



NAAQS/NSR/GHG: A National Perspective

NSR Rules Update

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NSR Rules Update

- PM_{2.5} Increments, SILs & SMC
- PM_{2.5} Reconsideration Actions
- GHG Rules
- Other Rules of Interest



PM_{2.5} Increments, SILs & SMC

- Final rule published in FR on 10-20-2010
- New annual & 24-hr PM_{2.5} increments
- Screening Tools: Annual/24-hr PM_{2.5} SILs & SMC
- Retained annual & 24-hr PM₁₀ increments



PM_{2.5} Increments, SILs, SMC

<u>Increments</u>				
Averaging Time	Class I µg/m ³	Class II µg/m ³	Class III µg/m ³	NAAQS µg/m ³
Annual	1	4	8	15
24-hour	2	9	18	35

<u>Significant Impact Levels</u>				
Annual	0.06	0.3	0.3	
24-hour	0.07	1.2	1.2	

Significant Monitoring Concentration

4 µg/m³ PM_{2.5}, 24 hour average



Baseline Dates and Areas For PM_{2.5}

Major Source Baseline Date	Date of publication in FR
Trigger Date	Date 1 year after publication in FR
Minor Source Baseline Date	Date of 1 st complete PSD application after Trigger Date
Baseline Area	Attainment area where source is located + other attainment area(s) where source's impact is at least 0.3 µg/m ³ (annual)



PM_{2.5} Increments, SILs & SMC

Implementation Highlights

- Federal PSD program
 - SILs and SMC take effect on Dec 20, 2010
 - Major source baseline date = Oct 20, 2010
 - Increments under 1-year delay (“Trigger Date” = Oct 20, 2011)
- State/local PSD programs
 - 21 months for revisions to SIPs (July 2012)
 - Major source baseline date = Oct 20, 2010
 - Trigger Date = Oct 20, 2011
 - Discretion for implementing minor source baseline date



PM_{2.5} Reconsideration Actions

2009 Petition to reconsider elements of 2008 PM_{2.5} PSD rules

- 3-year schedule (May 2011) for SIP revisions & use of 1997 PM₁₀ Surrogate Policy in the interim.
- Grandfathering of PM₁₀ surrogate policy under Federal PSD program (EPA + delegated states).
- Transition period for condensable particulate matter (CPM).
- Interpollutant Trading: EPA-recommended offset ratios for PM_{2.5} precursors.



PM_{2.5} Reconsideration Actions

- Original petition denied on January 2009
- April 24, 2009– Letter from Administrator Jackson grants reconsideration
 - Reconsider all issues
 - Administratively stay grandfather provision
 - Propose to repeal grandfather provision



Reconsideration of PM₁₀ Surrogate Policy

- June 1, 2009 – Administrative stay (3 months)
- September 22, 2009 – Second stay (9 months)
- February 11, 2010-- NPRM to repeal grandfather provision and 1997 PM₁₀ Surrogate Policy
 - Technical issues largely resolved
 - Federal case history trumps simplicity of 1997 Policy
- Final Rule – in process
 - 90-day OMB review
 - Final Agency action (early 2011)



Condensable PM Waiver

- Proposed to shorten January 1, 2011 sunset date
- Proposed in PM Test Method proposal
- PM Test Method Rule will not be issued in time to shorten original date



Interpollutant Trading Policy

- EPA acknowledged failure to propose “preferred” offset ratios
- EPA is reviewing technical basis for ratios
- Inverse ratios
- Proposal expected in early Spring 2011



GHG Tailoring Rule

- May 13, 2010– Final rule
 - “Tailors” CAA permitting requirements
 - Sets emissions thresholds for GHG (Σ 6 GHGs)
 - Objective: Target largest GHG emitters
- Step approach for implementation
 - Step 1: [1-2-11 – 6-30-11]
“Anyway” sources (BACT for $\geq 75,000$ tpy CO_{2e})
 - Step 2: [7-1-11 – 6-30-13]
GHG emissions > 100,000 tpy CO_{2e}
 - Step 3: [No later than 7-1-12]
Take comment on additional phasing ($\geq 50,000$ tpy CO_{2e})



SIP/FIP Rules for PSD Implementation

- August 12, 2010 – proposed two rules to ensure PSD permitting for GHG sources
- Rule 1: Proposed SIP call
 - “Substantial Inadequacy” finding for states that cannot issue PSD permits for GHG
 - SIP call requiring revisions to 13 named States
 - Named states submit letter within 30 days
 - Some plan to submit SIP revisions on time
- Rule 2: Proposed FIP Rule
 - Impose Federal Implementation Plan for selected States
 - EPA issues permits until SIPs revised



GHG Rules for PSD Implementation

- GHG PSD SIP Narrowing Rule
 - Proposed in Tailoring Rule
 - For states that have authority to regulate GHG
 - States unable to apply Tailoring Rule GHG thresholds
 - Narrow SIP approval of state permitting program to exclude smaller sources
- Notice of Deficiency for State Title V programs
- GHG Title V Narrowing Rule



Status of GHG Rules

- GHG SIP Call Rule comment period ended October 4, 2010
- EPA proposed SIP call for 13 deficient States
- List is being revised based on 30-day letters from States
- Final SIP call scheduled for December 1, 2010
- Finding of failure letters and FIP to be issued on or after December 22, 2010



Tribal NSR Rules

- August 21, 2006– Proposed Regulations for nonattainment major NSR and minor NSR in tribal lands
- Federal Implementation Plan-- Provides EPA permitting authority in tribal lands
- Final Rule anticipated January 2011



Other Reconsideration Actions

- Fugitive Emissions
- “Reasonable Possibility”
- Aggregation, Debottlenecking and Project Netting



Fugitive Emissions Rule

- NSR Applicability for fugitive emissions
- Final rule issued 12/19/08
- Fugitives for major mods: 28 source categories
- Reconsideration and stay granted 4/24/09



Reasonable Possibility Rule

- Final rule issued 12/21/07
- Recordkeeping and reporting for certain mods
- “Reasonable possibility” test: $\geq 50\%$ significant emissions rate
- Granted reconsideration on April 24, 2009; no stay issued
- Proposal expected by July 2011



Aggregation, Debottlenecking and Project Netting Rule

- Proposed 3 on September 8, 2006:
- Final Rule (Aggregation only) issued January 15, 2009
- Reconsideration granted February 2, 2009
- Effective date delayed
 - Originally until May 18, 2010
 - Extended indefinitely



NSR Rules Update

- Any Questions? Comments?
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