



# Updates from U.S. EPA Region 9

CAPCOA – Engineering and Toxics Symposium  
November 8, 2017

Gerardo C. Rios  
Permits Office Chief, Region 9



# Overview

---

- Regulatory Updates
- NSR Rulemakings in Region 9
- Summary Title V Program Evaluations
- Electronic Reporting Permit Example
- E-noticing Model Rule



# Regulatory Updates



# Oil & Gas: Revised NSPS

---

- In April 2017, EPA **announced review** of the 2016 standards in Subparts OOOO and OOOOa.
  - If appropriate, will suspend, revise or rescind the rule
- In May 2017, **announced reconsideration** of the fugitive emission requirements at well sites and compressor stations.
  - *Fugitive emissions requirements.* 2016 rule required owners/operators to monitor and repair “fugitive emissions” at well sites and compressor stations.
  - *Professional engineer certification requirements.* Professional engineer required to certify the design and capacity of closed vent systems.
  - *Well-site pneumatic pumps standards.* Reconsidering a requirement that a professional engineer certify that it is technically infeasible to route emissions from a pneumatic pump to a control device or process, and the definition of “greenfield,” used as it relates to those requirements.



# Oil & Gas: Stay of Requirements

---

- June 2017, EPA announced a 3-month stay of the requirements on 6/3/2017
  - Stay was vacated by the D. C. Circuit
- June 2017, took comment on additional 3-month stay and proposed a further 2-year stay of the requirements being reconsidered
- **Current Status** – all aspects of the 2016 rule revisions to Subparts OOOO and OOOOa are currently in effect.



# Oil & Gas: Refineries

---

- **Refineries:** Memo providing information and guidance regarding **compliance extension requests**
  - Issued 6/15/2017 by Peter Tsirigotis, Director, Sector Policies and Programs, OAQPS
  - Clarifies sources may request an additional year to comply under 40 CFR 63.6(i) beyond the August 1, 2017 deadline in the rule
- **Information Collection Request** for refineries related to 111(d) and establishing emission guidelines related to methane emissions – was withdrawn on March 2, 2017



# Landfill Methane NSPS and EGs

---

- Revised standards lowered the threshold for requiring landfill gas collection and control systems
  - 34 Mg/yr from 50 Mg/yr - NMOC
  - New and existing landfills – NSPS and EGs
  - Closed landfills keep 50 Mg/yr threshold
- On May 31, 2017, the EPA issued a 90-day stay of the 2016 NSPS and EGs.
- Because this 90-stay expired on August 29, 2017, **the 2016 rules are currently in effect.** The EPA still intends to complete the reconsideration process granted by the Administrator. EPA will continue to work with States and stakeholders as we develop a path forward on these separate but related actions.



# Clean Power Plan – Current Status

---

- Carbon Pollution Standards (NSPS – Subpart TTTT) – new, modified and reconstructed sources ← **IN EFFECT; NOT STAYED**
  - 80 FR 64509; October 23, 2015 (announced review of standards in April 2017)
- Clean Power Plan (CPP) – existing sources ← **STAYED; Proposed Repeal**
  - 80 FR 64661; October 23, 2015 (final rule; stayed Feb. 2016)
  - 82 FR 48035; October 16, 2017 (proposed repeal)
- Federal Plan proposal and model rules ← **Withdrawn**
  - 80 FR 64965; October 23, 2015 – proposed rule
  - 82 FR 14144; April 3, 2017 – withdrawal of proposed rule





# Other Regulatory Updates

---

- **Revised Appendix W** became effective on 5/22/2017
  - [https://www3.epa.gov/ttn/scram/guidance/guide/appw\\_17.pdf](https://www3.epa.gov/ttn/scram/guidance/guide/appw_17.pdf)
- **Guidance**
  - Draft guidance on SILs for Ozone and PM<sub>2.5</sub> in PSD permitting and MERPS as a Tier 1 Demonstration Tool for Ozone and PM<sub>2.5</sub>
    - <https://www.epa.gov/nsr/draft-guidance-comment-significant-impact-levels-ozone-and-fine-particle-prevention-significant>
    - [https://www3.epa.gov/ttn/scram/guidance/guide/EPA454\\_R\\_16\\_006.pdf](https://www3.epa.gov/ttn/scram/guidance/guide/EPA454_R_16_006.pdf)
  - PM<sub>2.5</sub> NSR Implementation Rule Precursor Demonstration Guidance
    - <https://www.epa.gov/pm-pollution/draft-pm25-precursor-demonstration-guidance>



# Other Regulatory Updates

---

- **Proposed Rulemakings for NSR/Title V**
  - Removal of title V emergency provisions ([June 14, 2016 at 81 FR 38645](#))
  - Establishment of a significant emissions rate for GHGs under PSD ([October 3, 2016 at 81 FR 68110](#))
  - Revisions to the petition provisions for title V permitting ([August 24, 2016 at 81 FR 57822](#))
  - 2015 Ozone Implementation Rule ([Nov. 17, 2016 at 81 FR 81276](#))



# **NSR Rulemakings Region 9**



# NSR Rulemakings – Last 4 years

---

- In the fall of 2013, EPA begin a 4 yr project to focus on clearing our SIP submittal backlog (submittal more than 18 months old), while continuing to take timely actions on incoming SIP submittals.
- During the last 4 FY's, the permits office has taken action on 48 NSR related SIP submittals for Districts in California.
  - FY2017 – 9 submittals for Imperial, Mendocino and Ventura
  - FY2016 – 26 submittals for Bay Area, Butte, Feather River, Great Basin, Modoc, Mojave Desert, Northern Sonoma, San Luis Obispo and Santa Barbara
  - FY2015 – 10 submittals for Monterey Bay, Eastern Kern, South Coast, and Ventura
  - FY2014 – 3 submittals for Placer and San Joaquin
- Numerous outdated SIP submittals were also withdrawn by CA Districts.



# NSR Rulemakings – Current Status

---

For FY18, we project we will take final action on at least 15 separate rules submitted by CA Districts and 11 for AZ. We hope to propose on at least 20 additional submittals in FY18 (not listed).

- Bay Area – Banking Rule
- Butte – NSR Minor Fix
- El Dorado – New Major Source NSR Rule (Model Rule)
- Northern Sierra – New Major Source NSR Rule (Model Rule)
- Northern Sonoma – PSD Minor Fix
- Placer – PSD update and Permit Admin Rule
- San Diego – Major NSR Program Updates
- San Luis Obispo – New Major Source NSR Rule (Model Rule)
- South Coast – Updated PM2.5 NSR Rule
- Tehama – New Major Source NSR Rule (Model Rule)



# NSR Submittal Deadlines

---

- For the 2008 Ozone standard, EPA issued a Finding of Failure to Submit (FFS) an NSR program for several CA Districts.
- SIP submittal is due no later than 9/6/18, otherwise 2:1 offset sanctions.
- If SIP approved rules already satisfy this requirement, a “certification” verifying this fact may be provided as a SIP submittal.
- If not, a new or updated NSR program SIP submittal is required.
- The following Districts still need to submit either a certification or updated NSR rule.
  - Antelope Valley (expect Certification)
  - Calaveras (expect New rule)
  - Eastern Kern (expect New rule)
  - San Joaquin (expect Updated rule)
  - South Coast (expect Certification)
  - Ventura (expect Certification)
  - Yolo Solano (expect Certification)



# NSR Submittal Deadlines

---

- The following Districts must submit a revised NSR program which corrects deficiencies identified in a previous Limited disapproval SIP action:
  - Bay Area, 2:1 Offset Sanction Clock deadline is 2/28/18
- The following Districts must submit a revised NSR program which corrects deficiencies identified in a previous Conditional disapproval SIP action:
  - Imperial, Submittal Deadline is 10/5/18
- The following Districts must submit a revised PSD program which corrects deficiencies identified in a previous Limited disapproval SIP action:
  - Mendocino, FIP deadline is 8/3/19



# NSR Approval Types

---

- **Full Approval**
  - The submitted rules are approved in their entirety and made part of the District portion of the CA SIP. No additional action is required.
- **Limited Approval/ Limited Disapproval**
  - The submitted rule(s) are approved in their entirety into the SIP, but certain deficiencies are noted (basis of limited disapproval) and must be corrected and approved by EPA before sanctions clock deadlines occur. There are two different deadlines based on the effective date:
    - After 18 months, a 2:1 offset ratio applies to the NA pollutant(s)
    - After 24 months, federal highway funds may be withheld.





# NSR Approval Types

---

- **Conditional Approval**
  - Requires the District and ARB to submit letters committing to make the rule revisions necessary to correct identified deficiencies within 12 months.
  - The submitted rule(s) are approved in their entirety into the SIP during the conditional approval.
  - The revised rule must be submitted to EPA as a SIP submittal before the 12 month deadline.
  - If the revised SIP submittal is not made by the deadline, the approval automatically becomes a disapproval of the entire rule.
  - If the conditional approval turns into a disapproval, then the following sanctions clocks are started:
    - After 18 months, a 2:1 offset ratio applies to the NA pollutant(s)
    - After 24 months, federal highway funds may be withheld.



# Summary of Title V Program Evaluations



# Title V Program Evaluations

---

- **Objective**

- To identify strength and areas for improvement in the Districts' title V program and in the EPA's oversight role

- **Approach**

- Title V Program Evaluation Questionnaire
- Site Visit
- Evaluation Report

- **Focus**

- Title V Permit Preparation and Content
- Monitoring
- Public Participation
- Permit Issuance, Revision, and Renewal
- Compliance
- Resources & Internal Management Support
- Title V Benefits



# Title V Program Evaluations - Strengths

---

- Not many districts with large backlogs of title V permits
- Well defined internal permit review/quality assurance process
- Experienced permitting staff
- Implement additional periodic monitoring/gap fills
- Provide public notice of permits



# Title V Program Evaluations - Strengths

---

- Full compliance evaluations of all title V sources on an annual basis
- Review all title V deviation reports, annual compliance certifications, and semiannual monitoring reports
- Provides sufficient translation services and public outreach



# Title V Program Evaluations – Areas of Additional Focus

---

- Do not public notice synthetic minor permits (or provide for EPA review)
- Statement of Basis does not document certain decisions made in the permitting process
- District permits do not consistently contain all elements of the CAM rule



# Title V Program Evaluations – Areas of Additional Focus

---

- Does not notify the public of their ability to petition the EPA administrator
- District needs to conduct succession planning and many are close to retirement
- Fee issues
- Administrative versus minor modification (some agencies claim no minor modifications)



# Electronic Reporting in Air Permits





# Mobil Oil Guam Inc.

---

- Facility

- Pitti, Guam
- Gasoline Bulk Terminal/Distribution Facility
- Title V Major Source/VOCs

- Reporting Requirements/Permit:

- 40 CFR Part 60, Subparts A, Kb, and XX
- 40 CFR Part 63, Subparts A, R, Y, and ZZZZ
- 40 CFR Part 71, Subpart A
- Guam EPA SIP, 40 CFR Part 69



# Mobil Oil Guam Inc, Piti, Guam





# Central Data Exchange (CDX)

---

- Operational: FY2002
- CROMERR-Compliant
  - Use Electronic Forms
  - Use Electronic File Formats
  - Use Electronic Signatures
  - Available for Public Review
- Information Exchange System
  - EPA
  - State/Tribal/Local Agencies



# Compliance and Emission Data Reporting Interface (CEDRI)

---

- Operational Since FY2012
- Electronic/Web-Based Tool
- Available Only thru CDX
- Requires Registration
- Allows Submission of Compliance Reports/Emissions Data
- Managed by Office of Air and Radiation (OAR)



# CEDRI

---

- Allowable Reporting (40 CFR Part 60 and 63):
- Performance Test Reports and RATAs (forms)
- NOCSRs and Initial Notification Reports (PDF Files)
- AERs (Semi-Annual Reports)/(forms)



# E-Reporting Language in Mobil Permit

---

- Such reports shall be uploaded and electronically submitted to EPA no later than the 30th day following the end of the reporting period.
- The reports must be submitted to EPA through EPA's WebFire database by using the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through the EPA's Central Data Exchange (CDX) Webpage located at [www.epa.gov/CDX](http://www.epa.gov/CDX).
- However, if the appropriate electronic reporting form specified herein is not available in CEDRI at the time that the report is due, the written report must be submitted to the Administrator at the appropriate address.
- Permit: <https://www.regulations.gov/docket?D=EPA-R09-OAR-2016-0216>  
(Condition XXX.D)
- See also: [40 CFR 60.64\(d\)\(1\)](#) of the Portland cement NSPS for sample language



# E-Reporting Expected Results

---

- Improve Reporting/Compliance
- Streamline Reporting Process
- Transparency/Public
- Minimizes Paperwork
- Cost Efficient
- Accountability
- Effective Use of Technology



# **E-Notice Model Rule – Title V**





# Electronic Notice (“E-Notice”) Model Rule

---

- October 18, 2016 - EPA finalized a revision to its public notice regulations for the New Source Review, Title V, and Outer Continental Shelf permit programs of the Clean Air Act
- The rulemaking removes the requirement to provide public notice of a draft permit through publication in a newspaper and instead allows permitting authorities to provide notice via website (“e-notice”)
- Also includes requirements for making permitting documents available online (“e-access”)
- EPA Region 9 created a **model rule** as a template for air districts to revise their title V rules to incorporate e-notice and e-access



# E-Notice Requirements

---

- The permitting authority must:
  - Post a notice of title V permit actions on a public website for at least the duration of the public comment period
  - Distribute the notices to a mailing list maintained by the permitting authority
  - Provide notice by other means if necessary to assure adequate notice to the affected public



# E-Access Requirements

---

- The permitting authority must post all draft title V permits on a public website for at least the duration of the public comment period
- Additional permit materials available by public request may also be posted to this website
- EPA recommends making all relevant permit materials available online. These materials include the draft and final permit, application, statement of basis/engineering evaluation, preliminary and final determinations, response to comments, etc.



# Additional Implementation Suggestions

---

- EPA recommends districts implement additional e-notice and e-access best practices, including the following:
  - Provide options for email notification that enable subscribers to tailor the types of notifications they receive
  - Make the e-notice available until the issuance of the final permit or until the permit application has been denied or withdrawn
  - Where practicable, provide hyperlinks on the district's Web site to postings of permitting actions
  - Once a permit has been issued, post the final permit on the district's Web site for the duration of the validity of the permit
  - Maintain a record of e-notice and e-access postings



**Questions?**