



# Recent Permitting Improvements

*Ward Burns*

## Withdrew OIAI Memo

- “Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act” issued by William Wehrum on Jan. 25, 2018 withdrew the May 1995 Seitz memo “Potential to Emit for MACT Standards – Guidance on Timing Issues”
- Now following plain language of CAA
- Proposed revisions to Part 63 General Provisions (84 FR 36304)
- Emissions from facilities that have reclassified in Region 7 are expected to stay the same or decrease.

# SILs for Ozone and Fine Particulate

- Guidance issued April 17, 2018
- Replaced 2010 rulemaking that EPA was sued for and EPA agreed was flawed
- SILs useful for PSD single source analysis and culpability analysis
- Region 7 permitting authorities have chosen to follow this guidance

# Appendix W Revisions

- Final published in Jan. 17, 2017 FR
- Finalized modeling techniques to address the secondary chemical formation of fine particle and ozone pollution
- Issued guidance on single-source modeling, “Guidance on the Use of Models for Assessing the Impacts of Emissions from Single Sources on the Secondarily Formed Pollutants Ozone and PM<sub>2.5</sub>” at same time
- Tiered demonstration approach for addressing single-source impacts on ozone and secondary PM<sub>2.5</sub>

# MERPs

- Modeled Emission Rates for Precursors (MERPs) guidance issued on April 20, 2019.
- Relies on SILs guidance
- Is for Tier 1 demonstration for addressing single-source impacts on ozone and secondary PM<sub>2.5</sub>
- Region 7 states have been using the relationships established in this guidance. They have not developed additional relationships
- Been useful in Region 7 for PSD permits and ethanol SIP air quality demonstration

# Ethanol SIPs

- Oct. 21, 2019, EPA responded to a petition for reconsideration of the 2007 Ethanol Rule, and the EPA denied the petition with respect to the revisions of the PSD Regulations
- Proposed to approve SIP changes in all Region 7 states and Title V changes in Iowa and Nebraska.
- Changes construction permit major source threshold from 100 to 250 tpy. Allow certain fugitive emissions to not be counted when determining applicability

# Ethanol SIPs

- SIP revisions not allowed to interfere with attainment or maintenance of the NAAQS or any other CAA requirement.
- MERPs guidance used to evaluate for ozone and PM<sub>2.5</sub>
- Region 7 analysis and notice will be model for other Regions to use.

# Ambient Air

- Revised Policy on Exclusions from “Ambient Air” issued on Dec. 2, 2019.
- Ambient air - that portion of the atmosphere, external to buildings, to which the general public has access
- Past exemption was available over land owned or controlled by the source and to which public access is precluded by a fence or other physical barriers
- Now available over land owned or controlled by the source and to which public access is precluded by effective measures



# Adjacent

- Interpreting "Adjacent" for New Source Review and Title V Source Determinations in All Industries Other Than Oil and Gas issued on Nov. 26, 2019
- EPA interprets the term "adjacent" to entail physical proximity, and the perceived "functional interrelatedness" of pollutant-emitting activities is not a relevant consideration in this inquiry
- No set distance

# Common Control

- Meadowbrook Energy and Keystone Landfill Common Control Analysis issued on April 30, 2018
- Focuses on the power or authority of one entity to dictate decisions of the other that could affect the applicability of, or compliance with, relevant air pollution regulatory requirements
- Dependency relationships should not be presumed to result in common control

# Policy and Guidance Database Improvements

- Categorizing most documents by topic
- Still have complete index that can be searched by date, author, or title
- Still have search page that allows you to search for any words or phrase in the documents.
- Many documents linked to each other