

# **2014 EPA/State/Local Modelers Conference**

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# Overview

- **PM<sub>2.5</sub> Policy updates**
  - PM<sub>2.5</sub> NAAQS Implementation Rule
  - PM<sub>2.5</sub> Significant Impact Levels (SILs) Rule
  - Significant Monitoring Concentration (SMC) Rule
- **Additional NSR Rules & Guidance updates**
  - Final 2008 Ozone Implementation Rule
  - Final Tribal Minor NSR Rule Amendments
  - PSD Permit Extension Guidance
  - Interim PM<sub>2.5</sub> Condensibles Guidance
  - 1-hr NO<sub>2</sub>/SO<sub>2</sub> NAAQS implementation
- **Future actions under consideration**
  - 2015 Ozone NAAQS Review
  - Ambient Air and PSD offsets



# PM<sub>2.5</sub> Policy Updates



# 2012 PM<sub>2.5</sub> NAAQS Implementation Rule

- Revised NAAQS took effect on March 18, 2013
  - No new secondary visibility index standard as proposed
  - Grandfathered certain sources from requirements (2-pronged test)
- Addressed primary and precursor emissions for PSD
  - Increments now in effect (Trigger date Oct, 2011) and must be addressed
- 2013 Court decisions -subpart 4 implementation and PM<sub>2.5</sub> SILs/SMC
  - Affect the way NSR/PSD analyses are carried out (esp. precursors)
  - PM<sub>2.5</sub> Monitoring data now required for all PSD applications.



## PM<sub>2.5</sub> NAAQS Implementation Rule (Subpart 4 vs Subpart 1)

- January 4, 2013 D.C. Circuit Court Case
  - Remand to EPA to re-promulgate the 2007 SIP Rule and 2008 NSR Rule pursuant to Subpart 4
  - Court decision affects 2008 PM<sub>2.5</sub> NSR Implementation Rule with regard to nonattainment NSR, **not PSD**
- Probable amendments:
  - New lower PM<sub>2.5</sub> major source threshold for direct and precursor emissions in Serious areas;
  - Nonattainment applicability of four precursors (i.e. NO<sub>x</sub>, SO<sub>2</sub>, VOCs and Ammonia)



## PM<sub>2.5</sub> NAAQS implementation Rule (Subpart 4 vs Subpart 1) (Con't)

- Court ruled that PM<sub>2.5</sub> must be treated as PM<sub>10</sub> for nonattainment implementation purposes
- We do not interpret the Court decision to directly affect PSD
- Subpart 4 provision includes an exemption opportunity
  - Applicable to control requirements for major sources of precursors
- Potential Ammonia SER development for nonattainment areas (SIL Reconsideration Rule)



# PM<sub>2.5</sub> Significant Impact Levels (SILs)

- January 22, 2013 Court case
  - EPA requested vacatur and remand for PM<sub>2.5</sub> SILs provision in CFR 52.21(k)(2) and 51.166 (k)(2)
  - Court agreed to vacate and remand, thus did not address the EPA's legal authority to adopt SILs or whether the PM<sub>2.5</sub> SILs represent de minimis thresholds
  - NOTE: Court did not vacate SILs at 40 CFR 51.165(b)(2)
  - EPA released PM<sub>2.5</sub> Q&A's March 4, 2013 to provide guidance for interim SIL use
    - Permits should not rely on PM<sub>2.5</sub> SILs alone to demonstrate "cause or contribute"
    - Additional "care" should be taken so permitting record supports conclusion of no "cause or contribute" to a violation
      - Difference between background values and NAAQS > SILs



## PM<sub>2.5</sub> Significant Impact Levels (SILs) (Con't)

- PM<sub>2.5</sub> SILs Reconsideration Rule
  - Rule will focus on legal and technical basis for the SILs and their use in the PSD air quality analysis
  - Rule will address “air quality modeling level requirements” for SO<sub>2</sub>, NO<sub>x</sub> and VOCs as PM<sub>2.5</sub> precursors
  - Rule will likely create a new ammonia SER for Non-attainment areas.
  - Rule will also remove mandatory newspaper notice requirements and allow additional methods (media neutral) for public notice of draft permits for major NSR and title V
  - Proposal anticipated in early 2015





## PM<sub>2.5</sub> Significant Monitoring Concentration (SMC) “Vacatur” Rule

- January 22, 2013 DC Circuit Court decision in Sierra Club v. EPA vacated the PM<sub>2.5</sub> SMC
  - Effectively stated that the CAA does not allow exemptions from preconstruction monitoring
  - Rule removed the PM<sub>2.5</sub> SMC from 40 CFR 51.166 and 52.21
    - Quality assured state/local agency monitors can be used in lieu of preconstruction monitors
- Direct final “Good Cause” rule published at 78 FR 73698, December 9, 2013.