



Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule



Synopsis

- On October 27, the U.S. Environmental Protection Agency (EPA) proposed the “[Prevention of Significant Deterioration \(PSD\) and Title V Greenhouse Gas Tailoring Rule](#),” 40 CFR Parts 51, 52, 70, 71 (Proposed Rule). Without the Proposed Rule, thousands of small sources at DOE sites that emit greenhouse gasses (GHGs) are expected to be subject to PSD and Title V permitting requirements. This would create a substantial administrative and compliance burden for the Department of Energy (DOE).
- EPA proposes to provide regulatory relief to smaller sources by increasing the applicability thresholds for GHGs. This is expected to reduce the number of sources required to obtain PSD and Title V permits.
- GHGs include: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFC), and perfluorocarbons (PFC).
- Comments are solicited on the Proposed Rule for submittal by DOE and EPA (see Comments section below).

BACKGROUND

On September 28, 2009, EPA published the “Proposed Rulemaking to Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards” in the Federal Register (74 FR 49454). In this rule, EPA proposes to regulate GHG emissions from light trucks. The final rule expected by March, 2010, will cause GHGs to be a regulated pollutant within the Clean Air Act (CAA). As a result millions of small sources of GHGs will become subject to federal CAA permitting requirements. The burden of processing such a large number of permits is

expected to create a substantial administrative burden for state and federal air regulators.

To address the problem, EPA proposes to temporarily increase the GHG applicability thresholds for the PSD and Title V CAA permit programs. Both types of permits are issued by EPA or States.

The PSD program is a preconstruction permitting program applicable to new major stationary sources and major modifications at existing major stationary sources in attainment areas. Sources subject to PSD permitting must apply Best Available Control Technology (BACT) to control emissions and analyze the impact on air quality from the proposed source(s), among other things.

The Title V program requires existing and new major sources to obtain operating permits that consolidate all CAA requirements into one document, to provide for regulatory review, and to annually track, report, and certify compliance. Sources are required to apply for a Title V permit within one year of becoming subject to the program.

APPLICABILITY THRESHOLDS

Under the CAA, “major sources” are required to obtain PSD and Title V permits. A major source for PSD purposes is either: a new source that has the potential to emit 250 tons per year (tpy) of a regulated pollutant (100 tpy for certain sources, as specified in the CAA), or an existing “major source” modifying existing sources or installing new sources with the potential to emit above a “significance level” for a regulated pollutant. Facilities may apply reductions in actual emissions from shutdown equipment towards the proposed emissions from the new or modified sources; this is known as “netting.”

Currently, a major source for purposes of Title V is generally any new or existing source that emits or has the potential to emit 100 tpy of a regulated pollutant.

Under the current applicability thresholds, EPA predicts that thousands of new PSD permits will be required and that millions of new Title V permits will need to be issued. According to EPA, this will create overwhelming administrative burdens. Through the Proposed Rule, EPA proposes to increase the applicability thresholds for both the PSD and the Title V programs to 25,000 tpy of carbon dioxide equivalent (CO₂e). EPA also proposes to establish the “significance level” for GHGs between 10,000-25,000 tpy CO₂e, for purposes of PSD permitting. CO₂e emissions would be calculated by multiplying the emissions of each GHG by its global warming potential (GWP). For example, CH₄ has a GWP of 21; thus, two tons of CH₄ emissions are equivalent to 42 tons of CO₂e.

If the Proposed Rule takes effect, the following facilities will be required to obtain Title V and PSD permits:

Title V Permits

All existing and any new facilities that emit 25,000 tpy or more of CO₂e.

PSD Permits

1. New facility emitting $\geq 25,000$ tpy of CO₂e;
2. Existing facility with $< 25,000$ tpy of CO₂e emissions that installs new or modifies existing sources that would have the potential to emit 25,000 tpy CO₂e; and
3. Existing facility with $\geq 25,000$ tpy of CO₂e emissions that installs new or modifies existing sources that exceed the selected “significance level” of the Proposed Rule.

RULE DURATION

The Proposed Rule has an intended duration of six years. During this time, EPA will assess the regulatory burden and alternatives for streamlining the permitting process. By the sixth year, EPA

would propose another regulation establishing final GHG threshold values for PSD and Title V.

COMMENTS

Comments are due to EPA by December 28, 2009. EPA is soliciting comment on:

1. The proposed applicability threshold for PSD and Title V (25,000 tpy CO₂e);
2. The “significance level” for PSD;
3. Opportunities for obtaining GHG reductions from sources that emit below the proposed thresholds;
4. The metrics for calculating GHG emissions and determining “netting” credits;
5. Administrative and financial burdens and number of sources required to comply with the established thresholds; and
6. Possible permit streamlining techniques, including:
 - a. General permits;
 - b. Presumptive BACT;
 - c. Redefining potential-to-emit; and
 - d. Regulating GHG emissions only for sources otherwise requiring Title V or PSD permits.

Please send any comments you have for submittal to EPA to John (Larry) Stirling by December 14, 2009 (see below).

The Office of Environmental Policy and Assistance establishes environmental protection policy for DOE, and provides assistance to DOE elements on implementation of policy and resolution of compliance matters. Please refer any questions and requests for assistance concerning the subject material covered in this Information Notice to:

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