



Update on EPA Air Programs



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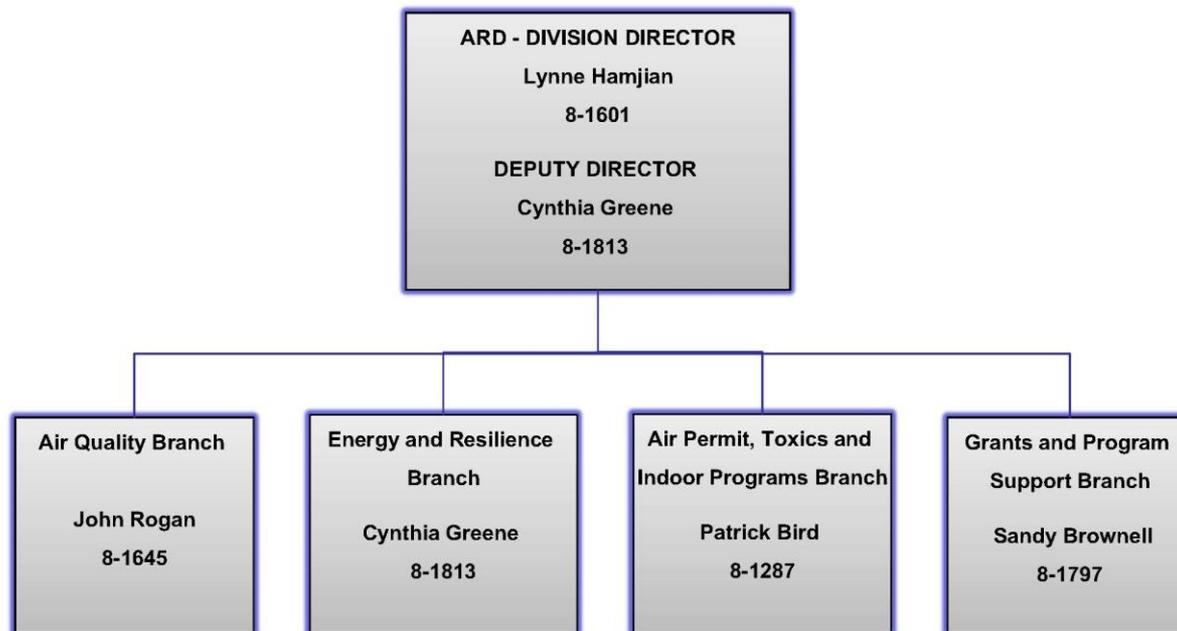


2020 NH Air & Water Regulatory Conference
September 14, 2020

Region 1 - ARD Management Team



AIR and RADIATION DIVISION (ARD)



Topics for Today's Discussion



1. Region 1 priorities
2. COVID-19
3. Ozone issues
4. Key EPA national rules
5. Air toxics
6. New source review
7. Energy
8. Questions

Region 1 2020 Priorities



- **Supporting the workforce**
- **Ensuring Good governance**
- **Executing on New England policy priorities:**
 - **Working on water & watersheds**
 - **Protect public health**
 - **Brownfields & redevelopment**
 - **Sustainability**

List of Corona virus issues



- EPA Fuel Waiver published March 27 (effective May 1 for 20 days)
- COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program
- Virtual SIP & Permit Public Hearings
- I/M Questions
- Air Quality Monitoring – Mission Essential

OZONE NONATTAINMENT



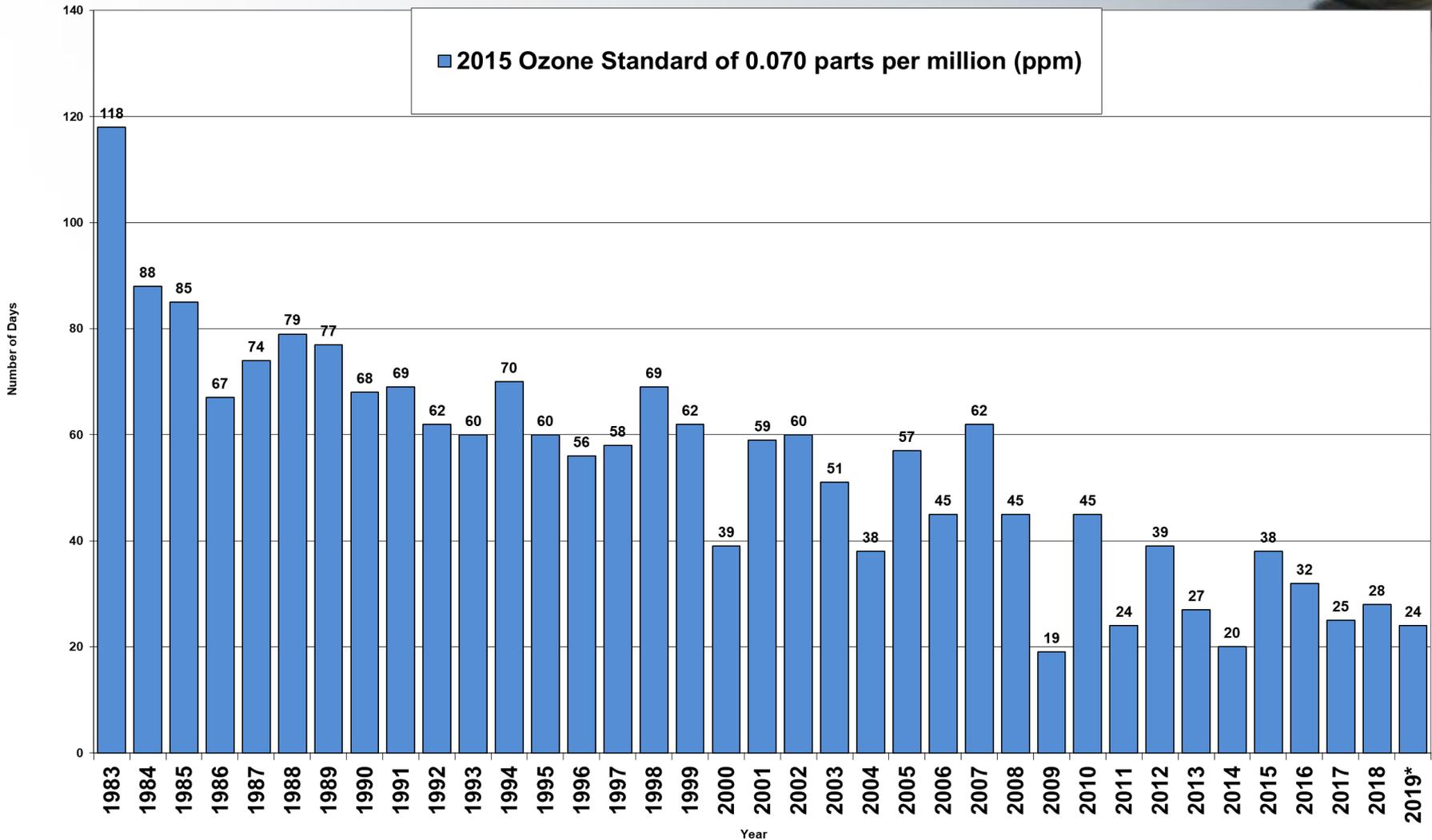
Complexity of SIP Planning for two Ozone Standards



Area Class		Percent above 1-hr ozone NAAQS	8-Hour ozone design values (ppm)		Attainment date (years after designation)	New York Area Attainment Dates	
			2008 NAAQS (0.075 ppm)	2015 NAAQS (0.070 ppm)		2008 NAAQS (0.075 ppm)	2015 NAAQS (0.070 ppm)
Marginal	From up to*	0.833 15	0.076 0.086	0.071 0.081	3	July 20, 2015	NA
Moderate	From up to*	15 33.333	0.086 0.100	0.081 0.093	6	July 20, 2018	August 3, 2024
Serious	From up to*	33.333 50	0.100 0.113	0.093 0.105	9	July 20, 2021	August 3, 2027
Severe-15	From up to*	50 58.333	0.113 0.119	0.105 0.111	15	July 20, 2027	August 3, 2033
Severe-17	From up to*	58.333 133.333	0.119 0.175	0.111 0.163	17	July 20, 2029	August 3, 2035
Extreme	From up to*	133.333	0.175	0.163	20	July 20, 2032	August 3, 2038

*but not including

8-Hour Ozone Exceedance Days in New England for 2015 NAAQS (70 ppb)

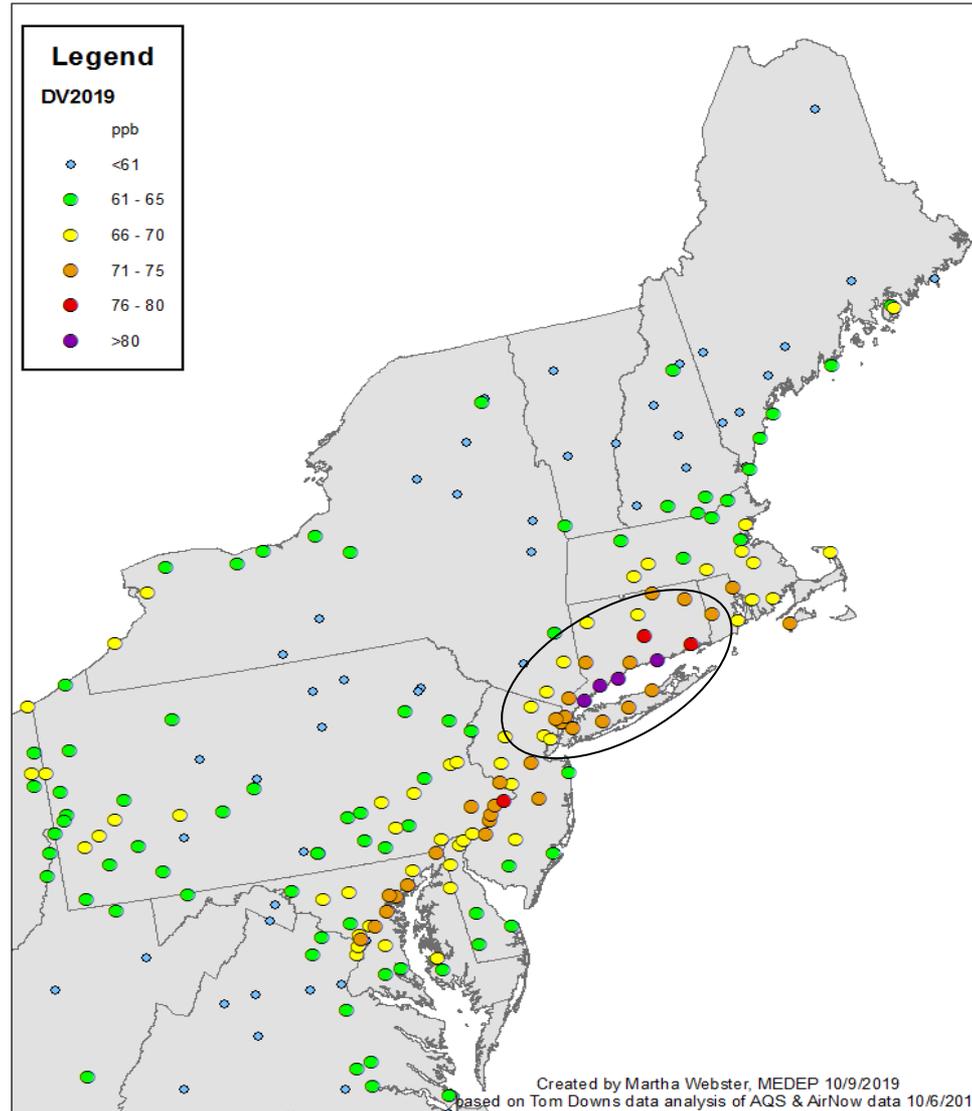


*2019 Data Preliminary and Subject to Change

2017-2019 Preliminary Ozone Design Values (3-yr Ave of 4th High)



2019 Ozone Preliminary Design Value



OZONE TRANSPORT ISSUES



- 2008 Standard

- Cross State Air Pollution Rule (CSAPR) Update Remand Rule (Region 1 is sub-lead region)
 - Sept 2019 - D.C. Circuit issued decision in *Wisconsin v. EPA* addressing legal challenges to CSAPR Update
 - Remedy and rulemaking schedule under discussion

- 2015 Standard

- Ozone Transport SIPs: three state groupings:
 - **Group 1 states** (<1 ppb contribution to other states)
 - MA and VT approved, NH & ME submitted, RI (not submitted)
 - **Group 2 states** (0.7 to 0.99 ppb contribution)
 - CT (short-term hold)
 - **Group 3 states** (>1 ppb contribution)

Ozone Appellate Litigation



EPA Rule	Case	Date Decided	Court Decision: Impact on EPA Rulemaking
CSAPR Update	Wisconsin v EPA	Sept. 13, 2019	Remanded w/o vacatur
CSAPR Closeout	New York v EPA	Oct. 1, 2019	Vacated & remanded
CSAPR Update (Mandamus)	New Jersey v EPA	July 28, 2020	EPA to issue CSAPR Update Remand Final Rulemaking by March 15, 2021
MD & DE §126 Petitions Denied	Maryland v EPA	May 19, 2020	Partial remand: EPA to reevaluate some EGU sources w/SNCRs
NY §126 Petition Denied	New York v EPA	July 14, 2020	Vacated; remanded: EPA to reevaluate 350 EGU sources in 9 states
PA RACT SIP Approval	Sierra Club v EPA	Aug. 27, 2020	Vacated; remanded: EPA to reevaluate NOx emission rate limit, SCR use, and recordkeeping for PA coal-fired EGUs w/SCRs

CAA 184(c) Recommendation



- On June 8, 2020, the Ozone Transport Commission (OTC) submitted a recommendation under Section 184(c) of the Clean Air Act (CAA) for additional control measures at certain coal-fired electricity generating units (EGUs) in Pennsylvania.
- EPA originally planned to hold a public hearing by September 4, 2020 but decided to delay the date of the hearing until after a notice with additional information is published in the Federal Register.
- The additional information will provide further discussion of the recommendation and the framework the Agency intends to apply in reaching a decision on the recommendation, and therefore allow for more meaningful input.



STATUS OF OTHER EPA KEY NATIONAL RULES

Vehicle Rules



SAFE Vehicle Rule FRN released Mar 31, 2020

MY 2021-2026 light-duty vehicles. Improve CAFE and CO2 emissions 1.5%/yr through MY2026, as compared with the standards issued in 2012, which would have required about 5% annual increases.

Cleaner Trucks Initiative NPRM now expected Q1 of 2021

ANPRM signed on Jan 6, 2020. Comment period is closed and EPA compiling input.

Affordable Clean Energy (ACE) Rule



- 111(d) Process
 - EPA identifies Best System of Emission Reduction (BSER)
 - States submit state plans that establish standards of performance for designated facilities
 - Affected sources comply with standards of performance
- Designated Sources
 - Coal-fired EGUs
 - > 25MW-net
 - Commenced operation before January 8, 2014
- State Plans & Negative Declarations due July 8, 2022
 - CT and NH have designated sources
 - NH source (_Merrimack Station Units #1 and #2)
- Litigation ongoing – oral argument 10/8/20



AIR TOXICS PROGRAM UPDATES

Delegation of NSPS and NESHAPs



- EPA Region 1 NSPS and NESHAP delegation website
 - Includes EPA Region 1 state tables identifying standards delegated and state approved delegation mechanisms
 - <https://www.epa.gov/caa-permitting/epa-region-1-state-delegations-federal-new-source-performance-standard-nsps-and>

Major MACT Source to Area Source Reclassification



- **On January 25, 2018: EPA issued a guidance memo “Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act”**
 - Memo addresses when major source subject to MACT standard may be reclassified as area source and no longer subject to MACT
 - Gives EPA’s plain language reading of statutory terms “major source” and “area source”
 - Withdrew 1995 Seitz memo referred to as “Once In Always In” policy, which required major sources to limit potential to emit to below major source threshold by first compliance date to be treated as an area source
- **Proposed Rule** – On July 26, 2019, EPA issued a Federal Register Notice proposing regulatory text for public comment to implement EPA’s plain language reading of statute
- **Schedule** – EPA expects to issue a final rule in September 2020
- **More Information** : www.epa.gov/stationary-sources-air-pollution/reclassification-major-sources-area-sources-under-section-112-clean

Residual Risk and Technology (RTR) Review



- Clean Air Act Section 112(f)(2) requires EPA to conduct two types of reviews of Maximum Achievable Control Technology (MACT) standards
 - **Residual risk review** to determine whether the MACT standard protects public health with an “ample margin of safety” required within 8 years after a MACT standard is issued
 - **Technology review** is required every 8 years and focuses on developments in practices, processes and control technologies that reduce HAP
- In addition to RTR analyses, we evaluate and update other aspects of the rules including: electronic reporting, monitoring, testing, and consistency with legal requirements, such as, removal of startup, shutdown, and malfunction exemptions.

RTR Program Status



- Finalized RTRs for about 96 source categories since 2005
- In 2020, we finalized RTRs for 26 source categories
- 9 additional RTRs have court-order deadlines required by October 1, 2021
- For more information on the schedule and RTR rules visit:
<https://www.epa.gov/stationary-sources-air-pollution/risk-and-technology-review-national-emissions-standards-hazardous>

Ethylene Oxide Regulatory Update



- **Miscellaneous Organic Chemical Manufacturing National Emissions Standards for Hazardous Air Pollutants (NESHAP) (MON) Residual Risk and Technology Review (RTR) Final Rule, August 12, 2020 (85 FR 49084)**
 - Corrected and clarified provisions related to emissions during periods of startup, shutdown, and malfunctions (SSM)
 - Finalized technology review amendments for equipment leaks and heat exchange systems
 - Added risk review amendments to specifically address ethylene oxide emissions from storage tanks, process vents, and equipment leaks.
 - Additional monitoring and reporting amendments

Addition of 1-bromopropane to the List of HAPs Regulated Under the Clean Air Act

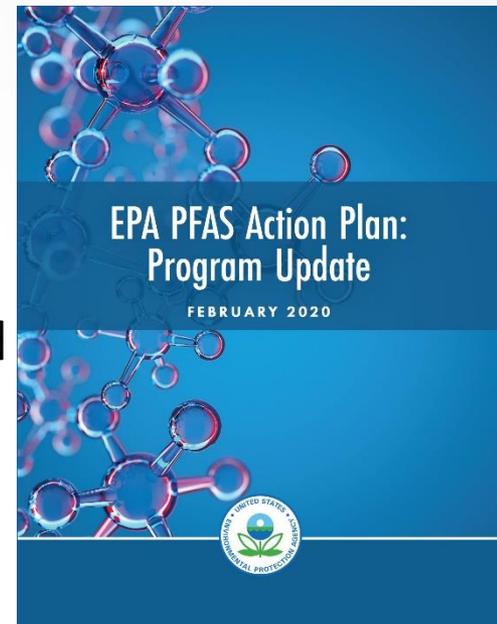
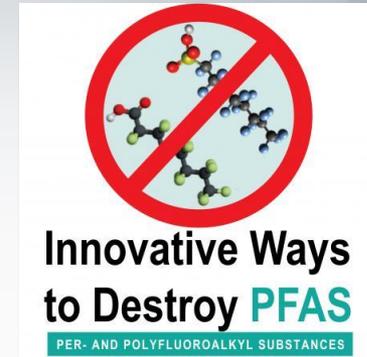


- On June 12, 2020, EPA granted petitions to add 1-bromopropane (1-BP), also known as n-propyl bromide (nPB), to the Clean Air Act list of air toxics.
- 1-BP is primarily used in metal parts cleaning and to clean electronics. It can also be used as an intermediate chemical in the manufacture of pharmaceuticals and agricultural products, as well as in spray adhesives and dry cleaning.
- In a subsequent action, EPA will add 1-BP to the CAA list of air toxics. After 1-BP is added to the list, EPA may revise air toxic standards for source categories that emit 1-BP or add new source categories for sources of 1-BP emissions.
- This final notice does not have any direct impacts. **No regulatory requirements will come into effect until EPA adds 1-BP to the CAA list of air toxics.**

PFAS Update



- EPA continues to implement its PFAS Action Plan.
- On August 25, 2020, EPA launched the “Innovative Ways to Destroy PFAS Challenge” to incentivize development of effective methods for PFAS disposal.
- EPA’s Office of Research and Development will begin a multi-year wet deposition measurement field campaign at four east-coast locations, including one in coastal Maine, starting September 15, 2020.
- EPA intends to propose guidance and test methods for monitoring PFAS in air by the end of calendar year 2020.



NSR POLICIES & RULE CHANGES

- Proposed Project Emissions Accounting Rulemaking (8/1/19)
- “Adjacency” Guidance (11/26/19)
- Proposed NSR Error Corrections Rule (11/26/19)
- Exclusions from “Ambient Air” (12/3/19)
- Draft Guidance Plantwide Applicability Limitation Provisions (3/19/20)
- Draft “Begin Actual Construction” Interpretation (3/25/20)



New Source Review Revisions



- Project Emissions Accounting Proposed Rulemaking (8/1/19)
 - EPA proposed to clarify the process for evaluating whether the NSR permitting program would apply to a proposed modified source of air emissions
 - Both emissions increases and decreases from a major modification are to be considered during Step 1 of the two-step NSR applicability test:
 - Step 1)** Determine if the proposed project will cause a “significant emissions increase” of a regulated NSR pollutant, considering both emissions increases and decreases (“sum of the difference”) that result from a given proposed project
 - Step 2)** Determine if there is a “significant net emissions increase” of that pollutant
- “Adjacent” Guidance (11/26/19)
 - Interpretation revision of when multiple air pollution-emitting activities are located on sufficiently “adjacent” properties to one another that they should be considered a single source for the purposes of permitting
 - “Adjacent” is interpreted as physical proximity between properties
 - 3 factors determine if activities under a single source for NSR and Title V air permitting programs. The activities must be:
 - 1) Under common control;
 - 2) Located on contiguous or **adjacent** properties; and
 - 3) Fall under the same major group standard industrial classification (SIC) code

New Source Review Revisions



- Proposed NSR Error Corrections Rule (11/26/19)
 - Non-substantive corrections, e.g. outdated cross-references and typos
- Exclusions from “Ambient Air” (12/3/19)
 - Updates EPA’s policy on the scope of “ambient air”; 1980 guidance requiring use of *a fence or other physical barriers* for exemption is outdated
 - Recognizes there are a variety of effective measures to preclude public access to a facility property, accounts for advances in surveillance and monitoring, depending on site-specific circumstances
 - *Ambient air: the atmosphere over land owned or controlled by the stationary source may be excluded from ambient air where the source employs **measures, which may include physical barriers, that are effective in precluding access to the land by the general public.***
- Guidance Plantwide Applicability Limitation (PAL) Provisions (8/5/20)
 - Guidance addresses: PAL permit reopening; PAL expiration; PAL adjustment during renewal; PAL termination; monitoring requirements; treatment of replacement units; general advantages of PALs and other considerations

New Source Review Revisions



- Draft “Begin Actual Construction” Interpretation (3/25/20)
 - Draft guidance proposes that source owner or operator may, prior to obtaining an NSR permit, undertake physical on-site activities – including activities that may be costly, that may significantly alter the site, and/or are permanent in nature – provided that those activities do not constitute physical construction on an emissions unit
 - *Begin actual construction*: *initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipework and construction of permanent storage structures.*

ENERGY UPDATE



ENERGY STAR IN NEW ENGLAND



- **New England Best Practice Network**

Industrial network that meets quarterly to share latest energy management practices

- **New England's Treasure Hunt Campaign**

Webinars on how to conduct a treasure hunts to find energy efficiency opportunities in industrial facilities.

- **ENERGY STAR Portfolio Manager (PM) tool**

EPA offers trainings on PM to help you to determine your building's energy performance

NH 2020 ENERGY STAR PARTNERS



- **Chinburg Properties of Newmarket**, a regional homebuilder, which was recognized for building more than 75 ENERGY STAR certified homes and increasing consumer brand awareness through its marketing, educational materials, and training of sales staff.
- **NH Gas and Electric Utilities of Manchester**, a utility consortium made up of Eversource, Liberty Utilities, New Hampshire Electric Co-op and Unitil, which was recognized for consistently promoting the ENERGY STAR Certified Homes program to builders, trade organizations and consumers, while growing the program's market share to nearly 23 percent statewide.

Air Permitting Status of Active New England Wind Farm Projects



Vineyard Wind (501 North)

- Draft permit released for public comment June 2019
- Final permit expected in late 2020
- Anticipated commissioning in 2022-2023



South Fork Wind

- Permit application submitted February 2019, application has not been deemed complete, revised application expected in Fall 2020
- Final permit expected in late 2021
- Anticipated commissioning in 2023



Bay State Wind

- Preapplication meeting with EPA
- Development schedule uncertain



Sunrise Wind

- Preapplication meeting with EPA
- Anticipated commissioning in 2024



Revolution Wind

- Preapplication meeting with EPA
- Anticipated commissioning in 2024



Park City Wind (501 South)

- Preapplication meeting with EPA
- Anticipated commissioning in 2023- 2024



Unique Issues with CAA OCS Permitting



- Technical and regulatory complexity of permitting
- Adherence with permitting timelines
- Nonattainment New Source Review requirements
 - Lowest Achievable Emission Reduction rates
 - Emission Reduction Credits (offsets)



WRAP UP / QUESTIONS?



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