

Air Task Force Status Summary

CBIA e² Council

Revised February 21, 2020

Program	Status	Comments
Annual Reporting Reminders	UPDATE Reminders for reports due in the 1 st Quarter of 2020	<ul style="list-style-type: none"> • 3/1/2020 - Emission Statement (EMIT) <ul style="list-style-type: none"> ➤ Annual reminder & guidance e-mailed out to EMIT users on 1/14/2020 ➤ New electronic subscriber agreement forms required for new editors and submitters • 3/1/2020 – Title V Semi-Annual Monitoring Report (Mandatory online submittal through EMIT) • 3/1/2020 – Title V Annual Compliance Certification <ul style="list-style-type: none"> ➤ New site-specific PDF forms provided to facilities by DEEP in December and submittal through EMIT is now mandatory this year ➤ NOTE – a copy of the report still required to be submitted separately to EPA • 3/1/2020 – GPLPE Annual Compliance Certification & Emissions Summary (EMIT) • 3/1/2020 – RGGI Output Report • 3/1/2020 – RGGI Draft True-Up • 3/1/2020 – CTDEEP RCSA 22a-174-19a Sulfur Dioxide Certification Report • 3/31/2020 – Part 98 Mandatory GHG Reports (e-GGRT) • Performance Test Reminders <ul style="list-style-type: none"> ➤ NSR Initial performance 180 days after startup or 60 days after MRC ➤ Standard Test - Protocol due 45 days prior ➤ Non-Standard – Protocol due 60 days prior ➤ Reports due depending upon program <ul style="list-style-type: none"> ▪ Typically 31 to 60 days ▪ RATA 30 days at quarter end • <i>Google Chrome is the recommended browser for submittal of any reports through EMIT</i>

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Revised Permitting and Procedural Requirements	UPDATE Public Comment Period Closed	<ul style="list-style-type: none"> • According to CTDEEP, these revisions: <ul style="list-style-type: none"> ➤ Changes to definition of “major modification” to be consistent with certain federal requirements for ozone precursors ➤ Ability to “stop the clock” on processing 21-day minor modifications; also change the waiting period from calendar days to business days. ➤ Clarify the type of hearing available following a notice of tentative determination ➤ Update provisions to “match the Departments practices and policy” – (e.g., when to require dispersion modeling analysis) ➤ More stringent BACT requirements – proposes to apply regulatory standards for “similar or representative” sources, even if a permit applicant is not subject to such regulation ➤ Adds NSR permit exemption for fuel switch from fuel oil to LPG ➤ Relieves owners/operators of certain printing presses with air pollution control equipment from VOC content requirements ➤ Other procedural changes (signatory requirements for municipalities; public • Comments submitted by CBIA and EPA: https://eregulations.ct.gov/eRegsPortal/Search/RMRView/PR2018-030 • CTDEEP Contact: Paula Gomez / (860) 424-3088/ paula.gomez@ct.gov
Demand Response Permitting FAQ Document	No Change	<ul style="list-style-type: none"> • CTDEEP issued 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 • Comments submitted to Jaimeson; Final FAQ not yet released • CTDEEP Contact: Jaimeson Sinclair / (860) 424-3408 / jaimeson.sinclair@ct.gov

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Incinerator Permitting Requirements	UPDATE Awaiting OPM Approval	<ul style="list-style-type: none"> • Proposed changes awaiting approval from OPM before being released for formal public comment • 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"> 1. Burn-off Oven (new definition proposed) 2. Bench Scale R&D Operations (as currently defined in 22a-174-33(a)(8)) 3. Quality Control or Performance Testing (combustion of non-halogenated materials only) 4. 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 <p>CTDEEP Contact: Merrily Gere / (860) 424-3416 / merrily.gere@ct.gov</p>
GPLPE Replacement Regulations	UPDATE Submittal to Attorney General Soon	<ul style="list-style-type: none"> • Regulations to replace General Permit with regulatory program issued for public comment on 10/16/2019. • Draft regulations posted on e-regulations website: https://eregulations.ct.gov/eRegsPortal/Search/RMRView/PR2019-002 • Comment period closed on 11/22/2019 at 5:00 PM. • Per Merrily Gere, “no show stoppers” included with public comments, although they did not expect the comments from bulk fuel facilities • Hearing report is being finalized and regulations to be submitted to the Attorney General soon. <p>CTDEEP Contact: Raquel Herrera / (860) 424-3150 / raquel.herrera@ct.gov</p>

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Definition of "Ambient Air"	No Change Guidance Memo Issued by EPA December 2019	<ul style="list-style-type: none"> • Updated guidance finalized and signed by Andrew Wheeler on December 2, 2019 https://www.epa.gov/sites/production/files/2019-12/documents/revised_policy_on_exclusions_from_ambient_air.pdf • EPA guidance gives permitting authority more latitude to exclude areas around facilities from its definition of ambient air when determining the potential impact of expansions or other upgrades that could produce more pollution • Currently defined as "that portion of the atmosphere, to which the general public has access," and ambient air has excluded outdoor areas over land that's owned or controlled by a pollution source, to which "public access is precluded by a fence or other physical barriers," under an interpretation dating back to 1980 • This guidance could provide additional flexibility to permit applications that require air dispersion modeling and develop more realistic scenarios to estimate air quality impacts from a project • Exemptions from ambient air may now include other measures such as video surveillance, monitoring, clear signage, and routine security patrols. Furthermore, EPA recognizes that there will be future technologies, such as drones and more advanced video surveillance capabilities, that will potentially be used to preclude public access. • Public exclusion requirements could be made enforceable in permits on a case-by-case basis.
NSPS & NESHAP Delegation Summary	No Change 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 • Published in Federal Register as notice on January 31, 2020 • 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>

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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 7/26/2019 • EPA seeking comment on the need for “safeguards” that could maintain emissions controls on sources re-classifying to area sources • EPA unable to prepare quantifiable emissions outcome & cost-benefit analysis for the proposal, which could be exploited by litigation • EPA 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 source • Public 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>

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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 required 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 Clerk • Title V facilities should note that this address slightly different that 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>