

# Air Task Force Status Summary

## CBIA e<sup>2</sup> Council

Revised July 2018

Program	Status	Comments
Incinerator Permitting Requirements	<b>UPDATE</b> New draft to be issued by CTDEEP soon	<ul style="list-style-type: none"> <li>• CTDEEP is working with CBIA and other interested parties to discuss the scope and potential exemptions from a draft set of incinerator regulations.</li> <li>• A CTDEEP working group has convened and met early February.</li> <li>• Workgroup has developed a new draft that will be shared with stakeholders “shortly”               <ul style="list-style-type: none"> <li>➢ Potential carve-out for indirect fired bake-off ovens or similar sources</li> <li>➢ Other details to follow</li> </ul> </li> </ul>
GPLPE / Permit-By-Rule	<b>NEW</b>	<ul style="list-style-type: none"> <li>• CTDEEP looking to develop a permit-by-rule to establish enforceable facility-wide emissions caps to replace the GPLPE</li> <li>• Re-issuance, re-registration, and EPA involvement would no longer be required every five years</li> <li>• Draft to be released in the “near future”</li> </ul>
Title V Modifications	<b>NEW:</b> CTDEEP to take strict interpretation of “non-minor modification”	<ul style="list-style-type: none"> <li>• At the most recent SIPRAC meeting, Jameson Sinclair indicated that any time there is a change that will impact a Title V permit, the facility must complete a Title V modification.</li> <li>• CTDEEP will take a very strict reading of what triggers a “non-minor” modification per RCSA 22a-174-2a, specifically:               <ul style="list-style-type: none"> <li>➢ “To relax the form or type of or any reduction in the frequency of any monitoring, reporting or record keeping required by the Title V permit”</li> </ul> </li> <li>• Several possible negative outcomes such as requiring all Title V permittees subject to NOx RACT to submit applications for non-minor modifications, only reflect current, effective regulatory requirements in RCSA 22a-174-22e instead of 22a-174-22, which has been repealed.</li> <li>• Jameson indicated there could potentially be situations where facilities in the process of permit renewals would need to submit additional minor or non-minor Title V modification applications to reflect changes that would already be addressed anyway</li> <li>• Non-minor modifications have a long processing time and can prevent facilities from incorporating changes that would otherwise be allowed by NSR permits, permit-by-rule programs, or other applicable regulations</li> </ul>

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Source Emissions Monitoring Guidelines and Forms	<p><b>NO CHANGE</b></p> <p>Initial comments reviewed; new drafts issued on 4/13/2018.</p>	<ul style="list-style-type: none"> <li>• CTDEEP preparing written responses to all comments, which they expected would be complete week of June 18<sup>th</sup> – still have not been released</li> <li>• Several of CBIA’s comments were incorporated into revised drafts (entirely or partially) and others were not.</li> <li>• New ITT forms proposed for visible emissions monitoring using Method 9, 22 of ALT-082 (digital camera). Unclear if this is also required 60/45 days in advance of monitoring, but if so, would be very problematic for many sources.</li> <li>• With Bob Girard taking a new position outside of the Air Bureau, unclear who (if anyone) will help stakeholders ensure the final versions are workable for all parties.</li> </ul>
Modeling Guidance	<p><b>NO CHANGE</b></p> <p>Modeling guideline is being revised.</p>	<ul style="list-style-type: none"> <li>• Sam Sampieri announced changes coming for CTDEEP’s Ambient Impact Analysis Guideline.</li> <li>• Applies to screening and dispersion modeling required with permit applications.</li> <li>• First revisions to the guideline since 2009</li> <li>• Sam’s presentation of proposed changes posted on SIPRAC website</li> <li>• Draft document to be issued soon – CTDEEP looking for comments within 60 days after its release</li> </ul>
CTDEEP CAA Section 126(b) petition to EPA regarding upwind emissions sources	<p><b>UPDATE</b></p> <p>Federal Administrative Decision</p>	<ul style="list-style-type: none"> <li>• In June, a federal judge ordered the USEPA to take steps to curb ozone pollution that blows into New York and Connecticut from five other states. Note that at this point this seems to be a procedural victory.</li> <li>• On July 10<sup>th</sup>, the USEPA published a proposed determination regarding “Good Neighbor Obligations.” They have determined that the CSAPR rule update shows States fully addressing their obligations. Therefore, the States are “not expected to contribute significantly to non-attainment in, or interfere with maintenance by, any other state...”</li> <li>• Paul Farrell intends to provide CTDEEP testimony at the public hearing on 8/1/2018 in Washington D.C.</li> <li>• This ruling relates to the 2008 Ozone standard and Bill Wehrum has stated that his preference would be to leave all “good neighbor” obligations for attaining the current 2015 standard up to the states and no update CSAPR or issue a new trading rule</li> </ul>

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Changes to Definition of Emergency Engine	<b>NO CHANGE</b> Draft regulatory changes under review by OPM and Governor's Office	<ul style="list-style-type: none"> <li>• Proposing to remove references to "ISO-NE Operating Procedure No. 4" from type of acceptable emergency operation</li> <li>• Will make consistent with vacatur of demand response allowance under RICE NESHAP and NSPS regulations and ISO-NE removal RTEG program from wholesale markets</li> <li>• Avoiding pitfall for changes to ISO-NE OP4, Action 6 which are scheduled to take effect 6/1/2018</li> </ul>
40 CFR Part 82 - Refrigeration Requirements for technicians and disposal	<b>NO CHANGE</b> Additional Requirements took effect on 1/1/2018	<ul style="list-style-type: none"> <li>• Only certified technicians can maintain, service or repair appliances containing HFC refrigerants and only certified technicians can purchase HFC refrigerants (§82.161).</li> <li>• Before opening or disposing of HFC appliances, technicians must evacuate refrigerant to levels defined in Table 1 of the regulation using a certified recovery machine (§82.155). Technicians must evacuate to the specified levels of vacuum when opening HFC appliances (§82.156).</li> <li>• Safe disposal requirements are extended to HFC containing appliances (§82.155).</li> <li>• New records required for disposal of appliances containing between 5 and 50 lbs of refrigerant. Technician must maintain records documenting: company name, location, date of recovery, type of refrigerant recovered for each appliance, total quantity of refrigerant by type recovered from all disposed appliance in each calendar month, quantity of refrigerant transferred for reclamation and/or destruction, person to whom it was transferred and date of transfer (§82.156).</li> </ul>

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<p>“Once In Always In” Policy Withdrawn by EPA</p>	<p><b>NO CHANGE</b> Policy withdrawn on 1/25/2018 FR notice published on 2/8/2018</p>	<ul style="list-style-type: none"> <li>• On 1/25/2018, William Wehrum, Assistant Administrator of the EPA Office of Air and Radiation, issued a guidance memorandum withdrawing EPA’s 1995 “Once-In, Always-In” (OIAI) policy on the basis that the policy it was unfounded and contrary to the plain language of the Clean Air Act.</li> <li>• EPA published Federal Register notice on 2/8/2018 announcing the withdrawal and its plans to publish future notice to accept comments on incorporating plain-language interpretation of Clean Air Act into regulation</li> <li>• Facilities that can cap actual emissions below the major source thresholds may be able to avoid requirements associated with major source NESHAPs and Title V permitting</li> <li>• On 3/26/2018 environmental groups file a lawsuit challenging EPA’s withdrawal of the policy</li> <li>• Major sources will need to consider other requirements that may become applicable upon exiting NESHAP and/or Title V programs</li> <li>• At the April SIPRAC meeting, Susan Lancey gave presentation on history of OIAI Policy and recent withdrawal. (Slides posted on SIPRAC website)</li> <li>• Jaimeson Sinclair indicated CTDEEP would be open to sources accepting federally enforceable emissions caps (through GPLPE or otherwise) to exit NESHAP and/or Title V applicability</li> </ul>
<p>Miscellaneous EPA Actions</p>	<p><b>NO CHANGE</b> Recent proposals and/or final decisions</p>	<ul style="list-style-type: none"> <li>• Risk Management Requirements: EPA accepting comments on proposed changes including rescinding third-party compliance audits, safer technology and alternatives analysis, employee training requirements, and others. Comments due 7/30/18.</li> <li>• New Source Review guidance issued on 3/13/2018 would allow facilities to take credit for emissions reductions resulting from a project when determining applicability to major PSD/NSR permitting <ul style="list-style-type: none"> <li>➤ Changes old policy from 2006 that only looks at the new/modified equipment when calculating emissions increases from a project</li> </ul> </li> <li>• EPA working on additional guidance for Routine Maintenance &amp; Repair (RMRR) considerations for NSR applicability</li> </ul>

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Particulate Matter Emissions Limits	<b>NO CHANGE</b> On agenda for 7/24/2018 LRRC Meeting	<ul style="list-style-type: none"> <li>• The primary changes focus on particulate emissions limits in 22a-174-18(f) established through a calculation based on "process weight."</li> <li>• In the proposed rule CTDEEP added the statement, "'Process industry' means, for the purposes of this section, a business that is primarily concerned with processing of bulk materials into other products" – a very helpful clarification for CT manufacturers.</li> <li>• Minimal comments received and incorporated into draft regulation</li> <li>• On agenda to be reviewed at 7/24/2018 LRRC meeting</li> </ul>
RCSA § 22a-174-22f: NOx RACT at "non-major" sources of NOx emissions	<b>NO CHANGE</b> New requirements effective 5/1/2018	<ul style="list-style-type: none"> <li>• New requirements apply to following high-emitting units located at non-major sources of NOx               <ul style="list-style-type: none"> <li>➤ Diesel engines rated &gt;1 MMBtu/hr located in severe ozone nonattainment area or rated &gt;2 MMBtu/hr located in serious ozone nonattainment area</li> <li>➤ Natural gas engines rated &gt; 2 MMBtu/hr located in severe ozone nonattainment area or rated &gt;4 MMBtu/hr located in serious ozone nonattainment area</li> <li>➤ Boilers firing "other oil" (distillate oil) rated &gt;36 MMBtu/hr located in severe ozone nonattainment area or rated &gt;72 MMBtu/hr located in serious ozone nonattainment area</li> <li>➤ Natural gas engines rated &gt; 38 MMBtu/hr located in severe ozone nonattainment area or rated &gt;76 MMBtu/hr located in serious ozone nonattainment area</li> </ul> </li> <li>• Starting 5/1/2018, affected units are required to keep records of operation and/or NOx emissions for every day of the ozone season. (Emergency engines only keep records of operation, not emissions)</li> <li>• NOx emissions calculations are prescriptive regarding methodology allowed</li> <li>• Annual tune-up requirements begin in calendar year 2018 (certain tune-up already required by MACT regulations satisfy this requirement)</li> </ul>