

Air Task Force Status Summary
CBIA e² Council
Revised November 14, 2019

Program	Status	Comments
GPLPE Replacement Regulations	UPDATE Regulations Open for Public Comment	<ul style="list-style-type: none"> • Regulations issued for public comment on 10/16/2019. • Comment period ends on 11/22/2019 at 5:00 PM • Still no registration, no fee, only notification • Notification to be provided on “forms provided by the commissioner” -- could present an avenue for deep to regulate through forms like with the emissions testing guideline • CTDEEP estimated \$513,360 of revenue lost from registration fees (186 sites @ \$2,760 each) • CTDEEP notes that fees would only be collected in first year of permit registration and there would allow the agency to better-allocate its resources that would otherwise need to process registrations • Draft regulations posted on e-regulations website: https://eregulations.ct.gov/eRegsPortal/Search/RMRView/PR2019-002 <p>CTDEEP Contact: Raquel Herrera / (860) 424-3150 / raquel.herrera@ct.gov</p>
NSPS & NESHAP Delegation Summary	UPDATE Summary Tables Posted on EPA Website	<ul style="list-style-type: none"> • Delegation summaries posted on EPA Region 1 website for all of New England States • To be published in Federal Register as a notice (not rulemaking) • Plan is for EPA And CTDEEP to coordinate and update the tables each year • <i>Note that even for programs delegated to CT, EPA is still required to receive copies of reports for most/all NESHAP and NSPS (per general provisions 60.4(b), 63.9(a)(4) & 63.10(a)(4)</i>
Demand Response Permitting FAQ Document	UPDATE	<ul style="list-style-type: none"> • CTDEEP to issue FAQ document for permitting engines to operate for demand response programs <ul style="list-style-type: none"> ➤ Per Jaimeson Sinclair, this is due to out-of-state entities submitting incomplete/inadequate permit applications for emergency engines operating in non-emergency demand response programs • FAQ to address: Permit applicability, application requirements, BACT requirements, modeling, MASC compliance, public comment; implications with NOx RACT under Sections 22e/f • CTDEEP Contact: Jaimeson Sinclair / (860) 424-3408 / jaimeson.sinclair@ct.gov

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California Vehicle Emissions Waiver	NO CHANGE California vehicle emissions waiver revoked	<ul style="list-style-type: none"> EPA withdrew California's Clean Air Act waiver to set its own vehicle emissions standards under CAA, as it applies to GHG and ZEV (zero emission vehicle) standards. LEV (low-emission vehicle) and older standards related to criteria pollutant emissions were not affected. This also affects the 13 states (including Connecticut) following California's vehicle emission standards California has announced its intent to challenge the withdrawal in court If the ruling is upheld, there could be carryover consequences with CT's SIP and/or future attainment demonstrations
Incinerator Permitting Requirements	NO CHANGE Expected to be submitted to OPM and Governor's Office Soon	<ul style="list-style-type: none"> CTDEEP released draft revisions to 22a-174-1 & -3a designed to exempt certain incinerators from permitting Five new categories of incinerators to be exempt from categorical NSR permit requirement, provided PTE < 15 tpy <ol style="list-style-type: none"> Burn-off Oven (new definition proposed) Bench Scale R&D Operations (as currently defined in 22a-174-33(a)(8)) Quality Control or Performance Testing (combustion of non-halogenated materials only) Contraband or Confiscated Goods (burned in portable unit operated by government agency) Meeting held with CTDEEP and stakeholders on October 9, 2018 to discuss potential for additional exemptions and clarification to what should be regulated as an "incinerator" Additional comments submitted to CTDEEP on October 19, 2018 Proposed changes under review by EPA and CTDEEP expecting to issue initiate formal rulemaking before end of year <p>CTDEEP Contact: Merrily Gere / (860) 424-3416 / merrily.gere@ct.gov</p>

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Air Pollution Transport Issues	NO CHANGE Recent actions by CTDEEP and the OTC	<ul style="list-style-type: none"> • 9/13/2019 - Northeast states got a significant win in their lawsuit claiming that EPA's Cross State Air Pollution Rule (CSAPR) fails to force upwind states to cut NOx enough for downwind states to meet attainment deadlines. Specifically, the federal Court of Appeals for that D.C. Circuit held that EPA did not account for attainment deadlines that downwind states will face before 2023, when EPA (controversially) claims that all Northeast states are projected to attain the 2008 ozone NAAQS. (EPA had claimed that because of the projected 2023 attainment, CSAPR did not need to further limit upwind sources that "contribute significantly" to downwind nonattainment.) The court sent the rule back (remanded) to EPA for it to account for these pre-2023 dates. See Wisconsin v. EPA (9/13/19). • 7/17/2019 – The Ozone Transport Commission (OTC) announced they will be holding a public hearing and opening a public comment period regarding the need to develop additional control measures within part of the Ozone Transport Region. Specifically, the OTC is seeking comment on the potential need for daily emissions limits at coal fired electric generating units in Pennsylvania. Comments will be accepted through 8/16/19 and a public hearing is scheduled for the same day at the EPA Region III Public Information Center in Philadelphia. If majority of OTC approves recommendations, EPA has 9 months to approve/disapprove. If EPA disapproves of OTC's recommendations, they must propose equal or more effective solutions. • 7/15/2019 – CTDEEP submitted comments in opposition of EPA's proposed denial of New York's Section 126(b) petition requesting that sources emitting more than 400 tons per year of NOx in upwind states (IL, IN, KY, MD, MI, OH, PA, VA, WV) can emit in violation of CAA good neighbor provisions. • 6/17/2019 – CTDEEP submitted comments on NY proposed regulation to limit NOx from simple cycle combustion turbines based on their impact to downwind ozone attainment. CTDEEP supports the proposal, but requests more stringent requirements on emissions averaging and battery storage provisions.

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PM-2.5 National Ambient Air Quality Standards	NO CHANGE Recommendation to lower standards	<ul style="list-style-type: none">On 9/2/2019 EPA staff issued a PM-2.5 policy assessment memo to be reviewed the Clean Air Scientific Advisory Committee (CASAC) as part of the next NAAQS review due by December 2020The memo recommends lowering the annual PM-2.5 standard from 12 µg/m³ down to as low as 8 µg/m³.<ul style="list-style-type: none">➤ CT currently has one monitoring location with an annual PM-2.5 design value above 8 µg/m³.The policy assessment memo also states lowering of the 24-hr PM-2.5 standard from 35 µg/m³ down to 30 µg/m³ could also “be supported”<ul style="list-style-type: none">➤ All of CT’s 24-hr PM-2.5 design values are below 30 µg/m³ (highest is currently 21)Similar to ozone, no safe level of PM-2.5 exposure has been identified, which complicates EPA’s mandate to establish NAAQS sufficient to protect public health
Once In, Always In Policy	NO CHANGE Published in Federal Register on 7/26/2019	<ul style="list-style-type: none">On June 25, 2019 EPA signed proposed amendments to 40 CFR Part 63 to implement its withdrawal of the “Once In, Always In” Policy; published in Federal Register on 7/26/2019EPA seeking comment on the need for “safeguards” that could maintain emissions controls on sources re-classifying to area sourcesEPA unable to prepare quantifiable emissions outcome & cost-benefit analysis for the proposal, which could be exploited by litigationEPA is also proposing to amend the definition of “potential to emit” in 40 CFR 63.2 by removing the requirement for federally enforceable PTE limits and requiring instead that HAP PTE limits meet the effectiveness criteria of being both legally enforceable and practicably enforceable – (likely not an issue since this has been reflected in CT’s definition for many years)Proposal for submittal of electronic notification to EPA when a source reclassifies from a major source to area sourcePublic hearing scheduled for 8/15/2019 in Washington DC / Comments originally due by 9/24/2019; Comment period extended to accept comments through November 1, 2019. (255 total comments received)Link to proposed regulation: https://www.govinfo.gov/content/pkg/FR-2019-07-26/pdf/2019-14252.pdf <p>EPA Contact: Ms. Elineth Torres, Sector Policies and Programs Division (919) 541-4347 / torres.elineth@epa.gov</p>

Air Task Force Status Summary

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Project Emissions Accounting for NSR and PSD Preconstruction Permitting	NO CHANGE EPA NSR/PSD Policy proposed as regulation	<ul style="list-style-type: none"> On August 9, 2019, EPA published proposed rule to clarify the process for evaluating whether major NSR permitting program would apply to a proposed modified source of air emissions. This proposal would codify EPA's March 2018 policy memo and clarify that both emissions increases and decreases from a major modification are to be considered during Step 1 of the two-step NSR applicability test. This process is known as project emissions accounting or previously as project netting. Public comments on proposed regulation due by 10/8/2019 This proposal is not directly applicable to CT sources at this time since our NSR regulations incorporate EPA's regulations that were in place on March 15, 2002. This proposal could impact CT sources if/when DEEP revises the NSR regulations. <p>EPA Contact: Jessica Montañez,, Air Quality Policy Division (919) 541-3407 / montanez.jessica@epa.gov</p>
Source Emissions Monitoring Guidelines and Forms	NO CHANGE Final Forms Released in April	<ul style="list-style-type: none"> New testing guideline, ITT forms and certification forms finalized and now required DEEP will accept the use of EPA's online ERT system instead of new ITT's and certification forms Series of e-mail addresses for correspondence and/or submittal of documents: <ol style="list-style-type: none"> DEEP.SEM@ct.gov: Compliance Emissions, RATA, and CAM test reports; DEEP.semupload@ct.gov: For oversized test reports only (for FTP site) DEEP.QAQCReports@ct.gov: For CGA/COMS/Linearity quarterly reports [Other reports such as CEMS & COMS Quarterly Summary Reports; EEDR should be sent to: DEEP.CACU@ct.gov]; DEEP.StackTestQ@ct.gov: For questions regarding the forms, Test Guidelines and general inquiries Still a question whether CTDEEP will actually revisit the new facility certification requirements, as they have indicated in their written response to comments. For now, facility certifications are <u>required</u> for all test/RATA reports. <p>CTDEEP Contact: Cinda Lautenschlegar / DEEP.StackTestQ@ct.gov / cinda.lautenschlegar@ct.gov</p>

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EPA Address for Submittal of Reports	NO CHANGE New Address Published in Federal Air Regulations	<ul style="list-style-type: none">On 6/17/2019, EPA published a direct final rule to update the proper mailing address for submittal of air compliance reports as noted in Sections of 40 CFR Parts 59, 60, 61, 62, 63, 65, 82, and 763.The revised address for submittal of reports is: Director, Enforcement and Compliance Assurance Division U.S. EPA Region I, 5 Post Office Square—Suite 100 (04-2) Boston, MA 02109-3912 Attn: Air Compliance ClerkTitle V facilities should note that this address slightly different than what is referenced in most current Title V permits.Final rule effective on 8/16/2019 <p>EPA Contact: Susan Lancey / 617-918-1656 / lancey.susan@epa.gov</p>