



Update on EPA Air Programs



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Acting Director
EPA Region 1

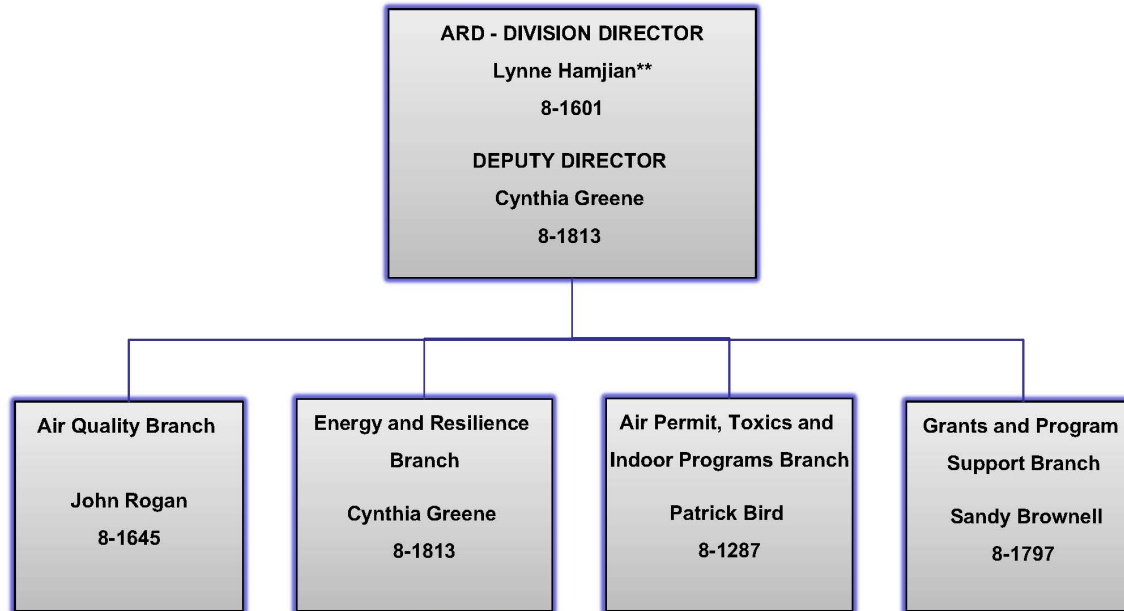
SIPRAC meeting
April 9, 2020



Region 1 - ARD Management Team



AIR and RADIATION DIVISION (ARD)



EPA, Region 1, ARD Organizational Chart, updated February 26, 2020 --- ** Acting Supervisor/Manager

Topics for Today's Discussion



1. Region 1 priorities
2. COVID-19
3. Ozone nonattainment issues
4. Ozone transport issues
5. Key EPA national rules
6. Air toxics
7. Offshore wind permitting
8. New source review
9. Energy Star Portfolio Manager
10. 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



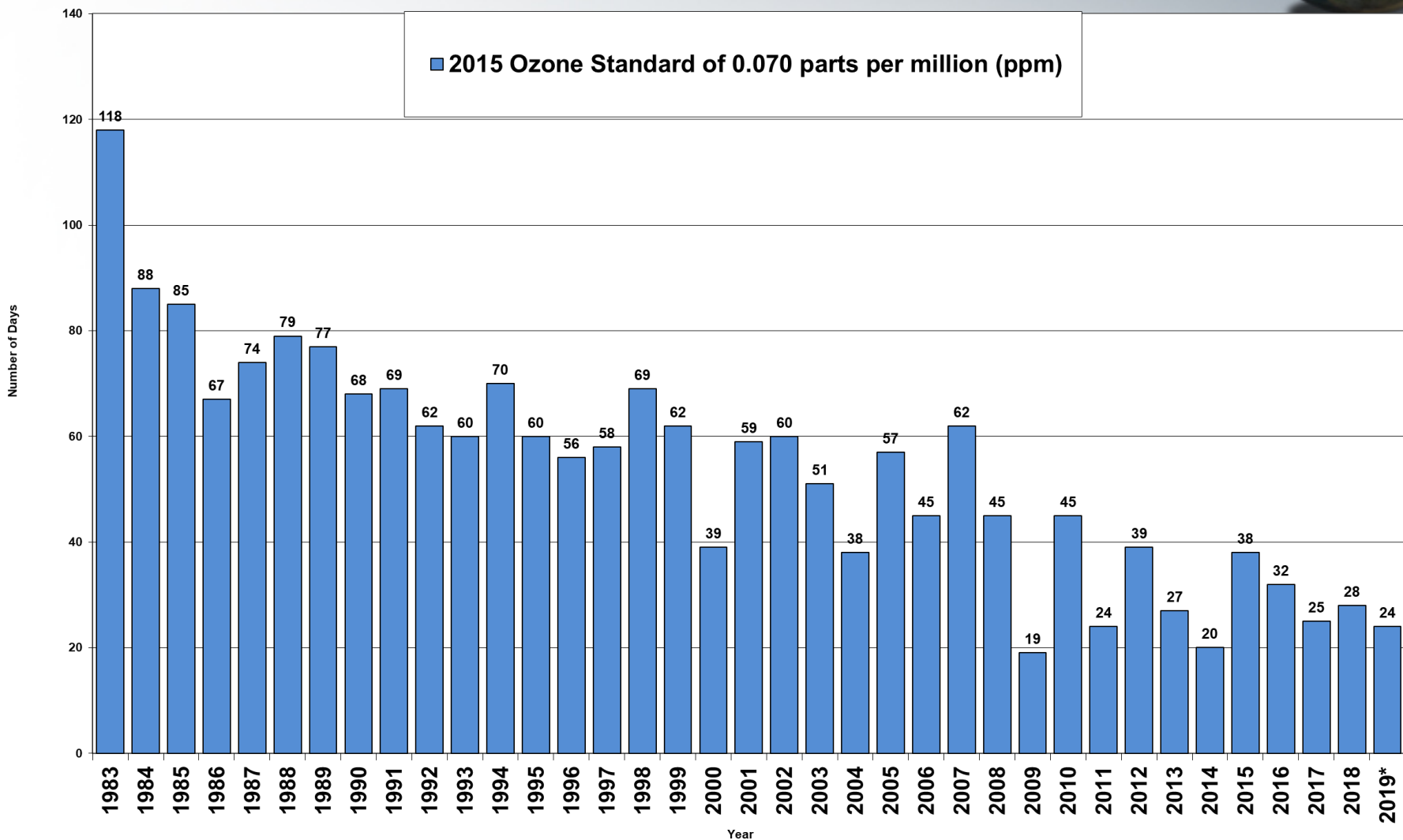
Complexity of SIP Planning for two Ozone Standards



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)

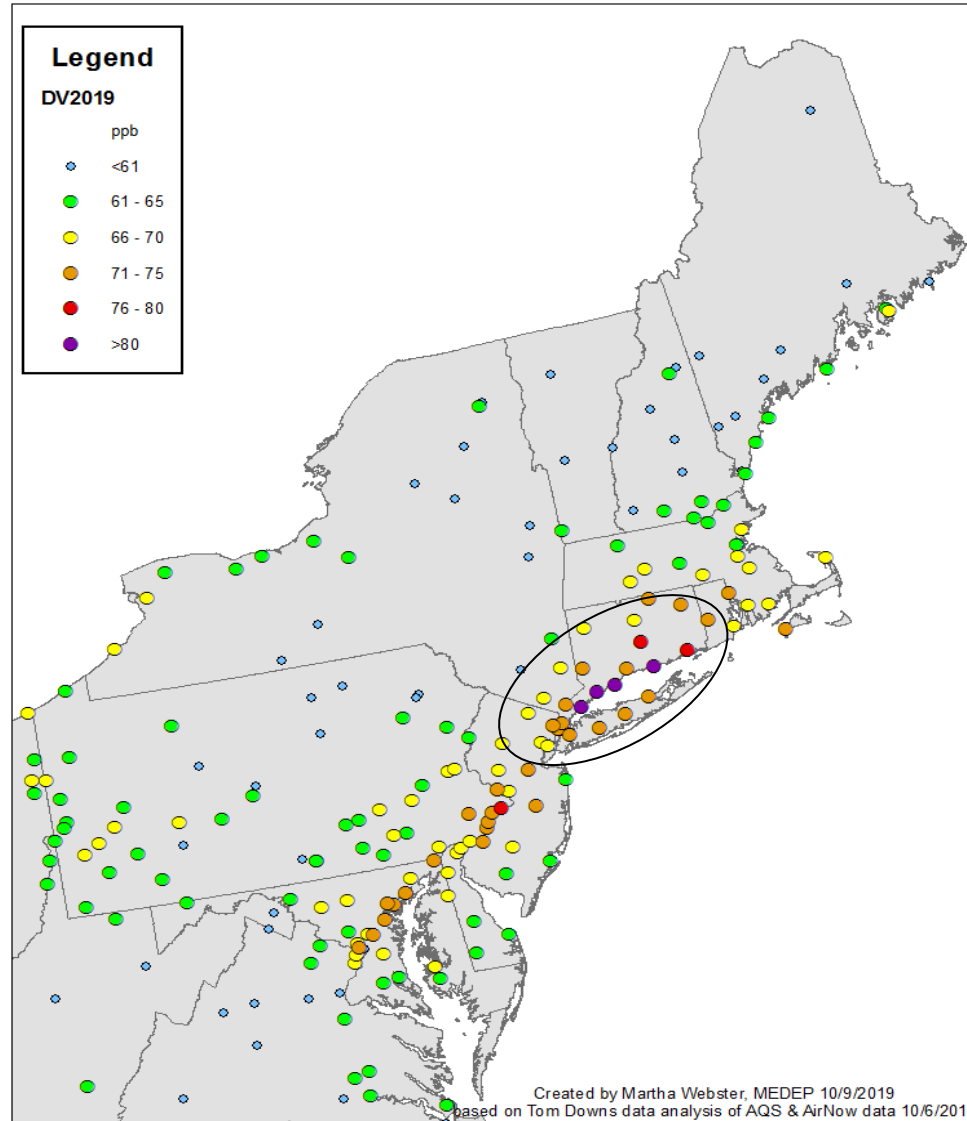


*2019 Data Preliminary and Subject to Change

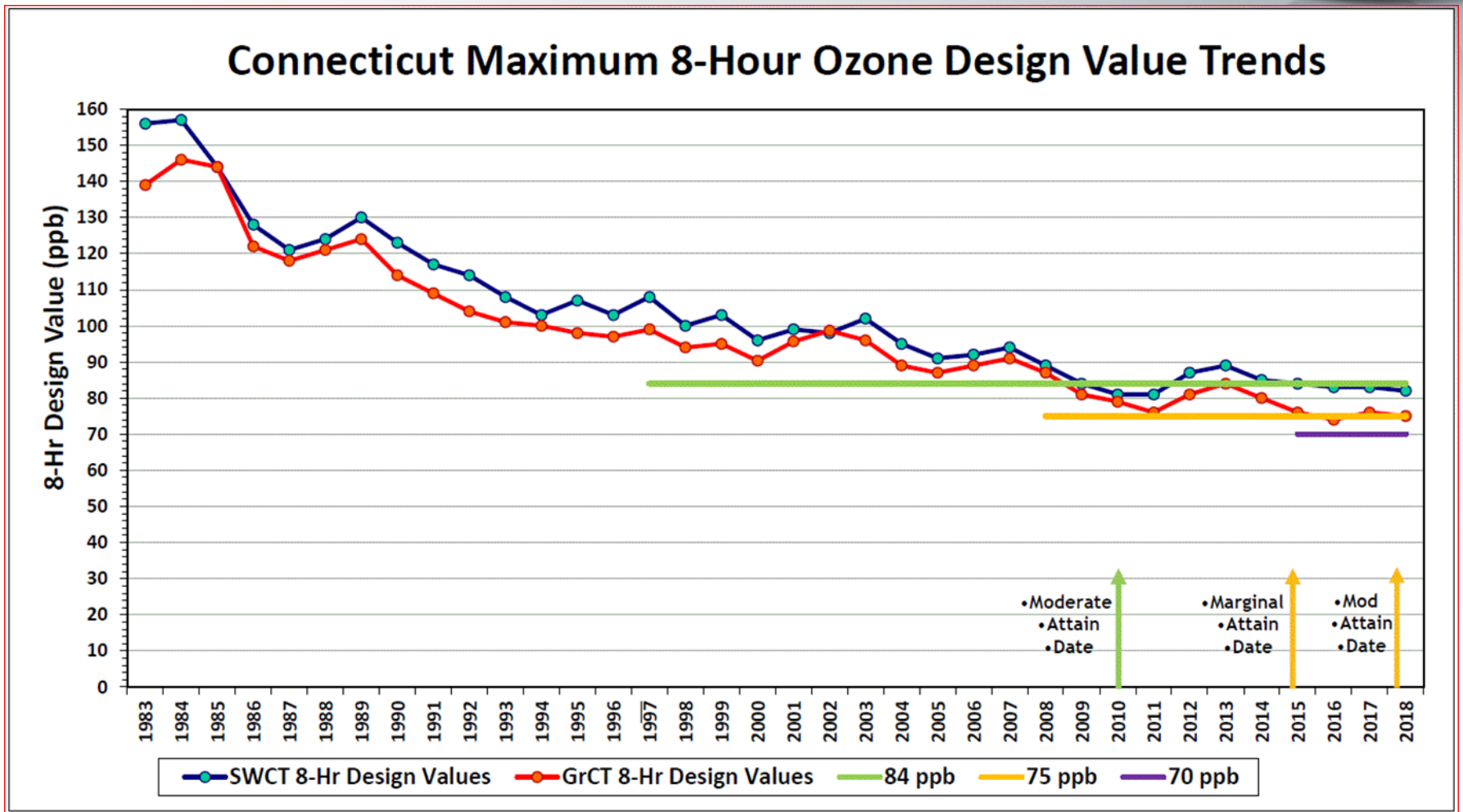
2017-2019 Preliminary Ozone Design Values (3-yr Ave of 4th High)



2019 Ozone Preliminary Design Value



TRENDS IN OZONE DATA



2008 STANDARD



2008 SERIOUS BUMP-UP SIP ELEMENTS

The following SIP revisions are due to the EPA by August 3, 2020:

- Revised attainment demonstration and RFP plan (providing for average 3% per year reduction in VOC/NOx emissions)
- RACT measures tied to attainment (if applicable);
- A Reasonably Available Control Measures (RACM) demonstration that all RACM necessary to demonstrate attainment by the July 20, 2021 attainment date for the area have been adopted;
- New Source Review certification that ensures major sources of 50 tons per year (tpy) and greater are covered;
- Revised contingency measures for failure to attain or to meet RFP

2015 STANDARD



- **Due August 3, 2020:**
 - Emissions inventory and emissions statement certification
 - Nonattainment NSR certification
 - RACT analysis (RACT implementation date = 1/1/2024)
- **Due August 3, 2021:**
 - Attainment demonstration
 - Reasonable further progress (RFP) plan
 - Reasonably available control measures (RACM)
 - Contingency measures
- Attainment date: August 3, 2024

OZONE TRANSPORT ISSUES



- 2008 Standard

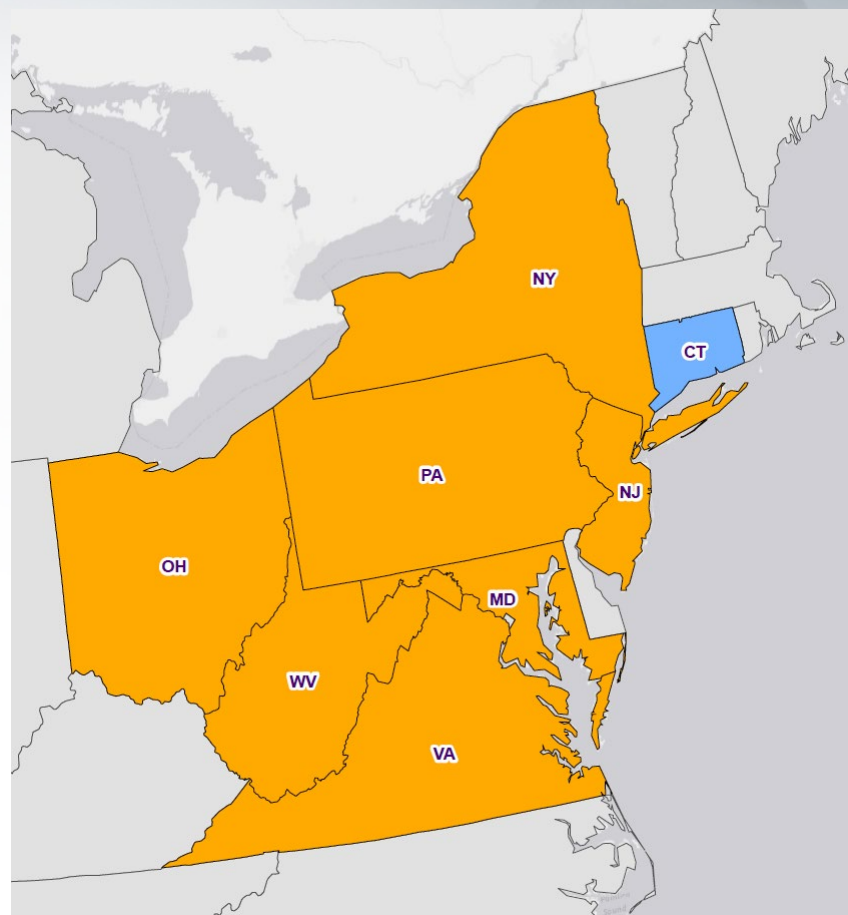
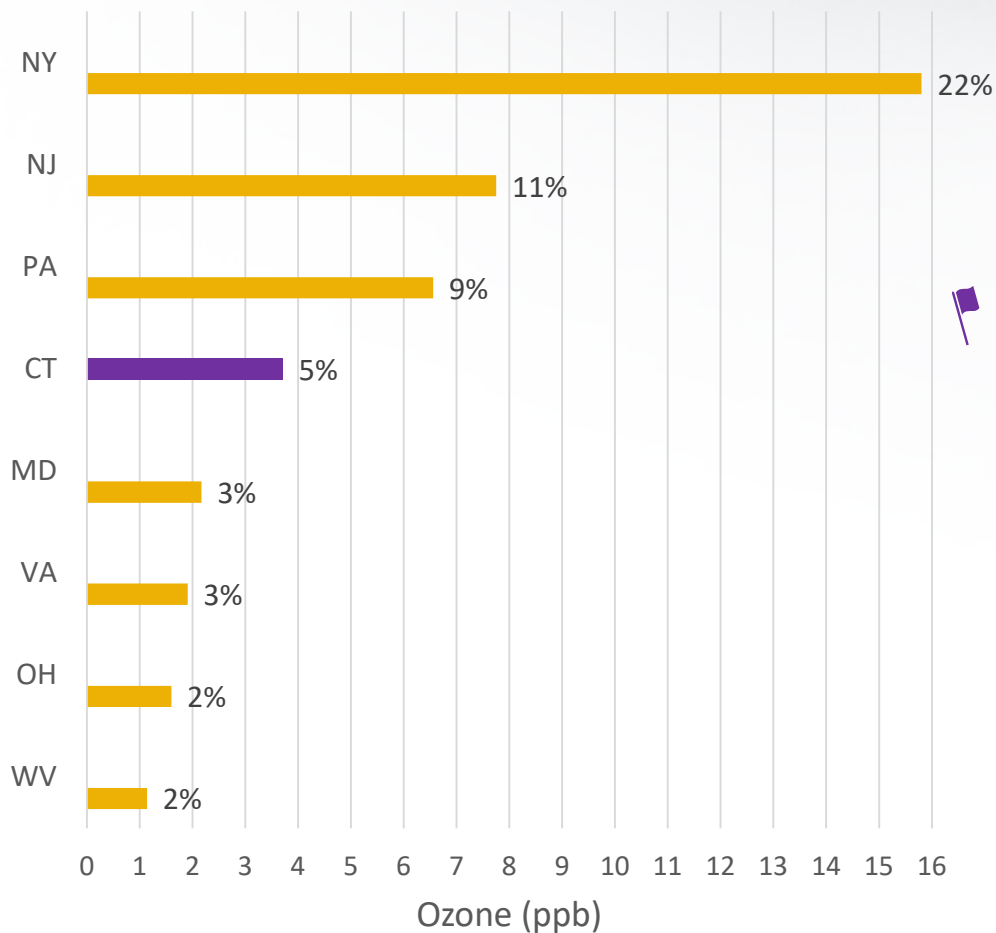
- Cross State Air Pollution Rule (CSAPR) Update Remand Rule (Region 1 is sub-lead region)
 - Sept 2019 - D.C. Circuit issued decision in *Wisconsin v. EPA* addressing legal challenges to CSAPR Update
 - Remedy and rulemaking schedule under discussion

- 2015 Standard

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



•Based on EPA 2023 Projections for the **Westport Monitor Design Value of 73 ppb**, Seven States Significantly¹ Contribute to Connecticut Ozone Non-attainment:



•¹ States with >1 ppb Contribution per EPA 2023 Projections

Projected NOx Emissions by 2023



•Tons/
yr

New England vs. Rest of OTR



RELATED LITIGATION AND PETITIONS



- CSAPR Update remand rule
 - Two judicial complaints seeking to put EPA on court-ordered deadline to address *Wisconsin* remand
 - Filed Feb 7 by enviros in D.C. District Court
 - Filed Feb 19 by northeastern states + NYC in SDNY
- NY section 126 petition denial (*New York v. EPA*)
 - Briefing in D.C. Circuit completed
 - Oral argument scheduled for May 7 suspended due to COVID-19
 - Court may order oral argument via video

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 expected late Spring 2020

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
 - CT source (Bridgeport Harbor) expected to retire by July 2021
- Litigation ongoing (EPA brief due 5/26/20)

Significant New Alternatives Policy (SNAP) Program: 2018 Rule Status



- *Mexichem Fluor, Inc. v. EPA* – vacated SNAP Final Rule issued July 20, 2015 that restricted manufacturers from making certain products that contain hydrofluorocarbons (HFCs) (“2015 Rule”)
- EPA published guidance on April 27, 2018 (“2018 Rule”) that EPA will not apply HFC listings in 2015 Rule
- April 7, 2020 – U.S. Court of Appeals for the D.C. Circuit vacated the 2018 Rule stating that EPA violated regulatory procedure when it removed restrictions on HFCs. EPA is reviewing the decision.

Ethylene Oxide Regulatory Update



- **Miscellaneous Organic Chemical Manufacturing National Emissions Standards for Hazardous Air Pollutants (NESHAP) (MON) Residual Risk and Technology Review (RTR) Proposed Rule, December 17, 2019 (84 FR 69182)**
 - Proposed technology review amendments for equipment leaks and heat exchange systems, and also proposed risk review amendments to specifically address ethylene oxide emissions from storage tanks, process vents, and equipment leaks.
 - Court order to finalize RTR rule by May 29, 2020

Ethylene Oxide Regulatory Update



- **Ethylene Oxide Commercial Sterilizers and Fumigation Operations NESHAP**
 - **Advanced Notice of Proposed Rulemaking**, December 12, 2019, outlined potential control measures available, provided opportunity for public comment and opportunity to provide EPA with data to support rulemaking. (84 FR 67889)
 - **Section 114 Information Collection Request** to several companies requested information to support rulemaking, including facility data, control device information, work practices, and costs of emissions reduction methods.
- Proposed rule expected Summer 2020
- **More information:** <https://www.epa.gov/stationary-sources-air-pollution/ethylene-oxide-emissions-standards-sterilization-facilities>

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 Summer 2020
- **More Information** : www.epa.gov/stationary-sources-air-pollution/reclassification-major-sources-area-sources-under-section-112-clean

AIR TOXICS PROGRAM UPDATES



Delegation of New Source Performance Standards (NSPS) and National Emissions Standards for Hazardous Air Pollutants (NESHAPs)



- On January 31, 2020, EPA published a Federal Register Notice to inform the public of a delegation Memorandum of Agreement (MOA) signed by the CT DEEP Commissioner and the EPA Region 1 Administrator (85 FR 5574)
 - CT DEEP's delegation mechanisms approved by EPA did not change
 - CT DEEP is delegated and able to implement and enforce NSPS and NESHAPs for Title V operating permit sources. Mechanism was previously approved in the Federal Register on April 23, 1999 (64 FR 19922)
 - CT DEEP can accept delegation for all sources, including non-Title V operating permit sources, for NSPS and Part 61 NESHAPs under the authority in RCSA 22a-174-9

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>

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

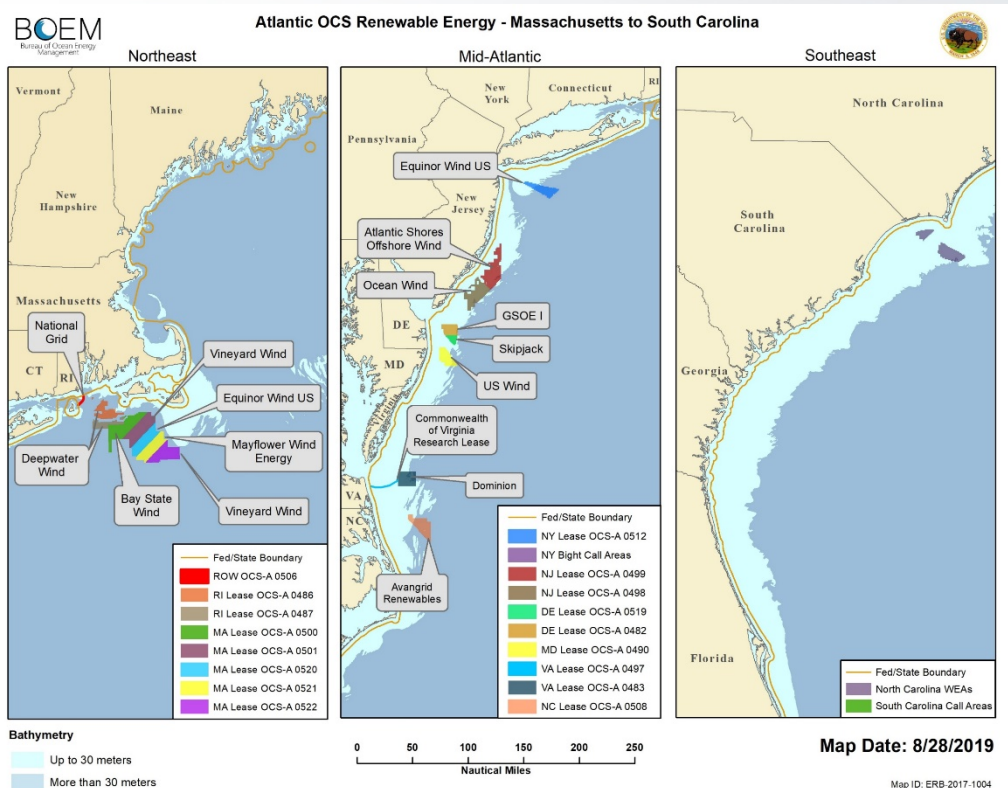


- Finalized RTRs for about 89 source categories since 2005
- In 2020, we finalized RTRs for 18 source categories
- 17 additional RTRs have court-order deadlines:
 - 2 final RTRs required in May 2020
 - 6 final RTRs required by June 30, 2020
 - 9 final RTRs required by October 1, 2021
- For more information on the schedule and RTR rules visit:
<https://www.epa.gov/stationary-sources-air-pollution/risk-and-technology-review-national-emissions-standards-hazardous>

OFFSHORE WIND PERMITTING ISSUES

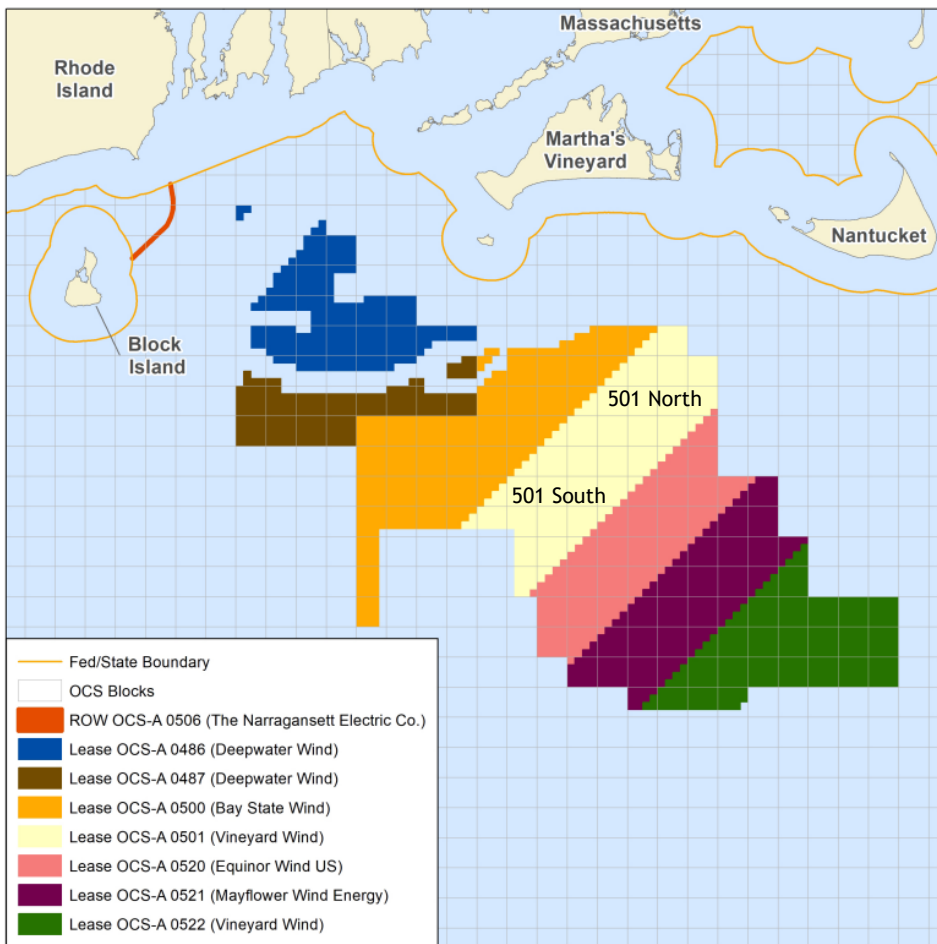


Wind Energy Development on the Atlantic Outer Continental Shelf



- Development spurred by Energy Policy Act of 2005 and BOEM Regulations for OCS Renewable Energy in 2009.
- Offshore winds tend to blow harder and more uniformly than on land.
- Nearly 50% of US population lives on coast.
- Shallower waters of Atlantic make development more favorable for now.
- States making commitments to purchases power from offshore wind development

Wind Energy Development in the North Atlantic OCS



Deepwater Wind/Ørsted

- **South Fork**
 - 130 MW wind farm
 - Agreement with New York
- **Revolution Wind**
 - 800 MW wind farm
 - Agreements with Connecticut and Rhode Island
- **Bay State Wind**
 - 800 MW wind farm (proposed)

Vineyard Wind

- **Vineyard Wind (501 North)**
 - 800 MW wind farm
 - Agreement with Massachusetts
- **Park City Wind (501 South)**
 - 800 MW wind farm
 - Agreement with Connecticut

Mayflower Wind Energy

- Proposed 800 MW
- Agreement with Massachusetts

Equinor Wind

BOEM Renewable Energy Authorization Process



Intergovernmental Task Force
 Call for Information & Nominations (Call)
 Area Identification
 Environmental Reviews

Proposed Sale Notice (PSN)
 Final Sale Notice (FSN)
 Auction
 Issue Lease(s)

Site Characterization
(i.e. Geophysical & Geological Surveys, Biological Surveys, etc.)
 Site Assessment Plan (SAP)
(i.e. Meteorological buoy or tower)

Construction & Operations Plan (COP)
 Facility Design Report (FDR)
 Fabrication and Installation Report (FIR)
 Decommissioning

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



South Fork Wind

- Permit application submitted February 2019, application has not been deemed complete
- Anticipated start of construction Q4 2021 (tentative)



Bay State Wind

- Preapplication meeting with EPA
- Anticipated start of construction in Q4 2021 (tentative)



Park City Wind (501 South)

- Preapplication meeting with EPA
- Anticipated start of construction in Q4 2021 (tentative)



Unique Issues with CAA OCS Permitting



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

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.***
- Draft Guidance Plantwide Applicability Limitation (PAL) Provisions (3/19/20)
 - Draft 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
 - 30-day public comment period has ended, EPA must address all material comments

New Source Review Revisions



- Draft “Begin Actual Construction” Interpretation (3/25/20)
 - Draft guidance available for public comment until **May 11, 2020**
 - 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 STAR



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

CT 2020 ENERGY STAR PARTNERS



- **Energize Connecticut** in partnership with Eversource Energy and AVANGRID of Orange, Conn., an initiative that provides utility services, was recognized for evolving its energy efficiency programs to increase consumer awareness and drive sales of ENERGY STAR equipment.
- **Xerox Corp** of Norwalk, Conn., a work solutions company specializing in print technology, imaging and data analytics, which was recognized for exemplary promotion of ENERGY STAR certified products through extensive training and marketing efforts reaching more than 90,760 employees and customers



WRAP UP / QUESTIONS?



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