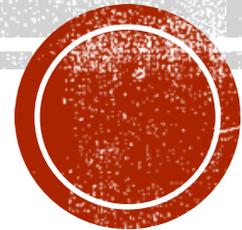


STATE AND LOCAL AIR DIRECTORS' MEETING

JUNE 8, 2017

Heather Ceron
Air Permitting Section Chief
EPA Region 4



TOPICS

- General Rule Updates
- Petitions
- Title V Sublead
- Staff Updates



GENERAL REGULATIONS UPDATES

- E-Notice
- Regional Consistency
- Title V General
- Title V Petition Provisions
- GHG Provisions
- Emergency Provision Removal
- Appendix W



E-NOTICE RULE FOR NSR, TITLE V AND OCS PERMITTING

- On October 5, 2016, EPA finalized Revisions to the Public Notice Provisions in Clean Air Act Permitting Programs. Rulemaking removes the mandatory newspaper publication requirement for air permits and provides electronic notice as an available, effective, and adequate standard for public notice.
- States have the discretion to continue using newspaper notice
- Consistent with Clean Air Act Advisory Committee Task Force Recommendations
- Final rule effective on November 17, 2016
- For more information go to <https://www.epa.gov/nsr/clean-air-act-permitting-electronic-notice-final-rule>



AMENDMENTS TO REGIONAL CONSISTENCY REGULATIONS

- EPA's Part 56 regulations require that EPA's regulations and policies be applied consistently across all the regional offices
- Final Amendments to Regional Consistency Regulations were published August 3, 2016 (81 FR 51102)
- Provides an exception allowing EPA regional offices to deviate from national EPA policy when it is necessary to comply with a U.S. Circuit or District Court decision involving regional or locally applicable matters
- Rule change is consistent with May 30, 2014, D.C. Circuit ruling in NEDA CAP v. EPA
- Final rule effective on September 2, 2016
- For more information visit <https://www.epa.gov/title-v-operating-permits/current-regulations-and-regulatory-actions>



DRAFT GUIDANCE ON SIGNIFICANT IMPACT LEVELS (SILS) FOR OZONE AND PM_{2.5} IN THE PREVENTION OF SIGNIFICANT DETERIORATION PERMITTING PROGRAM

- Draft guidance was posted August 18, 2016, and had a 60 day comment period through September 30, 2016:
 - Draft guidance includes a memorandum that identifies recommended SIL values for ozone and PM_{2.5} and describes how these values may be used in a PSD compliance demonstration;
 - A technical basis document (with supporting appendices) describing how EPA developed the SIL values for PM_{2.5} and ozone; and
 - A legal support document that discusses a legal basis that permitting authorities may choose to apply if allowing sources to use SILs as part of their compliance demonstrations.
 - <https://www.epa.gov/nsr/draft-guidance-comment-significant-impact-levels-ozone-and-fine-particle-prevention-significant>
- Timing: TBD

TITLE V PERMITTING

■ Title V Program and Fee Evaluation Guidance

- Satisfies EPA commitments in response to a 2014 Office of Inspector General (OIG) report recommending enhanced oversight of state and local title V program fee revenue practices
 - Committed to completing the revised guidance by Fall 2017
 - Provides guidance for EPA regions on conducting state and local title V program and fee evaluations
 - Discretionary for EPA regions and no specific requirements for state programs
 - Consistent with the principles and best practices for oversight of state permitting programs contained in the August 30, 2016, document “*Principles and Best Practices for Oversight of State Permitting Programs*”, developed by EPA’s Cross-Media State Programs Health and Integrity Workgroup
- Timing: TBD

REVISIONS TO THE PETITION PROVISIONS OF THE TITLE V PERMITTING PROGRAM

- Proposed rulemaking to increase transparency and stakeholder understanding of the petition process, as well as ensure that the Agency is able to efficiently address related programmatic and air quality issues was published on August 24, 2016 (81 FR 57822)
- The proposed revisions:
 - provide direction for submitting title V petitions, including encouraging the use of an electronic submittal system;
 - require mandatory content and format for title V petitions; and
 - require permitting authorities to respond in writing to significant comments received during the public comment period on draft title V permits.
- The preamble also provides guidance on “recommended practices” for permitting authorities and sources to help ensure title V permits have complete administrative records and are consistent with the CAA:
 - If followed, these practices may reduce the likelihood that a petition is submitted on a title V permit
- The comment period closed on October 24, 2016, and EPA is in the process of reviewing the comments received.
- Timing: TBD

REGULATORY UPDATES FOR GHG PERMITTING

- EPA has taken a series of steps to respond to the June 23, 2014, Supreme Court decision in *Utility Air Regulatory Group (UARG) v. EPA* and the April 10, 2015, Court of Appeals for the District of Columbia (D.C. Circuit) *Coalition for Responsible Regulation v. EPA Amended Judgment*
 - In April 2015, EPA issued a final rulemaking revising EPA's PSD regulations to enable the EPA to rescind EPA-issued PSD permits for GHG
 - Direct Final (80 FR 26183); Parallel Proposal (80 FR 26210)
 - In August 2015, EPA issued a final **Prevention of Significant Deterioration and Title V Permitting for Greenhouse Gases: Removal of Certain Vacated Elements Rulemaking** (80 FR 50199)
 - Rule removed certain provisions from PSD and title V that were vacated as part of the D.C. Circuit Court's April 2015 Amended Judgment
 - On August 26, 2016, EPA proposed the **Revisions to the Prevention of Significant Deterioration (PSD) and Title V Greenhouse Gas (GHG) Permitting Regulations and Establishment of a Significant Emissions Rate (SER) for GHG Emissions Under the PSD Program** (81 FR 68110)
 - Rule also proposed the remaining changes to PSD and title V that are necessary to fully implement the D.C. Circuit Court's April 2015 amended judgment
 - The public comment period closed on December 16, 2016 and EPA is currently reviewing comments. Timing: TBD

REMOVAL OF EMERGENCY PROVISIONS FROM PART 70 AND 71

- **Proposed Removal of Title V Emergency Affirmative Defense Provisions From State Operating Permit Programs and Federal Operating Permit Program Rule** to remove the “emergency” affirmative defense (AD) provisions from title V regulations 40 CFR 70.6(g) and 71.6(g) published on June 14, 2016 (81 FR 38645)
- The public comment period closed on August 15, 2016, and the EPA is currently evaluating all comments received
- This is a follow-up action to similar rulemakings, including the 2015 Startup, Shutdown, Malfunction SIP Call, intended to ensure that the EPA’s policy on AD is consistent across all CAA program areas, following the D.C. Circuit’s *2014 NRDC v. EPA* decision
- Timing: TBD

REVISION TO THE GUIDELINE ON AIR QUALITY MODELS

- On December 20, 2016, EPA finalized several additions and changes to its *Guideline on Air Quality Models* (*Guideline* or “Appendix W” to 40 CFR Part 51). Published on January 17, 2017, original effective date of February 16, 2017.
- The *Guideline* is used by the EPA, states, tribes, and industry to prepare and review permits for new sources of air pollution
 - State and tribal air agencies also use the *Guideline* to revise their plans detailing strategies for reducing emissions and improving air quality known as State or Tribal Implementation Plans.
 - EPA also released on December 20, 2016, a revised regulatory version of the preferred near-field modeling system, AERMOD, reflective of the final rule.
- Appendix W became effective on **May 22, 2017**.
- EPA expects these App W revisions and model enhancements will increase the efficiency and accuracy of regulatory modeling demonstrations.

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REGION 4 AIR PERMIT WORKSHOP FOLLOW UP

- Held May 2-4, 2017 at the Sam Nunn Building
- 52 attended from State and Local agencies
- 25 Speakers included OAQPS, Region 4, and State agency staff
- Survey with 52% responding
 - Overall positive responses
 - Main negative was building security
 - Strong preference in future biannual meeting
- Interest in holding quarterly permitting calls
 - Mixed response (64%)
- Thank you for allowing your staff to participate!!!!



TITLE V SUBLEAD

- Region 4 is the Title V Sublead
 - Two year rotation began October 1, 2016
 - Serve on workgroups to represent the regional perspective
 - Coordinate information gathering from the regions
 - Organize monthly national staff calls
 - Yolanda Adams is the Region 4 staff contact
- Region 6 is the NSR Sublead
- Next Event: EPA Permit Air Managers Meeting on June 13-15 in Dallas



STAFF

- Yolanda Adams – Title V Sublead Coordinator/Permit Expert/Mississippi State Contact
- Kelly Fortin – OCS and general Policy Expert
- Natasha Hazziez – Florida State/Local Contact and EJ assistance
- Art Hofmeister – Kentucky State/Local Contact and Title V Petition Expert
- Terry Johnson – North Carolina State/Local Contact
- Eva Land – Tennessee State Contact
- Ana Oquendo – Out until December 2017
- Andrew Porter – Georgia State Contact
- James Purvis – South Carolina State Contact, PAL/CAM Expert and Alabama Backup
- Lori Shepherd – NSR Expert
- Randy Terry – Alabama State/Local Contact and EJ Expert (Out until late August 2017)
- Mario Zuniga – Tennessee Backup and Tribal Coordinator
- Gloria Diaz-Galarza – Mississippi Backup



THE END



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