

MECC Air Policy Panel Background Slides December 1, 2020

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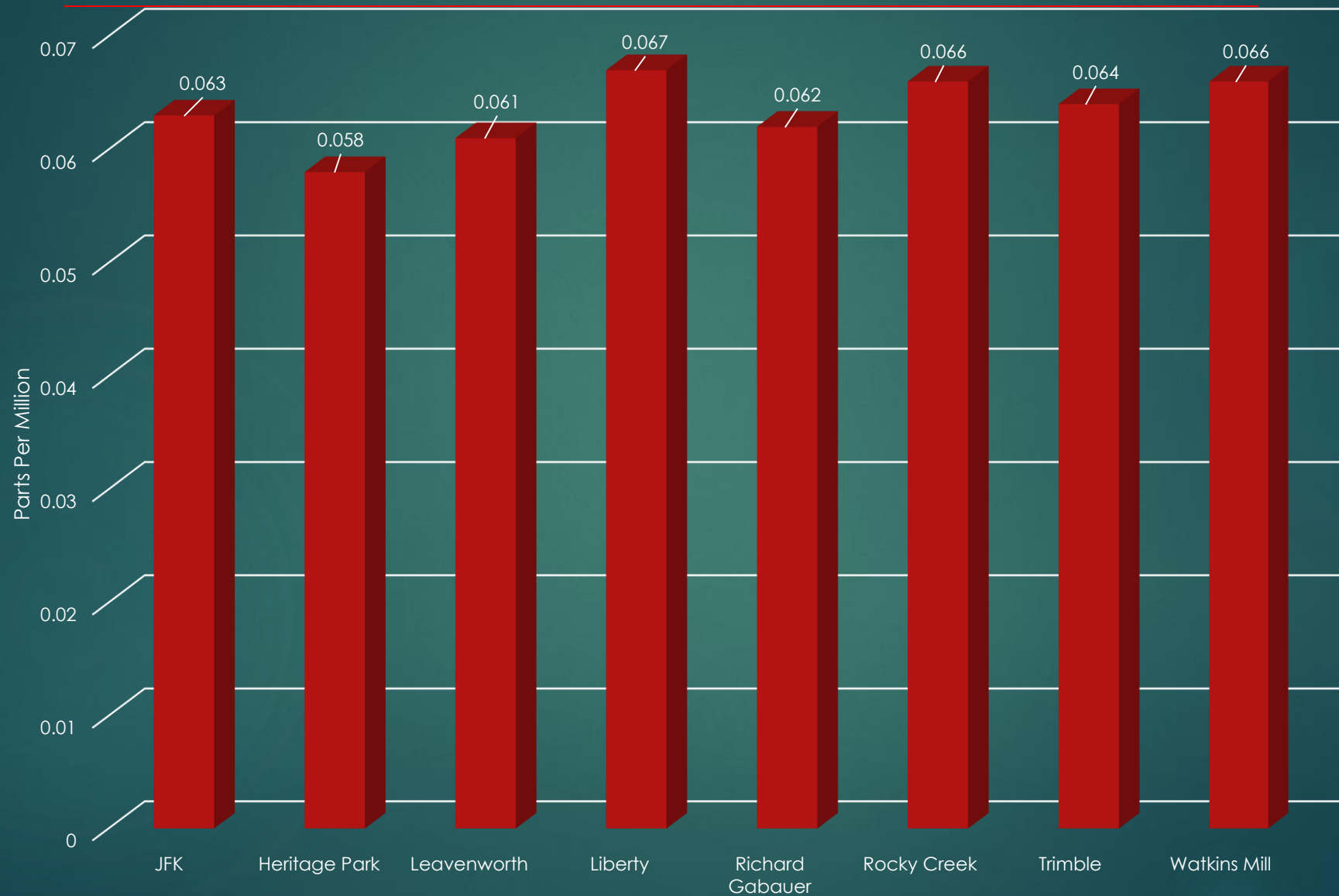
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BRITTANY BARRIENTOS, Partner, Stinson (Moderator)

Pollutant	Current Standard	Last Reviewed	Next Review
Carbon Monoxide	8-hour: 9 ppm 1-hour: 35 ppm	2010 review; finalized in October 2011	
Lead	Rolling 3-month: 0.15 ug/m ³	finalized in November 2016	
NO _x	1-hour: 100 ppb 1-year: 53 ppb	2015 review; finalized in May 2018	
Ozone	8-hour: 0.070 ppm	2015 review; finalized in October 2015	Underway; proposed rule in August 2020 (retaining standard)
PM _{2.5}	1-year (primary): 12.0 ug/m ³ 1-year (secondary): 15.0 ug/m ³ 24-hour: 35 ug/m ³	2012 review; finalized in March 2013	Underway; proposed rule in April 2020 (retaining standard)
PM ₁₀	24-hour: 150 ug/m ³	2012 review; finalized in March 2013	Underway; proposed rule in April 2020 (retaining standard)
SO ₂	1-hour (primary): 75 ppb 3-hour (secondary): 0.5 ppm	2019 review (retained 2010 standard, which is still being implemented)	

Kansas City 8 Hour Ozone 3-year Design Value 2018-2020

NAAQS = 0.070



Affordable Clean Energy Rule

State Plan Timing

- ▶ July 8, 2019: ACE Rule Finalized (effective September 6, 2019)
- ▶ July 2022: State Plans due to EPA
- ▶ Six months from submittal: EPA completeness determination
- ▶ 12 months after EPA determination of completeness: EPA action on state plans
 - ▶ Two years after finding of incomplete state plan, failure to submit a state plan or disapproval: EPA Federal Implementation Plan for relevant states
- ▶ Two years after plan submission: Facilities must comply (or meet legally enforceable increments of progress)

*Oral argument held in ACE litigation October 8, 2020

New Source Review Actions

- ▶ **October 21, 2019** - [2019 Letter on Granting in Part and Denying in Part a Petition for Reconsideration of the 2007 Ethanol Rule](#)
- ▶ **November 5, 2019** - Letter to New Jersey regarding Reconsideration of December 21, 2007 final rule, ["Prevention of Significant Deterioration and Nonattainment New Source Review: Reasonable Possibility in Recordkeeping."](#)
- ▶ **November 6, 2019** - New online search features added to [NSR Guidance Database](#)
- ▶ **November 26, 2019** - ["Adjacent" Guidance](#)
- ▶ **November 26, 2019** - [Proposed NSR Error Corrections Rule](#) and [Factsheet](#)
- ▶ **December 2, 2019** - ["Ambient Air" Guidance](#)
- ▶ **March 19, 2020** - [Final Amendments to the Federal Implementation Plan for Managing Air Emissions from True Minor Sources in Indian Country in the Oil and Natural Gas Production and Natural Gas Process Segments of the Oil and Natural Gas Sector](#)
- ▶ **March 25, 2020** - [Draft Guidance: Interpretation of "Begin Actual Construction" Under the New Source Review Preconstruction Permitting Regulations](#) is available for public comment until May 11, 2020.
- ▶ **August 5, 2020** - [Guidance on Plantwide Applicability Limitation Provisions Under the New Source Review Regulations.](#)
- ▶ **October 19, 2020** [Administrative Procedures for Issuance and Public Petitions](#) final rule, effective 11/18/2020
- ▶ **October 22, 2020** - [Project Emissions Accounting](#) final rule, but not yet in Federal Register

New Source Review - Notables

- ▶ Project Emissions Accounting Final Rule
 - ▶ Can get credit for emission reductions from equipment being replaced without netting.
 - ▶ But, be careful not to take credit for un-related EUs.
- ▶ Guidance on Begin Actual Construction – Soon, we can hope.
 - ▶ “installation necessary to accommodate” an emissions unit is not considered part of that emissions unit, and thus construction of “accommodating installations” possible before getting PSD permit.
 - ▶ But, will guidance be finalized/followed?

See the session at 8:45 am tomorrow for more on “Where Exactly Are We on New Source Review?”

EPA Guidance Document Database

- ▶ <https://www.epa.gov/guidance>
 - ▶ Organized, easy to search, one-stop shopping
 - ▶ As the regulatory pioneers retire, collection and organization of history may help prevent backsliding of knowledge.
- ▶ [Office of Air and Radiation \(OAR\)](#)
- ▶ [Office of Chemical Safety and Pollution Prevention \(OCSP\)](#)
- ▶ [Office of Enforcement and Compliance Assurance \(OECA\)](#)
- ▶ [Office of General Counsel \(OGC\)](#)
- ▶ [Office of International and Tribal Affairs \(OITA\)](#)
- ▶ [Office of Land and Emergency Management \(OLEM\)](#)
- ▶ [Office of Research and Development \(ORD\)](#)
- ▶ [Office of Water \(OW\)](#)
- ▶ [All EPA Regional offices](#)

COVID Success Stories – Midwest Industry

▶ Missouri – Air Permit Startup Notifications

- ▶ 2019: **90**
- ▶ 2020: **85** (estimate based on 65 thru 3rd quarter)

▶ Iowa - Air Permit Start of Construction Notifications

- ▶ 2019: **118** (grouped by project not individual permits)
- ▶ 2020: **90** (estimate based on 78 as of Nov. 12)

▶ Kansas – Air Construction permits/approvals/determinations

- ▶ 2019: **357**
- ▶ 2020: **462**

