

From: Chelpaty, Heather A [mailto:Heather.Chelpaty@valero.com]
Sent: Wednesday, August 16, 2006 4:38 PM
To: Pettingill Gene (DNREC)
Cc: Arnosky, David; Wojewodzki, Bob S; Covert, Patrick
Subject: RE: Draft FEL Rule Comments

Gene,

As a follow-up to our e-mail comments that were sent to you on July 28, 2006, The Premcor Refining Group, Inc. (Premcor) hereby submits these additional comments on the draft FEL Rule.

1) Is the DNREC intending to include provisions within the FEL permits that will allow certain "*pre-approved changes*" (e.g., replacements in kind, operational changes not resulting in an increase of the established short-term limit, replacement of a unit with a lower emitting unit) to occur without requiring a Regulation 2 Minor New Source Review permit application? In a PAL permit issued by the DNREC on September 7, 1995 to a manufacturing facility in Delaware, such provisions were included (see Permit No. APC-95/0569).

That same permit also contained provisions specifying that for modifications to existing facilities which are not "*pre-approved changes*" and for new constructions having VOC and NOx PTEs less than 25 tpy, "*...a complete application shall be submitted with sufficient information for public notice. Forty-five (45) days following the public notice, unless the Department objects or issues supplemental conditions, the project shall be automatically approved...*"

Premcor believes the FEL rule should include provisions which clarify and define when minor source permitting requirements would apply to source modifications and new constructions. Premcor believes the inclusion of such clarifying provisions is important and will provide permitted facilities, in an unambiguous manner, the operating flexibility that is generally inherent in a plantwide applicability limit permit."

2) Section 4.4.1.7 addresses adjustments of the FELs each time the Title V permit is renewed. What is the purpose and intent of this provision? Premcor believes this section should clearly specify the conditions which warrant adjustments and delineates procedures for determining how such adjustments are made.

3) Section 4.4.1.8 appears to give the agency unilateral authority to adjust the FEL. This authority is not typical of NSR provisions and as presented is without justification. If this is indeed a vested part of the NSR program, then Premcor believes that these criteria, methods and procedures need to be clearly delineated.

Please call me if you have any questions.

Thank you,
Heather Chelpaty
Environmental Manager
The Premcor Refining Group, Inc.
Delaware City Refinery
4550 Wrangle Hill Road
Delaware City, De 19706
302-834-6488
302-836-6505 (fax)