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# **EPA Memos**

## ***What does this mean for my facility?***

16<sup>th</sup> Annual EPAZ Conference

Eric Melvin | Trinity Consultants

# Federal Regulation and Policy Updates

- > Recent EPA guidance impacting New Source Review air permitting
  - ❖ Determining project emission increases
  - ❖ Air dispersion modeling
  - ❖ NAAQS thresholds

# Adjacent Sources

- > 9/4/18 Memo: *Interpreting “Adjacent” for NSR and Title V Source Determinations in All Industries Other Than Oil and Gas*
- > Adjacent = proximate
  - ❖ Side-by-side or neighboring with allowance for some limited separation, e.g., by a right-of-way
- > Functional interrelatedness is not a consideration
  - ❖ In this respect, similar to the 2012 Summit Petroleum decision and subsequent regulations and guidance for O&G

# Projecting Actual Emissions

- > 12/7/17 Memo: *Enforceability and Use of the Actual-to-Projected Actual Test in Determining Major Modification Applicability*
- > The source projects and can choose to manage future actual emissions, and EPA will not second guess
- > Not really any different than DEQ's traditional approach
  - ❖ Enforceable PSD avoidance limits are fairly common
- > EPA enforcement based on *actual* exceedances





# Considering Project Decreases

- > 3/13/18 Memo and 8/1/19 Proposed Rule:  
*Project Emissions Accounting*
- > Old policy was to only consider emissions increases in the Step 1 project emissions increase assessment
  - ❖ Even for equipment replacement projects
- > Now Step 1 can consider the “full and direct effect of the proposed change”
- > Expect final reg. around May 2020



# Project Aggregation

- > 11/15/18 PSD and NNSR: Aggregation; Reconsideration; Final action; lifting of administrative stay
- > The 9+ year old stay (announced on 2/13/09) applied to a 1/15/09 interpretive rule (issued 5 days before Obama's inauguration)
  - ❖ Projects are to be aggregated if they are substantially related based on technical and/or economic dependence
  - ❖ Do not aggregate based on timing alone

# Ambient Air

- > Dec. 2019 - *Revised Policy On Exclusions from “Ambient Air”*
- > Historical EPA guidance called for physical barriers
- > New guidance also excludes areas where access is controlled via other measures





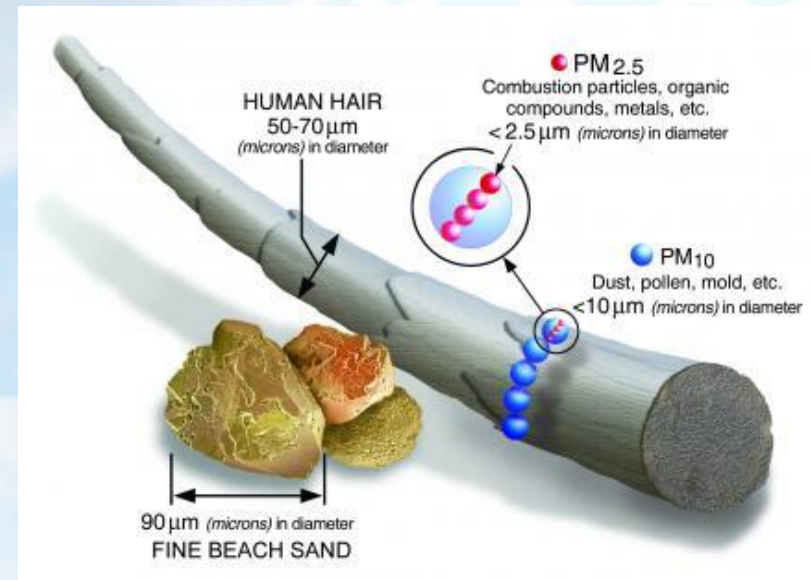
# MERPs

- > 4/30/2019 *Guidance on the Development of Modeled Emission Rates for Precursors (MERPs) as a Tier I Demonstration Tool for Ozone and PM<sub>2.5</sub> under the PSD Permitting Program*
- > Two ways to estimate source impacts of secondary pollutants
  - ❖ Photochemical grid modeling (Tier II)
  - ❖ MERPs (Tier I)
    - ◆ Based on modeling results for a variety of scenarios from which impacts can be scaled based on emissions and height (also consider terrain, meteorology, neighboring sources, and background concentrations)



# PM<sub>2.5</sub> NAAQS Reduction

- > 9/16/2019 *Policy Assessment for the Review of the NAAQS for Particulate Matter, External Review Draft*
- > Old PM<sub>2.5</sub> NAAQS:
  - ❖ 35 µg/m<sup>3</sup> 24-hour average
  - ❖ 12 µg/m<sup>3</sup> annual average
- > Possible new PM<sub>2.5</sub> NAAQS:
  - ❖ 30 µg/m<sup>3</sup> 24-hour average
  - ❖ 8 µg/m<sup>3</sup> annual average



# More Reform coming...

- > Begin actual construction
- > Plantwide Applicability Limits (PALs) (draft is going to OMB soon)
- > Reconsiderations for reasonable possibility and fugitive emissions (in the works)
- > Changing to hourly emissions-based test rather than annual
- > Technical corrections to the CFR to make the language consistent with court decisions
- > No longer any plans for:
  - ❖ Routine Maintenance, Repair, and Replacement (RMRR)
  - ❖ Debottlenecking
  - ❖ GHG SER

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# Questions?

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