



Update on EPA Air Programs

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Acting Air Branch Chief
EPA Region 1

SIPRAC meeting
CT DEEP Hartford
April 11, 2019





Overview

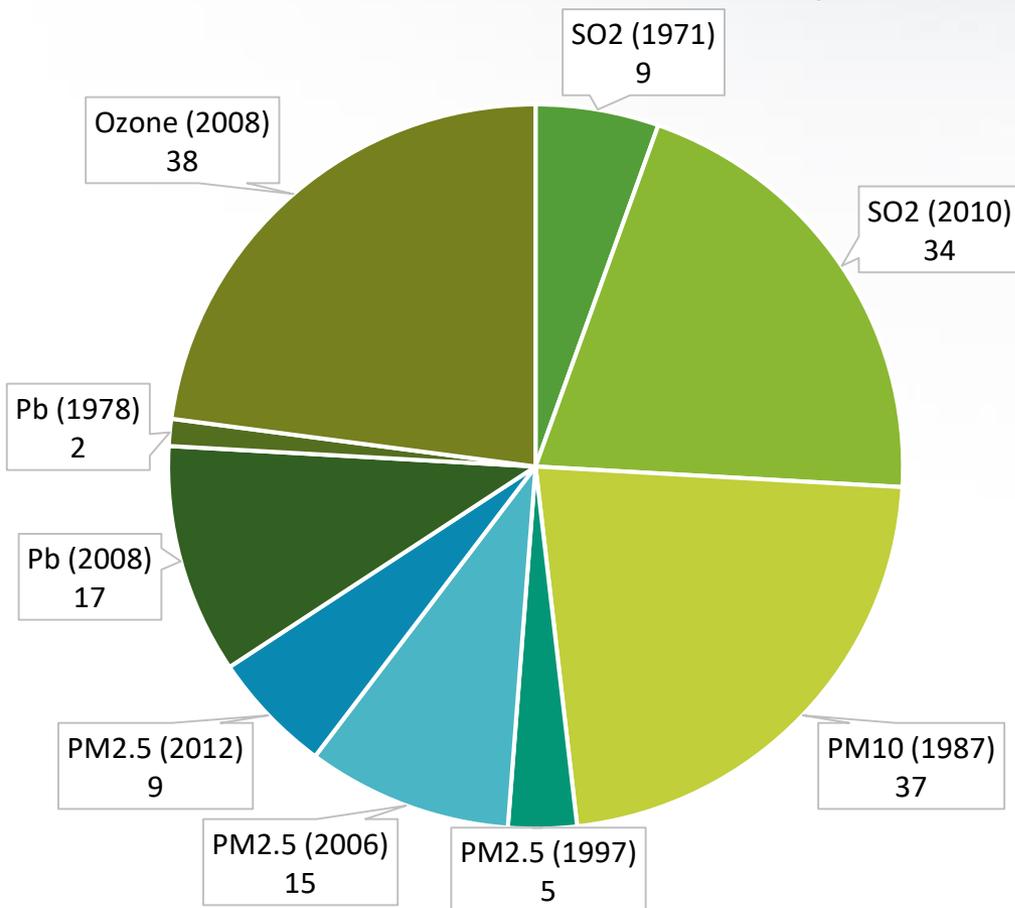


- EPA's Clean Air Priority Goal: Reduce Number of Nonattainment Areas
- NAAQS Updates
 - Ozone
 - Sulfur Dioxide (SO₂)
 - Fine Particulate Matter (PM_{2.5})
- Regional Haze
- NOx SIP Call
- NSR Permitting Updates
- Major MACT to Area Source Reclassification
- Affordable Clean Energy Rule; Refrigerants Rule
- Delegation of NSPS and NESHAPs Standards to CT DEEP

EPA FY 2018-2022 Clean Air Priority Goal: Reduce # of Nonattainment Areas



Nonattainment Areas for Non-revoked NAAQS as of October 1, 2017



EPA Priority Goal: Reduce Number of Nonattainment Areas

- Work with states to prioritize redesignation
- Ensure states have rules, guidance, tools
- Improve efficiency of SIP/TIP process
- When appropriate, take federal actions

Approving state redesignation requests depends on states meeting CAA requirements:

- Attainment demo showing area attains NAAQS
- Show that pollution reductions due to permanent & enforceable measures
- 10-year maintenance plan with contingency measures in event of re-violation of NAAQS
- Other applicable attainment planning and emissions-control requirements

EPA Priority Goal : Reduce # of NA Areas



FISCAL YEAR	GOAL (from 166 areas)*	ACTUAL (thru Sept 2018)
2018	155	159
2019	146	
2020	144	
2021	140	
2022	101	

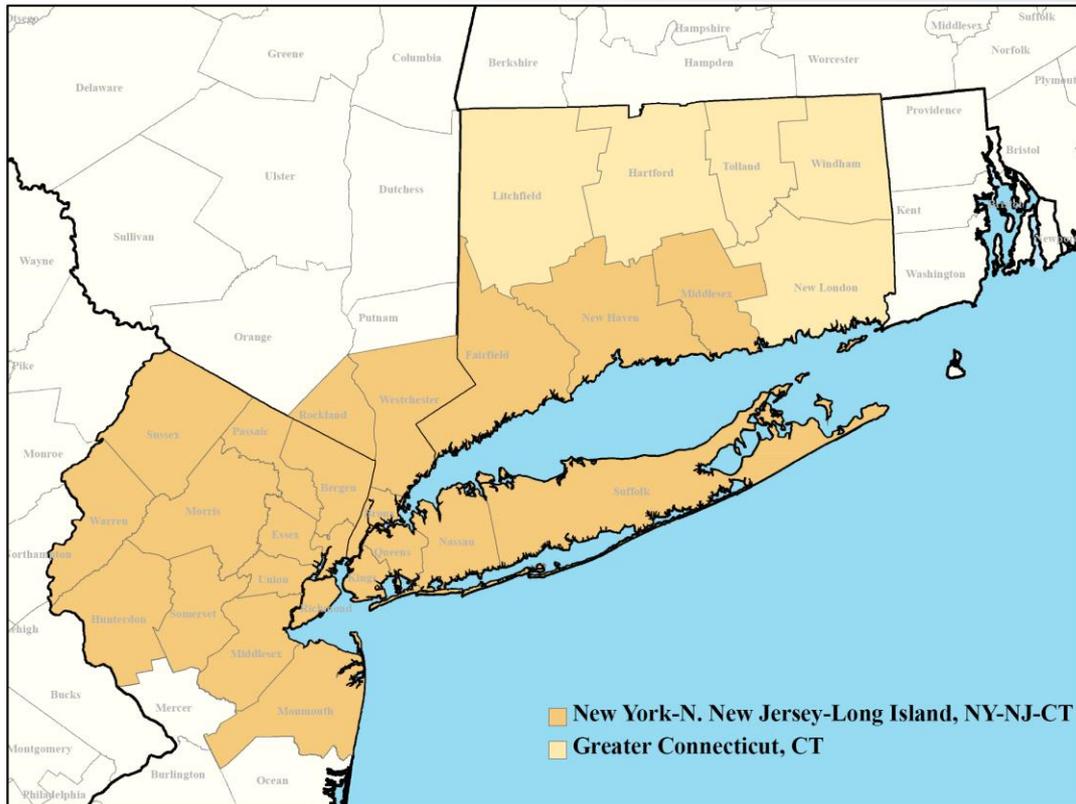
* 166 = areas designated NA for non-revoked standards as of 10/1/2017

Ozone - Outline



- 2008 Ozone NAAQS (75 ppb)
 - Attainment Planning
 - Litigation
- 2015 Ozone NAAQS (70 ppb)
 - Designations
 - Attainment Planning
- Interstate Transport
 - 2008 Good Neighbor SIPs
 - 2015 Good Neighbor SIPs
 - Section 176A Petition
 - Section 126 Petitions

2008 Ozone NAAQS: CT NA Areas



- July 2012: CT areas classified as marginal NA with attainment date of 7/20/2015
- 4/11/16: EPA reclassified CT areas from marginal to moderate with new attainment date of 7/20/2018
- 11/14/2018: EPA proposed to reclassify CT areas from moderate to serious. Final action expected Spring 2019

2008 Ozone NAAQS: Attainment Planning SIP Requirements



	Proposed 2008 Bump-up from Moderate to Serious*
Attainment Date	July 20, 2021
Attainment Demonstration	12 months after effective date
RFP, RACM	12 months after effective date
RACT/CTGs	August 3, 2020
NNSR program	12 months after effective
RACT Implementation	August 3, 2020 (taking comment on extending to January 1, 2024)
Emission inventory and emission statement rule	N/A
Contingency measures	12 months after effective date
Motor vehicle emission budgets	N/A

* 83 FR 56781; 11/14/2018

2008 Ozone NAAQS: CT Attainment Planning



- Emission Statement Certification approved 10/1/2018 (83 FR 49297)
- Attainment Plan: CT portion of NYC Area submitted 8/8/2017; included attainment plan for both 1997 and 2008 O₃ NAAQS
 - Most portions of Plan for 2008 NAAQS approved 10/1/2018 (83 FR 4929), including MVEBs for Southwest CT
 - Plan for 1997 NAAQS approved 8/13/18 (83 FR 39890)
- NNSR certification approved 2/16/2018 (83 FR 6968)
- Attainment Plan: Greater CT Area MVEBs deemed adequate 3/20/2017; most portions of Plan approved 10/1/2018 (83 FR 49297)
- RACT SIP approved 7/31/2017 (82 FR 35454)
- 2011 Emission Inventory approved 10/1/2018 (83 FR 49297)

2008 Ozone NAAQS: litigation



- 3/6/2015: **2008 Ozone NAAQS SIP Requirements Rule (SRR)** (80 FR 12264)
 - Provides Attainment Planning requirements
 - Revoked 1997 Ozone NAAQS (effective April 2015) and set anti-backsliding requirements
- 2/16/2018: **South Coast Air Quality Management District v. EPA**
AQMD & Sierra Club *et al.* challenged SRR. Court decision:
Upheld:
 - RFP requirements
 - RACT area-wide emissions averaging
 - EPA authority to revoke NAAQS with adequate anti-backsliding reqsVacated:
 - EPA revocation of 1997 standard as part of SRR because of insufficient anti-backsliding requirements
 - Vacated "redesignation substitute," by which areas could be redesignated to pollution levels under 1997 standard
 - Vacated "alternative baseline," with which states could measure reasonable progress in achieving 2008 standard

2008 Ozone NAAQS: litigation (cont.)



- 1/30/2019: ***State of NY, CT, DE, MD, MA, NJ, & NYC v EPA***
 - Petition to D.C. Circuit to review Cross State Air Pollution Rule (CSAPR) for 2008 Ozone NAAQS
 - Challenges 2018 “CSAPR Close-Out” rule for failing to require any further control of sources of ozone pollution in upwind states to meet their Good Neighbor obligations
 - Final court briefs due July 31, 2019

2015 Ozone NAAQS: Round 1 Designations



- 11/6/2017: EPA issued designations of attainment/unclassifiable for about 85% of counties in US (82 FR 54232)
 - 2,646 counties, two separate areas of Indian Country and five territories
 - 3 Wash state counties unclassifiable due to insufficient data to calculate DV
 - 1/16/2018: designations effective
- ***Region 1: Attainment/Unclassifiable: ME, NH, VT, MA & RI***

2015 Ozone NAAQS: Round 2 Designations

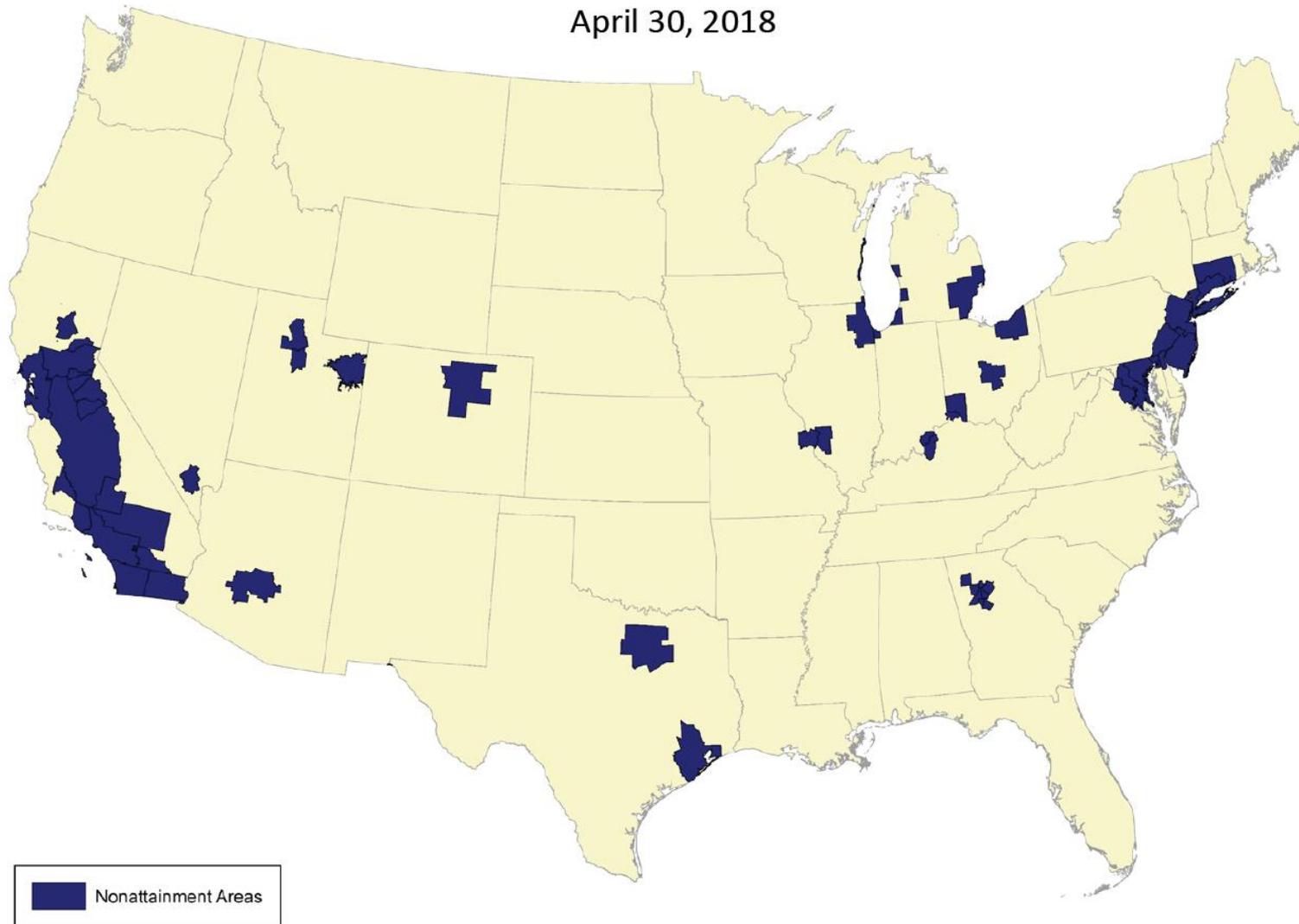


- 6/4/2018: EPA designated all remaining areas (83 FR 25776)
(except San Antonio metro- which was finalized on 7/17/18, effective 9/24/18)
 - Nonattainment: 51 areas, including 2 in Indian country
 - Unclassifiable: 1 area
 - Attainment/Unclassifiable: all other areas
 - 5 CA areas reclassified to higher classification (voluntary action)
 - ***Region 1: Nonattainment: Greater CT (marginal), CT portion of NY Metro area (moderate)***
- 8/3/2018: Effective date of designations
- 12/6/2018: *Final 2015 Ozone NAAQS SIP Requirements Rule* (83 FR 62998)

2015 Ozone NAAQS: NA Area Designations



April 30, 2018

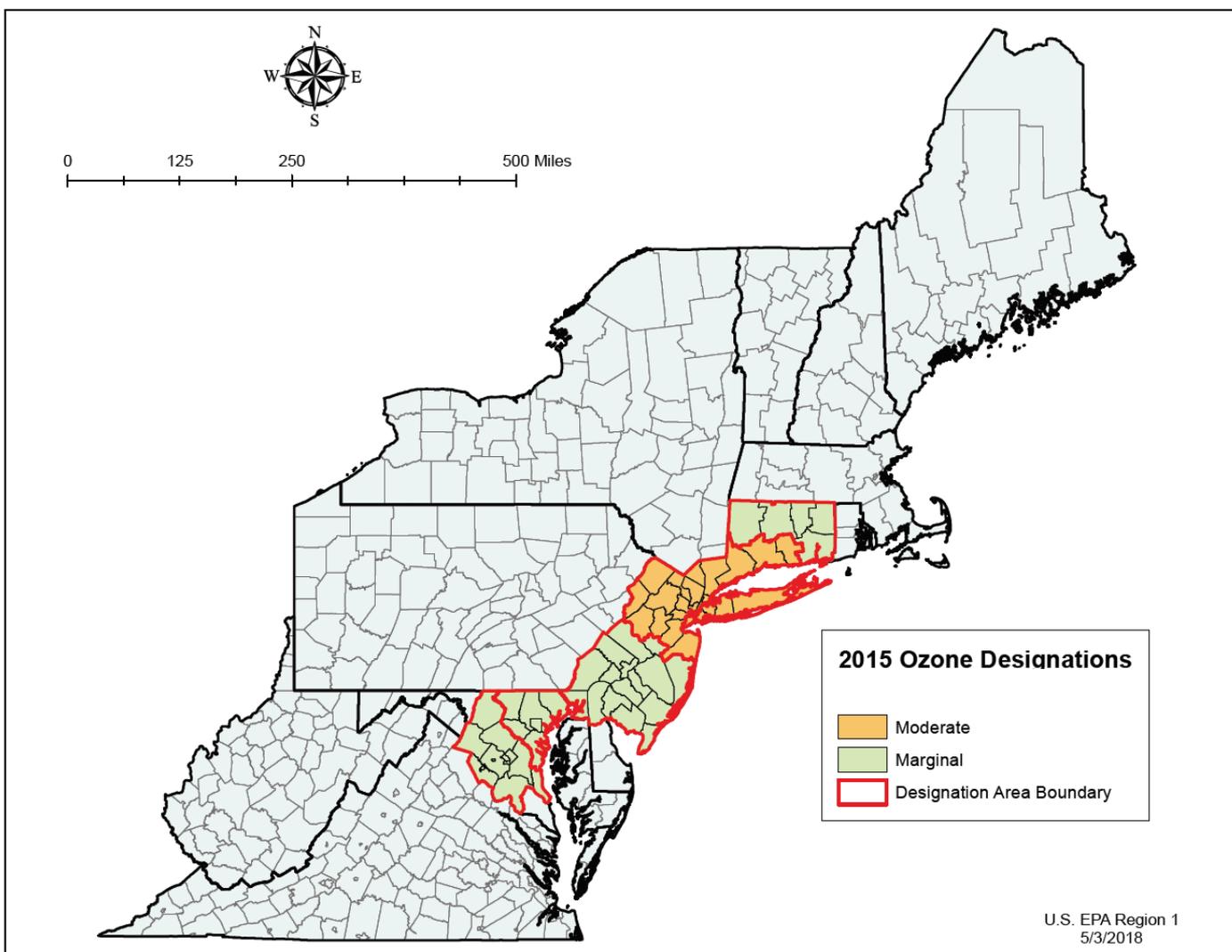


2015 Ozone NAAQS: Classifications Rule



- 3/1/2018: **2015 Ozone NAAQS Classifications Rule** (83 FR 10376)
 - Sets AQ thresholds defining five CAA classifications for NA areas, and sets attainment deadline for each classification
 - Addresses NA area and OTR SIP requirements
 - NA area classification thresholds based on “percent-above-the-standard” (PATs) methodology

2015 Ozone NAAQS: NA Area Classifications



2014-2016 DVs

- Gr CT - 74 ppb
- NYC - 83 ppb
- Philadelphia - 77 ppb
- Baltimore - 73 ppb
- Wash DC - 72 ppb

2015 Ozone NAAQS: Classification and attainment dates



Classification	Classification Thresholds	Attainment Date (years from effective date of designations)
Marginal	from 71 ppb up to 81 ppb	3 years (<i>Aug 2021</i>)
Moderate	from 81 ppb up to 93 ppb	6 years (<i>Aug 2024</i>)
Serious	from 93 ppb up to 105 ppb	9 years (<i>Aug 2027</i>)
Severe	from 105 ppb up to 163 ppb	15 (or 17) years (<i>Aug 2033 (or 2035)</i>)
Extreme	from 163 ppb	20 years (<i>Aug 2038</i>)

Attainment Planning: 2015 Ozone SIP Requirements (mod. Areas)



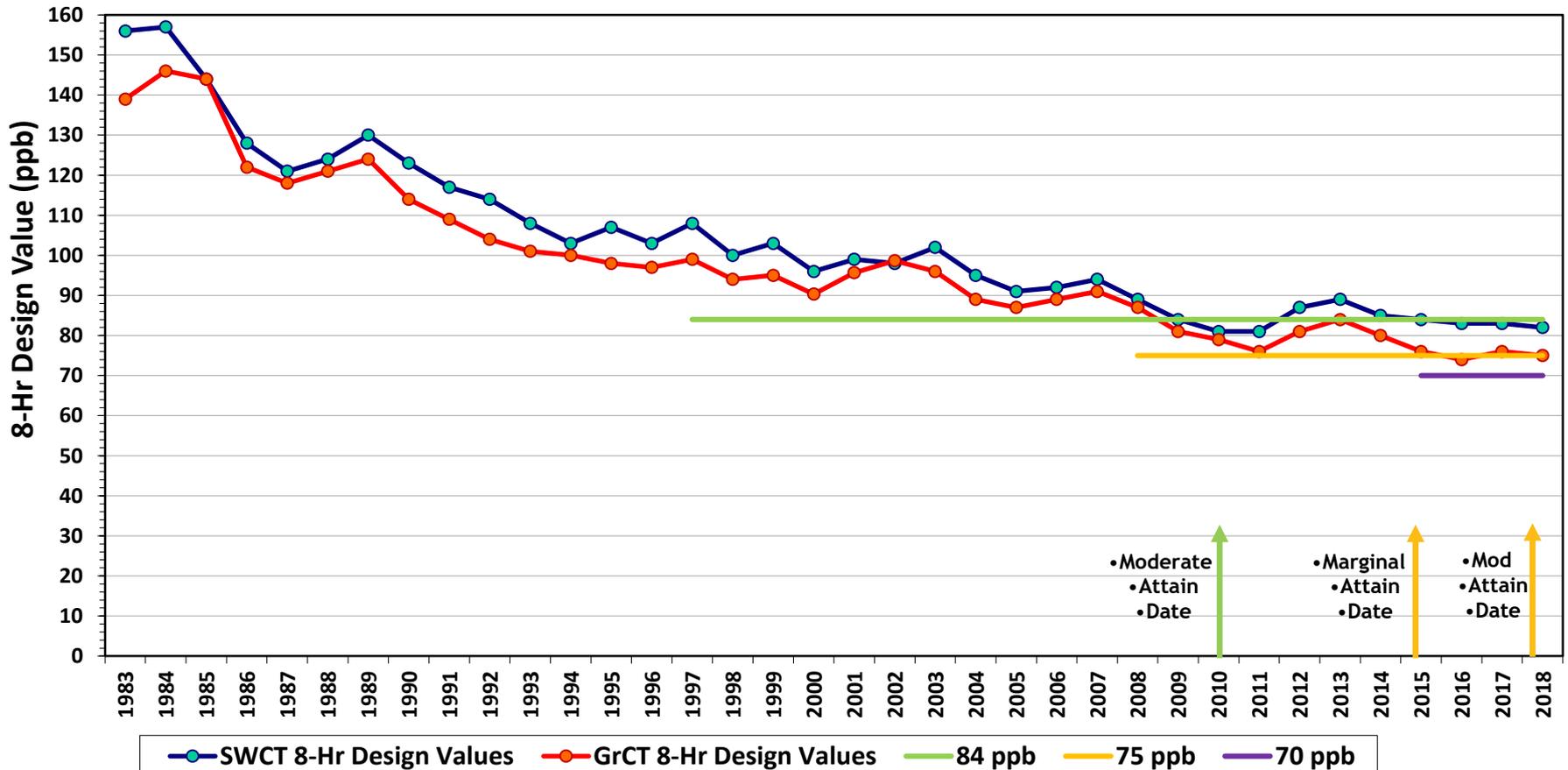
	2015 SIP Requirements Rule *
Attainment Date	August 3, 2024
Attainment Demonstration	August 3, 2021
RFP, RACM	August 3, 2021
RACT/CTGs	August 3, 2020
NNSR program	August 3, 2020
RACT Implementation	January 1, 2024
Emission inventory and emission statement certification	August 3, 2020
Contingency measures	August 3, 2021
Motor vehicle emission budgets	August 3, 2021

* 83 FR 62998 (December 6, 2018)

Trends in CT Ozone Design Values



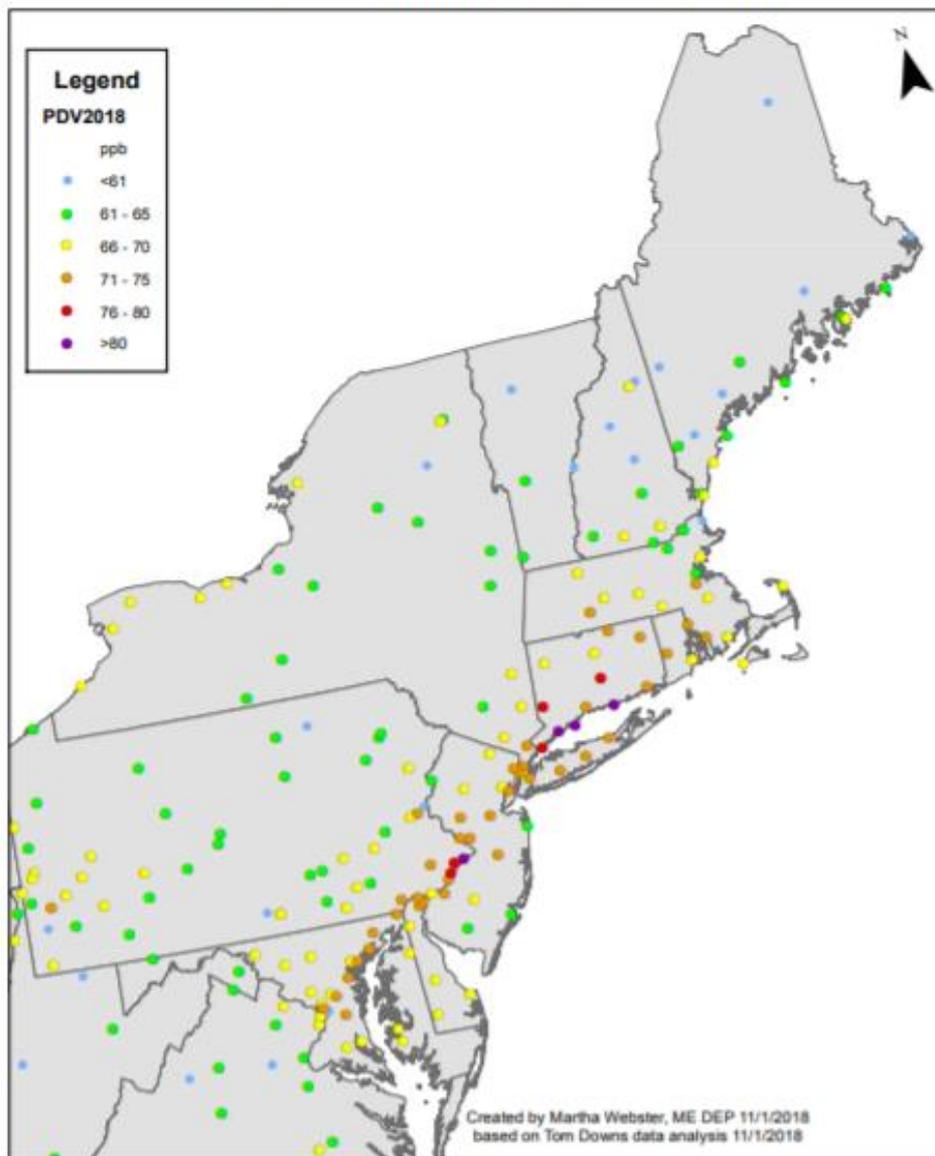
Connecticut Maximum 8-Hour Ozone Design Value Trends



Preliminary Design Values (2016-2018)



2016-18 Preliminary Ozone Design Value



Preliminary DVs (2016-2018) – Other Eastern Areas



2016-18 Preliminary Ozone Design Value

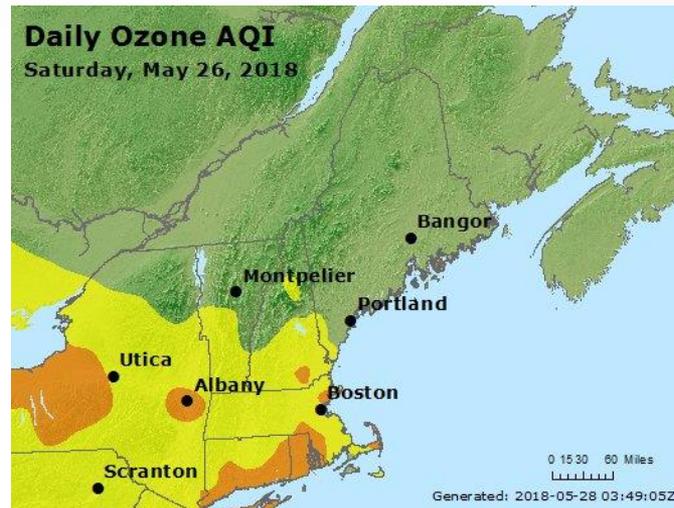
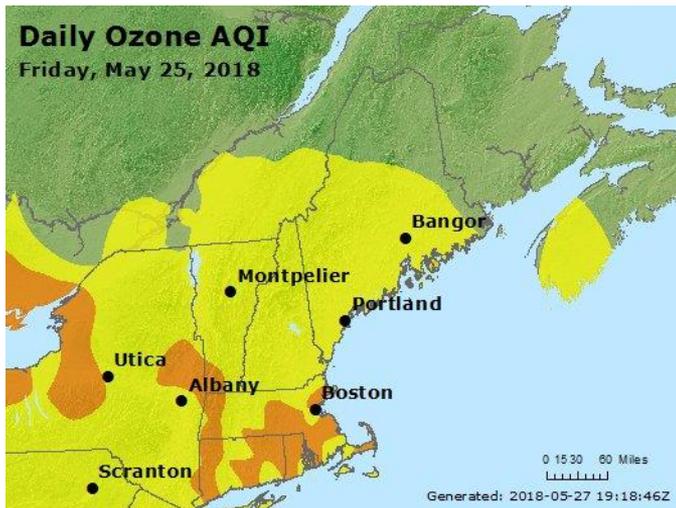
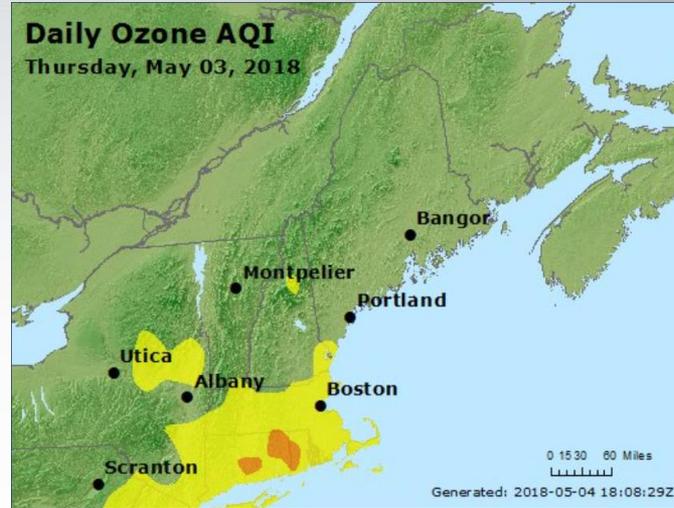
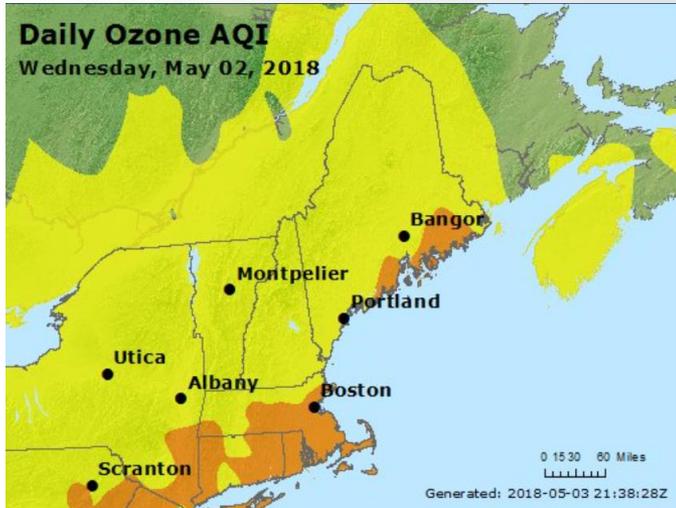


Other CT Ozone-Related SIP Actions



- *Decommissioning of Stage II Systems*
 - SIP requires decommissioning of Stage II vapor recovery systems at gas stations. Includes revisions strengthening Stage I rules.
 - 12/15/2017: Final approval (82 FR 59519)
- *Revision of the Low Emission Vehicles Program*
 - 1/16/2018: Proposed approval (83 FR 2097). Awaiting finalization.
- *Revisions to Consumer Products and AIM Rules*
 - 6/4/2018: Proposed approval (83 FR 25615)
 - 11/19/2018: Final approval (83 FR 58188)

CT 2018 Unhealthy Air Days



Exceedance Days
for 2015 NAAQS

2015- 33 days

2016- 31 days

2017- 20 days

2018- 23 days



Ozone Interstate Transport



- CAA “good neighbor” provision - Section 110(a)(2)(D)(i)(I) - requires upwind state(s) to reduce emissions if it significantly contributes to nonattainment or interferes with maintenance of NAAQS in downwind area(s)
- Additional CAA provisions for addressing interstate transport:
 - **Section 176A:** creating/expanding transport regions – i.e., establishing ozone transport region (OTR)
 - **Section 126 petitions:** states can petition EPA to address sources emitting or expected to emit in violation of good neighbor provision

2008 Ozone NAAQS: Transport SIPs



- EPA is working with non-CSAPR States (including CT) to approve 2008 ozone transport SIPs
- Sept 2016: EPA updated CSAPR ozone-season program for 2008 Ozone NAAQS (“CSAPR Update Rule”).
- Oct 2017: EPA issued “Supplemental Transport Memo”
 - Gives modeling showing no monitoring sites (except in CA) are projected to have 2008 ozone NAAQS NA/maintenance problems in 2023.
- Dec 2018: EPA finalized "*Determination Regarding Good Neighbor Obligations for the 2008 Ozone NAAQS*" (83 FR 65878)
 - 2016 CSAPR Update satisfies good neighbor obligations
 - There are no outstanding obligations for sources in CSAPR States (22) to further reduce transported ozone

2015 Ozone NAAQS: Transport SIPs



- March 2018: EPA released memo with projected modeling results for ozone in 2023, including projected ozone levels at potential nonattainment & maintenance sites for 2015 ozone NAAQS and projected upwind-state contribution data.
 - Memo and spreadsheet with updated contribution metrics:
www.epa.gov/airmarkets/interstate-air-pollution-transport
- Good Neighbor SIPs were due Oct 2018. CT submitted its SIP on 11/6/2018.

Section 176A Petition



- **Section 176A** gives EPA authority to add any state (or portion) to any region when agency has reason to believe interstate transport from that state significantly contributes to a violation of the standard in a transport region
- Dec 2013: CT, MA, NH, RI, VT and other OTR states petitioned EPA to expand OTR to include IL, IN, KY, MI, NC, OH, TN, WV and rest of VA
- 11/3/2017: EPA final denial of petition (82 FR 51238)

Clean Air Act Section 126(b)



- **Section 126(b)** allows states to petition EPA to address sources emitting or with potential to emit in violation of good neighbor provision
- 4/13/2018: EPA denied petition from **CT** claiming emissions from Brunner Island in PA contributing to NA of 2008 ozone NAAQS in CT
- Request rec'd on 5/3/2018. **NY** requested EPA find that upwind emissions from 9 states significantly contribute to NA of 2008 & 2015 ozone NAAQS in NY. (EPA has not yet responded)
- 10/5/2018 EPA denied petitions from **MD & DE** claiming emissions from other states contributing to NA of 2008 NAAQS (and of 2015 NAAQS in DE). MD & DE have challenged denial of their petitions. DC circuit briefings being accepted through June 2019.

Clean Air Act Section 126(b)



Petitioning State	EPA Response	Named EGU Sources	Ozone NAAQS Cited
CT	4/13/18	Brunner Island, PA	2008
DE (4 petitions- submitted on 4 different dates)	10/5/18	<ol style="list-style-type: none">1. Brunner Island, PA2. Harrison, WV3. Homer City, PA4. Conemaugh, PA	2008 and 2015
MD	10/5/18	36 EGUs at 19 facilities in IN, KY, OH, PA and WV	Emphasized 2008, mentioned 2015
NY	Delayed	All EGU and non-EGU sources projected to emit at least 400 tpy of NOx in 9 upwind states (IL, IN, KY, MD, MI, OH, PA, VA, WV)	2008 and 2015

2010 SO₂ NAAQS Area Designations



- 6/3/2010: EPA revised **Primary NAAQS for Sulfur Dioxide (SO₂)** to 75 ppb/1-hour (75 FR 35520)¹
 - EPA completing area designations in four Rounds:
 - **Round 1** – 7/25/2013: EPA designated 29 areas as nonattainment. Only New England area was Central NH NA Area.²
 - **Round 2** – July and Dec 2016: EPA finalized designations for 65 areas including 7 nonattainment areas, 41 unclassifiable/attainment areas, and 17 unclassifiable areas
- (Rounds 3 & 4 on next slide)

¹ EPA proposed (6/8/2018, 83 FR 26752) and took final action (3/18/2019, 84 FR 9866) to retain primary SO₂ NAAQS.

² Final approval of NH Attainment Plan SIP published 6/5/2018 (83 FR 25922). NH submitted redesignation request 3/16/2018.

2010 SO₂ NAAQS Area Designations (cont.)



- EPA completing area designations in four Rounds (continued):
 - Round 3 – Dec 2017 and Mar 2018: EPA designated remaining areas of US except Round 4 areas
 - Included 6 nonattainment areas, 22 unclassifiable areas, and remainder of US in all states, territories, and tribes designated attainment/unclassifiable (except Round 4 areas)
 - All of New England except Central NH designated attainment/unclassifiable
 - 8/15/2018: CT no longer subject to ongoing SO₂ data reporting requirements for Bridgeport Harbor
 - Round 4 – by 12/30/2020: EPA will designate about 50 remaining areas by CD deadline
 - Monitoring underway in States that sited monitors consistent with SO₂ Data Requirements Rule. No New England areas.

Infrastructure Requirements 2010 SO₂ NAAQS



- 5/30/2013: CT submitted SO₂ i-SIP
 - Included demo addressing interstate transport showing SO₂ emissions from CT do not contribute significantly to NA or interfere with maintenance of the standard in another state
- 6/3/2016: EPA took action on (81 FR 35636) on all i-SIP elements except interstate transport.
- 8/8/2017: EPA approved CT SO₂ Transport SIP (82 FR 37013).

2012 PM_{2.5} NAAQS Implementation

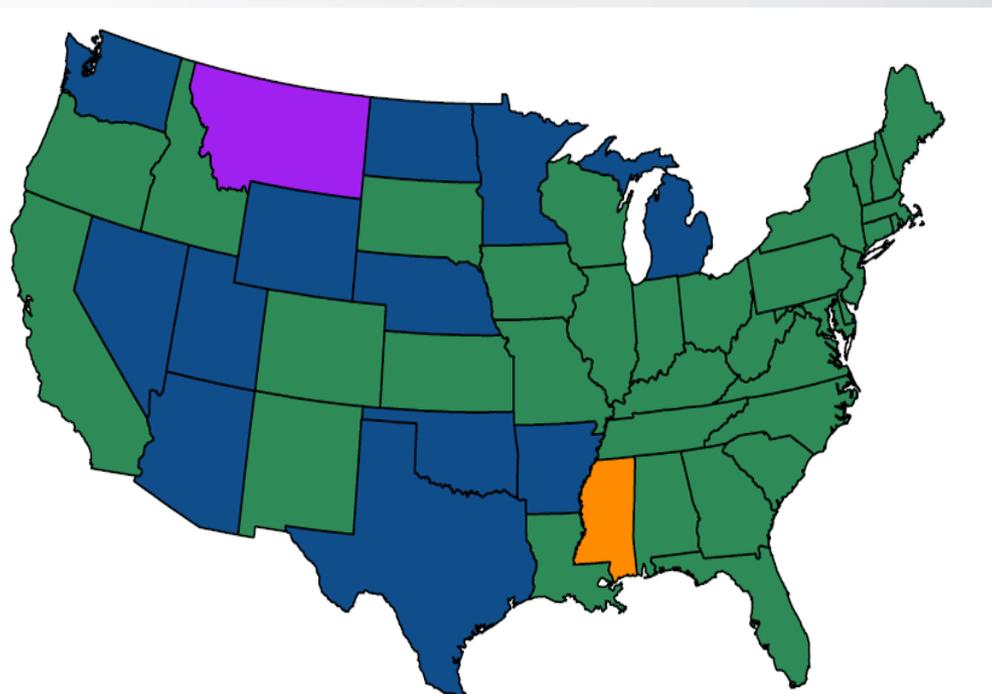
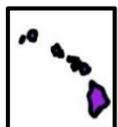


- 12/14/2012: EPA revised PM_{2.5} primary annual NAAQS to 12 µg/m³ (78 FR 3086)
- April 2015: nine Moderate NA areas designated. *None in New England.*
- 12/14/2015: CT submitted ISIP for 2012 PM_{2.5}
- 8/1/2018: EPA approved CT ISIP (83 FR 37437)
 - Included approvals of Transport SIP for 2006 PM_{2.5} NAAQS (submitted Aug 2011) and revisions to PSD rules (submitted Oct 2017)

Regional Haze (HR) Rule: addresses 156 areas



Regional Haze: Status of Actions from 1st Implementation Period



- Approved (including CSAPR FIP)
- Full FIP
- Partial approval w/ FIP
- Needs revised SIP or FIP

Regional Haze Rule and Reform Roadmap



- 9/11/2018: EPA's Acting Administrator signed RH Reform Roadmap directing EPA staff to take certain actions to ensure support for states to implement RH program
- 12/20/2018: EPA released *“Technical Guidance on Tracking Visibility Progress for the Second Implementation Period of the Regional Haze Program”*

Regional Haze: 2nd Implementation Period



- Key principles for implementation of 2nd planning period:
 - Ensure states have information to develop approvable RH plans
 - Ensure states have discretion/flexibility to select sources for reasonable progress analysis
 - Ensure we are on path for compliance with CAA, improved visibility in Class I areas, and state discretion regarding whether/how to control sources of visibility-impairing pollutants

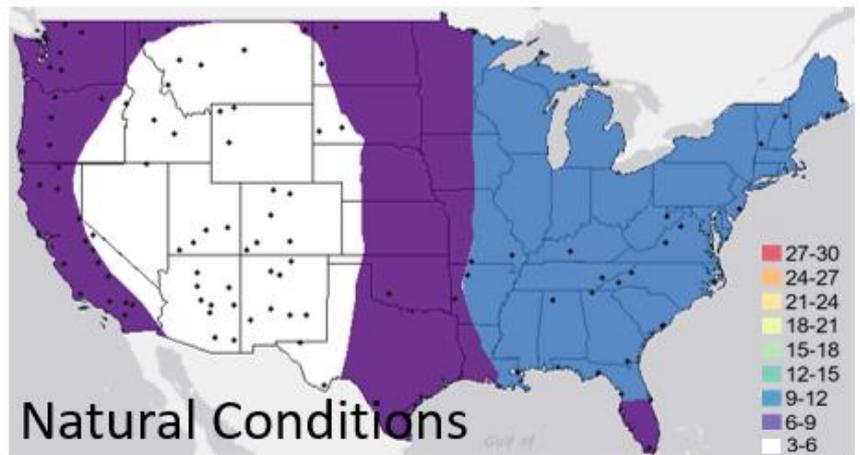
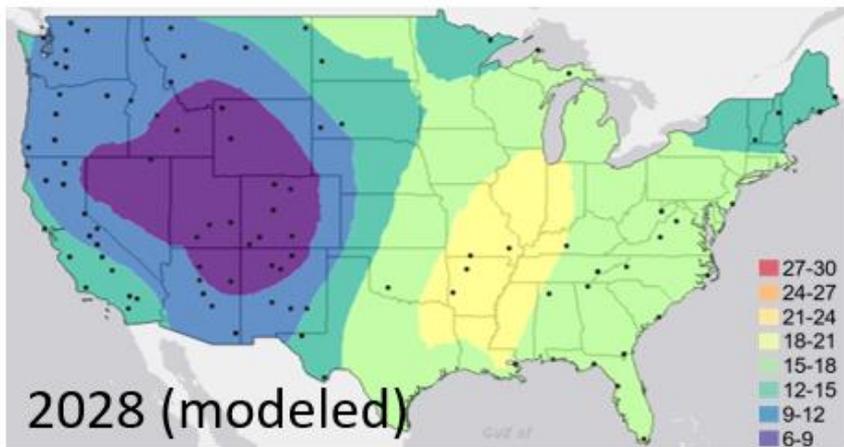
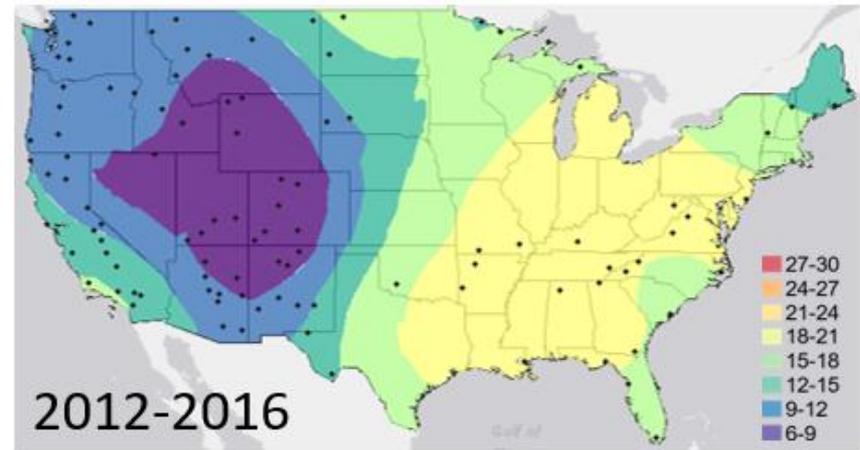
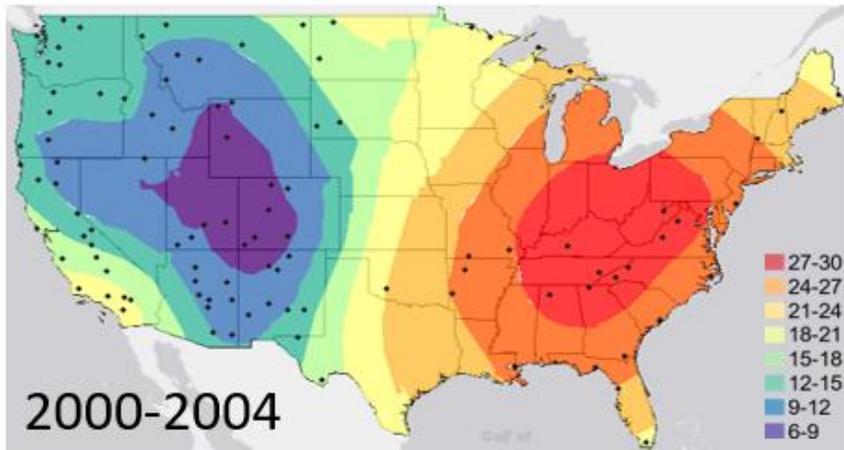
Regional Haze: 2nd Implementation Period (cont.)



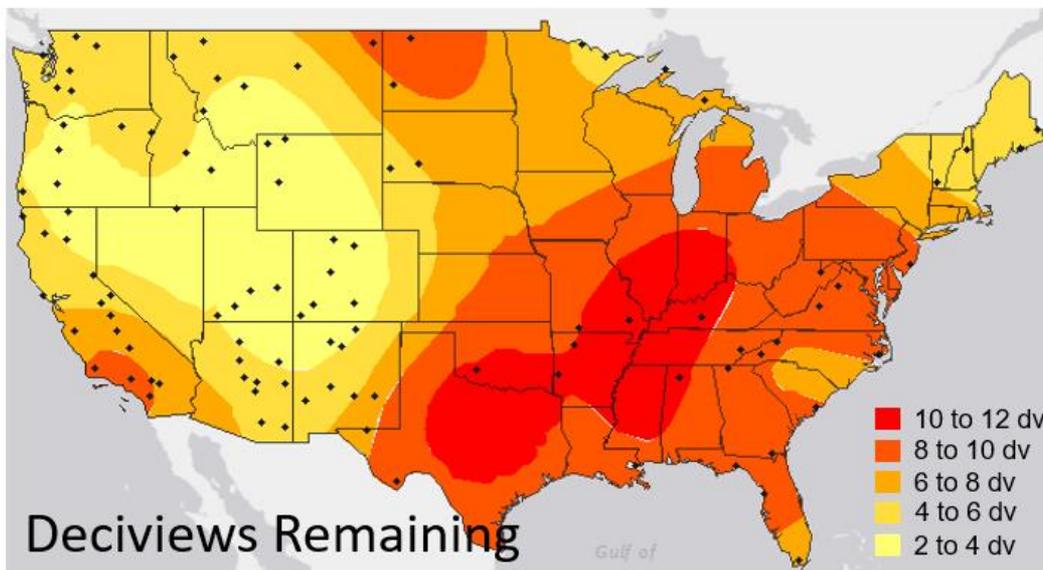
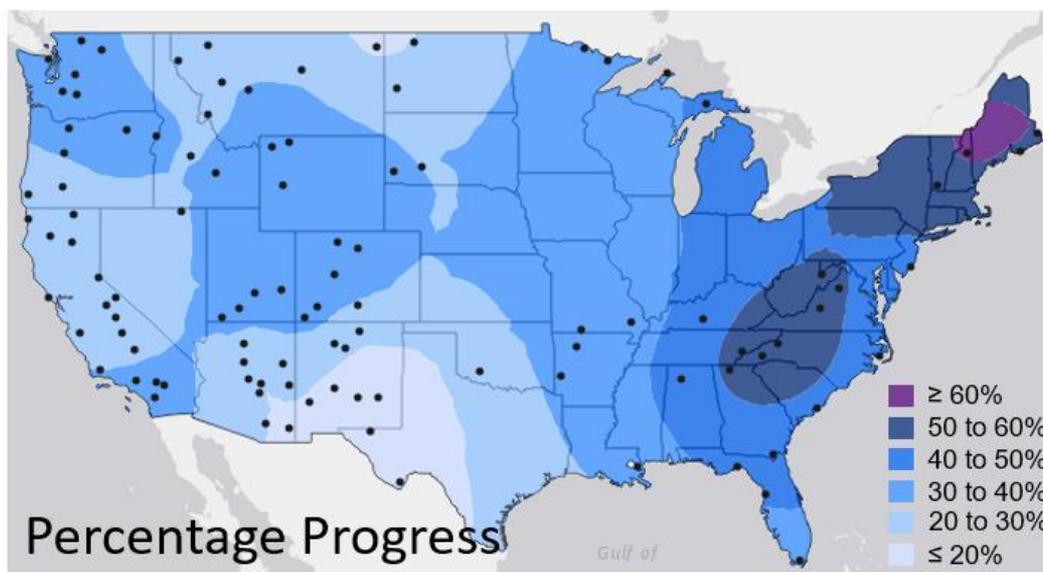
- Oct 2017: OAQPS modeling group released preliminary, future-year (2028) visibility projections. Included sector-specific source apportionment to help understand visibility impairment at Class I areas
 - Results may help some states, especially areas where model performance was good and uncertainty was low (most eastern Class I areas)
 - EPA’s SCRAM website: www.epa.gov/scram
- Dec 2018: EPA issued final guidance on two technical aspects of RH SIPs:
 - Visibility tracking metrics
 - Estimating international anthropogenic impacts and optional adjustment to Uniform Rate of Progress (URP) glidepath

Spring 2019: EPA will issue final guidance for 2nd RH Planning Period

National Visibility Summary- 20% Most Impaired Days (deciviews)



Progress Towards Natural Conditions in 2012-2016



NO_x SIP Call - Background



- CT NO_x SIP Call budget (= CT CAIR budget): 2,691 tons NO_x
- 2011: EPA replaced CAIR with CSAPR, but CT not in CSAPR and NO_x SIP Call still in effect.
 - Issue: CT relied on CAIR NO_x reductions in its alternative Best Available Retrofit Technology (BART) program for its Regional Haze Progress Report. Therefore, CT needs to replace (or amend) CT CAIR (RCSA section 22a-174-22c) with a mechanism that is federally enforceable

NOx SIP Call (cont.)



- CT submitted “commitment SIP” committing to develop regulation if sources within 80% of CT CAIR budget. Although there is little risk of NOx levels approaching the CT CAIR budget in foreseeable future, EPA views approach unenforceable:
- CT CAIR replacement options:
 - Adopt state regulation similar to other states (MA, MD, WV, IN)
 - Amend current rule. Provisions could include:
 - NOx cap
 - Part 75 monitoring or equivalent
 - Enforceability provision
 - Fate of allowances from shutdown units
 - Treatment of new units

New Source Review Revisions



- Project Emissions Accounting Rulemaking
- Source Aggregation Guidance
- Project Aggregation Reconsideration
- Ambient Air Guidance

New Source Review Revisions: Project Emissions Accounting



- **Memo: “Project Emissions Accounting Under the New Source Review Preconstruction Permitting Program”** published March 30, 2018 (83 FR 13745)
 - Available at : <http://www.gpo.gov/fdsys/pkg/FR-2018-03-30/pdf/2018-06430.pdf>
 - Emissions decreases/increases are to be considered at Step 1 of NSR applicability process
 - Uses principle that plain language of CAA says Congress intended to apply NSR to changes that increase actual emissions. Language in NSR regulations is consistent with that intent
- Former EPA guidance indicated that relevant provisions of NSR regulations precluded consideration of emissions decreases at Step 1
 - EPA will no longer apply such interpretation (see memo)
- A proposal will codify considerations and interpretations reflected in memo
 - Current schedule: Spring 2019
- **Litigation**
 - May 29, 2018 : Environmental Defense Fund, Natural Resources Defense Council and Sierra Club filed suit in DC Circuit Court seeking review of guidance memo

New Source Review Revisions: Source Aggregation



- EPA definition of “*stationary source*” in permitting programs is pollutant-emitting activities that are:
 - located on one or more contiguous or adjacent properties *and*
 - are under common control of one person (or persons under common control), *and*
 - belong to the same major industrial grouping (2 digit SIC code)[40 CFR 70.2 and 52.21(b)(1) and (5)]
- EPA’s interpretation of “adjacent” has evolved through source-specific determinations
 - 2016 Rulemaking clarified “adjacent” for oil and gas operations
 - Adjacent operations are limited to those within ¼ mile with shared equipment
 - EPA posted on September 5, 2018, the “**Draft Guidance: Interpretation Adjacent for New Source Review and Title V Source Determinations in All Industries other than Oil and Gas**” and accepted public comments through October 5, 2018. Available at www.epa.gov/nsr/forms/interpreting-adjacent-source-determinations
 - EPA is evaluating comments and drafting final guidance.

New Source Review Revisions: Project Aggregation Reconsideration



- 2009 Rule for Project Aggregation
 - Established “substantially related” criterion for aggregating projects, and 3-year rebuttable presumption against aggregating
 - Did not amend CFR text (definition of “project”), considered interpretive rule
 - Calling it a “new interpretation” of rule text, it only applies prospectively
- EPA focus in formulating criteria for “project aggregation” has been to ensure that major NSR is not circumvented through an artificial separation of activities reasonably seen as a single project.
- Reconsideration and Stay of the 2009 Rule
 - NRDC petitioned for reconsideration and sued EPA on 2009 Rule
 - EPA granted reconsideration and stayed effectiveness of 2009 Rule pending completion of reconsideration or litigation
 - In 2010, EPA proposed reconsideration with preference to revoke 2009 Rule
- Final Rule published November 15, 2018 (83 FR 57324)
 - Final rule did not revoke the 2009 NSR Aggregation Action.
 - In action, EPA clarifies implications of 2009 NSR Aggregation Action for EPA-approved permitting programs.
 - Action lifted administrative stay and established effective date of 2009 NSR Aggregation Action as November 15, 2018.

New Source Review Revisions: Ambient Air Guidance



- EPA definition of “*ambient air*”: “that portion of the atmosphere, external to buildings, to which the general public has access” (40 CFR 50.1(e))
 - EPA policy for implementing ambient air for PSD purposes stated in 1980 Costle letter: “*the atmosphere over land that is owned or controlled by the source and to which public access is precluded by a fence or other physical barriers*”
 - EPA guidance over the years recommended how to apply 1980 policy statement
- November 2018: EPA issued draft guidance *Revised Policy on Exclusions from “Ambient Air”* with request for comments (through 1/11/2019)
 - Draft guidance would revise 1980 policy on exclusion of certain areas from scope of “ambient air” under the CAA and EPA regulations
 - Regulatory definition of ambient air would remain as “that portion of the atmosphere, external to buildings, to which the general public has access.”
 - Draft Guidance available at: <https://www.epa.gov/nsr/forms/draft-guidance-revised-policy-exclusions-ambient-air>
 - EPA is currently evaluating comments and drafting final guidance.

Affordable Clean Energy Rule



- February 9, 2016: US Supreme Court issued stay on implementation of CPP
- October 16, 2017: EPA proposed repeal of CPP (82 FR 48035) and received > 500,000 comments
- December 28, 2017: EPA published Advance Notice of Proposed Rulemaking (ANPRM) (82 FR 61507) to solicit information for possible rulemaking on guidelines to limit GHG emissions from existing coal-fired power plants (received > 250,000 comments)
- August 21, 2018: EPA proposed the Affordable Clean Energy (ACE) rule to replace 2015 Clean Power Plan (CPP) and set emission guidelines for states to develop plans to address greenhouse gas (GHG) emissions from existing coal-fired power plants
- More information: www.epa.gov/stationary-sources-air-pollution/electric-utility-generating-units-repealing-clean-power-plan

Stratospheric Ozone: Refrigerant Management Program- Background



- 11/18/2016: EPA issued rule updating refrigerant management requirements and extending subpart F management requirements, which had applied only to ozone-depleting substance (ODS) refrigerants, to substitute refrigerants such as HFCs and HFOs (81 FR 82272)
- Extended “appliance maintenance & leak repair” provisions to appliances containing 50 or more lbs of non-exempt substitute refrigerant
- Included later compliance dates (beyond 1/1/2019) for some revised regulations, including leak-repair provisions

Stratospheric Ozone: Refrigerant Management Program – Background (cont.)



- 1/17/2017 - 2 industry coalitions, National Environmental Development Association's Clean Air Project (NEDA/CAP) and Air Permitting Forum (APF) filed petitions in DC Court for review of 2016 Rule. APF also filed petition for reconsideration of 2016 Rule
- Raised issues regarding changes made in 2016 Rule, including EPA's authority to expand scope of refrigerant management requirements—including, leak-repair requirements—to cover non-exempt substitute refrigerants

Stratospheric Ozone: Refrigerant Management Program



- 10/1/2018: EPA proposed rule (83 FR 49332) revisiting parts of 2016 Rule that apply to substitute refrigerants (293 comments)
 - Revises appliance maintenance & leak repair provisions to apply only to equipment using refrigerants containing Class I or Class II ozone-depleting substances (ODS)
 - Revises list of practices that must be followed for refrigerant releases to be considered *de minimis* to clarify that reference to leak-repair practices only applies to equipment containing ODS refrigerant
 - Extends by 6-12 months 1/1/2019 compliance date for maintenance & leak repair provisions for appliances containing only substitute refrigerants subject to venting prohibition
- 4/5/2019: US Court of Appeals for DC Circuit agreed with DC Circuit 2017 finding that EPA doesn't have authority to restrict the use of HFCs under the CAA

Major MACT to Area Source Reclassification



- **2018 EPA Withdraws Once In Always In**
 - 1/25/2018: EPA issued 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”
 - Withdraws 1995 Seitz memo “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
 - EPA expects to issue FR Notice for comment on regulatory text to implement EPA’s plain language reading of statute
 - A proposal package is with the Office of Management and Budget of interagency review
 - We anticipate issuing a proposal for public review and comment in June 2019
- **Litigation**
 - March 2018: coalition of enviro groups filed petition for review in D.C. Circuit Court
 - Oral Arguments on the case were heard by the D.C. Circuit Court April 1, 2019
- **More Information :** www.epa.gov/stationary-sources-air-pollution/reclassification-major-sources-area-sources-under-section-112-clean

Delegation of NSPS and NESHAPs Standards to CT DEEP



- CT DEEP Delegation Mechanisms

- CT DEEP is delegated and able to implement and enforce NSPS and NESHAPs for Title V operating permit sources. Mechanism approved in the Federal Register 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 RCRA 22a-174-9
 - In December 2018, EPA delegated the Combustion Turbines NSPS Subpart KKKK to CT DEEP for all sources. (Federal Register published February 14, 2019 (84 FR 3985))

Delegation of NSPS and NESHAPs Standards to CT DEEP



- EPA and CT DEEP staff are currently working to streamline procedures for accepting delegation, develop a Memorandum of Agreement (MOA), and reconfirm NSPS and Part 61 NESHAPs standards that are delegated to CT DEEP for all sources.
 - CT DEEP approved delegation mechanisms are not changing
- EPA Region 1 is developing an NSPS and NESHAPs delegation website
 - Drafting Region 1 state tables identifying standards delegated and approved state delegation mechanisms



Questions?

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