
Clean Air Work Group

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Greenhouse Gas Reporting Rule Delay

- EPA could not get the e-GGRT program ready by the 3/31/11 deadline for the 2010 GHG emissions report
 - 2010 GHG reporting delayed until 9/30/11
 - e-GGRT registration delayed until 8/1/11
 - Rule amendment published as a direct final in Volume 76 of the Federal Register, Number 53, page 14818

 - GHG monitoring plans should be updated to reflect the new due date
 - GHG monitoring plans for new 2011 reporting categories must have been completed by April 1, 2011 (Subparts I, L, T, W, II, TT, DD, QQ, RR, SS, UU)
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Biomass GHG Deferral

- EPA has issued a proposed rule deferring CO₂ emissions and permitting requirements from biomass (biogenic sources other than fossil fuels)
- Biomass sources would still have to go through the prevention of significant deterioration (PSD) process, although CO₂ emissions would not be included
- EPA will examine the science of biomass combustion to develop a final PSD rule
- The focus is on accounting for the CO₂ emissions – *if you can't count the emissions, how do you regulate them?*

Congress v. EPA on GHG

- The House Science & Technology Committee has heard testimony from both climate change supporters and detractors; Senate and House both voting on limiting EPA GHG permitting and emissions regulations
 - The House of Representatives has not approved funding for GHG Title V and PSD permitting;
 - Some focus is on Richard Muller, (UC Berkeley), who is reviewing historical weather station data to determine the accuracy of the three main climate-change models
 - Sites should proceed under current EPA GHG guidance
 - EPA released new GHG permitting guidance document:
www.epa.gov/nsr/ghgdocs/ghgpermittingguidance.pdf
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Reciprocating Internal Combustion Engines

- EPA issued a clarifying rule addressing some errors in the December RICE NESHAP for Spark Ignition engines
- Continuous parameter monitoring systems (CPMS) must be operated all times unit is in operation, except periods of malfunction, repair, and quality assurance
- Three-hour block averaging in §63.6625(b) was replaced with one-hour averaging and a four-hour rolling average
- Delayed CPMS for 180 days for existing sources
- “Temperature measurement calibration check” replaced with “system accuracy audit.” Ensure temperature measurements are accurate annually, not quarterly
- Spark ignition now includes “with a spark plug”

Gasoline Dispensing Facilities

- GDF that only load gasoline into fuel tanks (rather than motor vehicles) are now applicable to the NESHAP
- “Gasoline” means any petroleum distillate or petroleum distillate/alcohol blend having a Reid vapor pressure (RVP) of 27.6 kilopascals or greater, which is used as a fuel for internal combustion engines
- Denatured ethanol and transmix are not “gasoline” due to RVP and non-use in motor vehicles
- E85 would be a gasoline
- Throughput levels, (<10K/month, ≥10K/month & <100K/month, and ≥100k/month) unaffected

Process Heaters / Boilers - I

- Final rule published March 21, 2011 and effective May 20, 2011 for major and area sources
 - On the same day, EPA published notice of reconsideration of the following rules:
 - Major Source Industrial, Commercial, and Institutional Boilers and Process Heaters NESHAP;
 - Area Source Industrial, Commercial, and Institutional Boilers NESHAP;
 - New Commercial and Industrial Solid Waste Incineration Units NSPS (also published 3/21); and
 - Existing Commercial and Industrial Solid Waste Incineration Units NSPS (also published 3/21)
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Process Heaters / Boilers - II

- EPA is reconsidering:
 - Major source boiler subcategories
 - Allowing major, gas-fired units not firing natural gas to be regulated like natural gas units
 - Work practice standards for some major source boilers
 - Biomass and oil area source GACT standards
 - Revisions to the proposed dioxin emission limit and testing requirement for major source boilers
 - Establishing a full-load stack test requirement for CO and continuous O₂ monitoring for major source boilers
 - GACT PM standards for oil-fired area source boilers.
 - Applicability of Title V to area source boilers
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Utility Steam Generating Units

- NESHAP Signed March 16, 2011
- Regulates the metals mercury, arsenic, nickel, cadmium, chromium, lead, and selenium, and acid gases hydrogen chloride and hydrogen fluoride
- Final rule by November 2011 – per consent decree
- Applicable to coal- and oil-fired sources ≥ 25 megawatts that produce **electricity for sale**
- Applicable sources automatically considered major

Other Steam Generating Units

- NSPS signed March 16, 2011
- Modifies 40 CFR, Part 60, Subparts D, Da, Db, and Dc
 - D: Fossil-Fuel-Fired Steam Generators
 - Da: Electric Utility Steam Generators >250 MMBtu/hr
 - Db: Heat recovery steam generators, fuel heaters, etc. capable of combusting ≥ 100 MMBtu/hr heat input
 - Dc: Heat recovery steam generators, fuel heaters, etc. capable of combusting ≥ 10 MMBtu/hr but ≤ 100 MMBtu/hr heat input
- Applicable to units modified, constructed, or reconstructed after publication date
- Limits PM and SO₂; optimize for CO and NO_x

National Environmental Policy Act & GHG

- U.S. Department of Agriculture provided a loan guarantee for a proposed, rural coal-fired power plant
 - Permit was issued 3 weeks before EPA's GHG Tailoring Rule took effect, (permit does not reference GHG)
 - Neither Sunflower Electric Power Corp. nor USDA completed an environmental impact review of the project
 - USDA argued that the project was not a "major federal action," but the U.S. District Court ruled against USDA
 - Environmental groups suing want an EIS to delay permit long enough that a new permit application would be needed, with GHG emissions limitations
 - Morale: consider NEPA analysis in all federal actions
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Fugitive Emissions & PSD

- EPA is reconsidering a rule issued at the end of the last Administration about PSD sources & fugitive emissions
- The new rule says fugitive emissions are **NOT** counted towards a PSD major modification
- The old rule says fugitive emissions **ARE** counted towards a PSD major modification
- The confusion stems from the 1977 Clean Air Act – fugitive emissions **ARE** counted for certain PSD source categories, but are ignored from all other sources
- EPA interpreted the CAA ambiguity regarding fugitive emissions to require consideration of fugitive emissions only from modifications in the old rule