilderness area es-

parties involved do not reach agreement, the Administrator shall resolve the dispute and his determination, or the results of agreements reached through other means, shall become part of the applicable plan and shall be enforceable as part of such plan. In resolving such disputes relating to area redesignation, the Administrator shall consider the extent to which the lands involved are of sufficient size to allow effective air quality management or have air quality related values of such an area.

PRECONSTRUCTION REQUIREMENTS

SEC. 165. (a) No major emitting facility on which construction is commenced after the date of the enactment of this part, may be constructed in any area to which this part applies unless—

(1) a permit has been issued for such proposed facility in accordance with this part setting forth emission limitations for such facility which conform to the requirements of this part;

(2) the proposed permit has been subject to a review in accordance with this section, the required analysis has been conducted in accordance with regulations promulgated by the Administrator, and a public hearing has been held with opportunity for interested persons including representatives of the Administrator to appear and submit written or oral presentations on the air quality impact of such source, alternatives thereto, control technology requirements, and other appropriate considerations;

(3) the owner or operator of such facility demonstrates, as required pursuant to section 110(j), that emissions from construction or operation of such facility will not cause, or contribute to, air pollution in excess of any (A) maximum allowable increase or maximum allowable concentration for any pollutant in any area to which this part applies more than one time per year, (B) national ambient air quality standard in any air quality control region, or (C) any other applicable emission standard or standard of performance under this Act;

(4) the proposed facility is subject to the best available control technology for each pollutant subject to regulation under this Act emitted from, or which results from, such facility;

(5) the provisions of subsection (d) with respect to protection of class I areas have been complied with for such facility;

(6) there has been an analysis of any air quality impacts projected for the area as a result of growth associated with such facility;

(7) the person who owns or operates, or proposes to own or operate, a major emitting facility for

which a permit is required under this part agrees to conduct such monitoring as may be necessary to determine the effect which emissions from any such facility may have, or is having, on air quality in any area which may be affected by emissions from such source; and

(8) in the case of a source which proposes to construct in a class III area, emissions from which would cause or contribute to exceeding the maximum allowable increments applicable in a class II area and where no standard under section 111 of this Act has been promulgated subsequent to enactment of the Clean Air Act Amendments of 1977, for such source category, the Administrator has approved the determination of best available technology as set forth in the permit.

(b) The demonstration pertaining to maximum allowable increases required under subsection (a)(3) shall not apply to maximum allowable increases for class II areas in the case of an expansion or modification of a major emitting facility which is in existence on the date of enactment of the Clean Air Act Amendments of 1977, whose allowable emissions of air pollutants, after compliance with subsection (a)(4), will be less than fifty tons per year and for which the owner or operator of such facility demonstrates that emissions of particulate matter and sulfur oxides will not cause or contribute to ambient air quality levels in excess of the national secondary ambient air quality standard for either of such pollutants.

(c) Any completed permit application under section 110 for a major emitting facility in any area to which this part applies shall be granted or denied not later than one year after the date of filing of such completed application.

(d)(1) Each State shall transmit to the Administrator a copy of each permit application relating to a major emitting facility received by such State and provide notice to the Administrator of every action related to the consideration of such permit.

(2)(A) The Administrator shall provide notice of the permit application to the Federal Land Manager and the Federal official charged with direct responsibility for management of any lands within a class I area which may be affected by emissions from the proposed facility.

(B) The Federal Land Manager and the Federal official charged with direct responsibility for management of such lands shall have an affirmative responsibility to protect the air quality related values (including visibility) of any such lands within a class I area and to consider, in consultation with the Administrator, whether a proposed major emitting facility will have an adverse impact on such values.

(C)(i) In any case where the Federal official charged with direct responsibility for management of any lands within a class I area or the Federal Land Manager of such lands, or the Administrator, or the Governor of an adjacent State containing such a class I area files a notice alleging that emissions from a proposed major emitting facility may cause or contribute to a change in the air quality in such area and identifying the potential adverse impact of such change, a permit shall not be issued unless the owner or operator of such facility demonstrates that emissions of particulate matter and sulfur dioxide will not cause or contribute to concentrations which exceed the maximum allowable increases for a class I area.

(ii) In any case where the Federal Land Manager demonstrates to the satisfaction of the State that the emissions from such facility will have an adverse impact on the air quality-related values (including visibility) of such lands, notwithstanding the fact that the change in air quality resulting from emissions from such facility will not cause or contribute to concentrations which exceed the maximum allowable increases for a class I area, a permit shall not be issued.

(iii) In any case where the owner or operator of such facility demonstrates to the satisfaction of the Federal Land Manager, and the Federal Land Manager so certifies, that the emissions from such facility will have no adverse impact on the air quality-related values of such lands (including visibility) notwithstanding the fact that the change in air quality resulting from emissions from such facility will cause or contribute to concentrations which exceed the maximum allowable increases for class I areas, the State may issue a permit.

(iv) In the case of a permit issued pursuant to clause (iii), such facility shall comply with such emission limitations under such permit as may be necessary to assure that emissions of sulfur oxides and particulates from such facility, will not cause or contribute to concentrations of such pollutant which exceed the following maximum allowable increases over the baseline concentration for such pollutants:

	Maximum allowable increase (micrograms per cubic meter)
Particulate matter:	
Annual geometric mean	19
Twenty-four-hour maximum	37
Sulfur dioxide:	
Annual arithmetic mean	20
Twenty-four-hour maximum	91
Three-hour maximum	325

(D)(i) In any case where the owner or operator of a proposed major emitting facility who has been denied a certification under subparagraph (C)(iii) demonstrates to the satisfaction of the Governor, after notice and public hearing, and the Governor finds, that the facility cannot be constructed by reason of any maximum allowable

increase for sulfur dioxide for periods of twenty-four hours or less applicable to any class I area and, in the case of Federal mandatory class I areas, that a variance under this clause will not adversely affect the air quality related values of the area (including visibility), the Governor, after consideration of the Federal Land Manager's recommendation (if any) and subject to his concurrence, may grant a variance from such maximum allowable increase. If such variance is granted, a permit may be issued to such source pursuant to the requirements of this subparagraph.

(ii) In any case in which the Governor recommends a variance under this subparagraph in which the Federal Land Manager does not concur, the recommendations of the Governor and the Federal Land Manager shall be transmitted to the President. The President may approve the Governor's recommendation if he finds that such variance is in the national interest. No Presidential finding shall be reviewable in any court. The variance shall take effect if the President approves the Governor's recommendations. The President shall approve or disapprove such recommendation within ninety days after his receipt of the recommendations of the Governor and the Federal Land Manager.

(iii) In the case of a permit issued pursuant to this subparagraph, such facility shall comply with such emission limitations under such permit as may be necessary to assure that emissions of sulfur oxides from such facility will not (during any day on which the otherwise applicable maximum allowable increases are exceeded) cause or contribute to concentrations which exceed the following maximum allowable increases for such areas over the baseline concentration for such pollutant and to assure that such emissions will not cause or contribute to concentrations which exceed the otherwise applicable maximum allowable increases for periods of exposure of 24 hours or less on more than 18 days during any annual period:

Maximum allowable increase

Period of exposure:	*Micrograms per cubic meter*
Low terrain areas:	
24-hr maximum	36
3-hr maximum	130
High terrain areas:	
24-hr maximum	62
3-hr maximum	221

(iv) For purposes of clause (iii), the term "high terrain area" means with respect to any facility, any area having an elevation of 900 feet or more above the base of the stack of such facility, and the term "low terrain area" means any area other than a high terrain area.

(e)(1) The review provided for in subsection (a) shall be preceded by an analysis in accordance with regulations of the Administrator, promulgated under this subsection, which may be conducted by the State (or any general purpose unit of local government) or by the major emitting facility applying for such permit, of the ambient air quality at the proposed site and in areas which may be affected by emissions from such facility for each pollutant subject to regulation under this Act which will be emitted from such facility.

(2) Effective one year after date of enactment of this part, the analysis required by this subsection shall include continuous air quality monitoring data gathered for purposes of determining whether emissions from such facility will exceed the maximum allowable increases or the maximum allowable concentration permitted under this part. Such data shall be gathered over a period of one calendar year preceding the date of application for a permit under this part unless the State, in accordance with regulations promulgated by the Administrator, determines that a complete and adequate analysis for such purposes may be accomplished in a shorter period. The results of such analysis shall be available at the time of the public hearing on the application for such permit.

(3) The Administrator shall within six months after the date of enactment of this part promulgate regulations respecting the analysis required under this subsection which regulations—

(A) shall not require the use of any automatic or uniform buffer zone or zones,

(B) shall require an analysis of the ambient air quality, climate and meteorology, terrain, soils and vegetation, and visibility at the site of the proposed major emitting facility and in the area potentially affected by the emissions from such facility for each pollutant regulated under this Act which will be emitted from, or which results from the construction or operation of, such facility, the size and nature of the proposed facility, the degree of continuous emission reduction which could be achieved by such facility, and such other factors as may be relevant in determining the effect of emissions from a proposed facility on any air quality control region,

(C) shall require the results of such analysis shall be available at the time of the public hearing on the application for such permit, and

(D) shall specify with reasonable particularity each air quality model or models to be used under specified sets of conditions for purposes of this part.

Any model or models designated under such regulations may be adjusted upon a determination, after notice and

opportunity for public hearing, by the Administrator that such adjustment is necessary to take into account unique terrain or meteorological characteristics of an area potentially affected by emissions from a source applying for a permit required under this part.

OTHER POLLUTANTS

SEC. 166. (a) In the case of the pollutants hydrocarbons, carbon monoxide, photochemical oxidants, and nitrogen oxides, the Administrator shall conduct a study and not later than two years after the date of enactment of this part, promulgate regulations to prevent the significant deterioration of air quality which would result from the emissions of such pollutants. In the case of pollutants for which national ambient air quality standards are promulgated after the date of the enactment of this part, he shall promulgate such regulations not more than 2 years after the date of promulgation of such standards.

(b) Regulations referred to in subsection (a) shall become effective one year after the date of promulgation. Within 21 months after such date of promulgation such plan revision shall be submitted to the Administrator who shall approve or disapprove the plan within 25 months after such date or promulgation in the same manner as required under section 110.

(c) Such regulations shall provide specific numerical measures against which permit applications may be evaluated, a framework for stimulating improved control technology, protection of air quality values, and fulfill the goals and purposes set forth in section 101 and section 160.

(d) The regulations of the Administrator under subsection (a) shall provide specific measures at least as effective as the increments established in section 163 to fulfill such goals and purposes, and may contain air quality increments, emission density requirements, or other measures.

(e) With respect to any air pollutant for which a national ambient air quality standard is established other than sulfur oxides or particulate matter, an area classification plan shall not be required under this section if the implementation plan adopted by the State and submitted for the Administrator's approval or promulgated by the Administrator under section 110(c) contains other provisions which when considered as a whole, the Administrator finds will carry out the purposes in section 160 at least as effectively as an area classification plan for such pollutant. Such other provisions referred to in the preceding sentence need not require the establishment of maximum allowable increases with respect to such pollutant for any area to which this section applies.