

States Moving Full Speed Ahead on Greenhouse Gas Permitting

*National Association of Clean Air Agencies
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The vast majority of states are moving full speed ahead to begin permitting emissions of greenhouse gases (GHGs) under the Clean Air Act, and expect to complete revisions of state and/or local rules by, or within a few months after, January 2, 2011 – the date that GHG permitting under the Act’s Prevention of Significant Deterioration (PSD) and Title V programs begins. Nearly 80% of states have indicated that they will be ready to permit the largest sources of GHGs by the time permitting requirements take effect. The U.S. Environmental Protection Agency (EPA) issued rules earlier this year regulating GHGs under the Clean Air Act, including rules that exempt smaller sources and subject only the largest GHG emitters to permit requirements. In response to calls from the states for more time to revise state and local regulations to exempt smaller sources, the agency also delayed the commencement of GHG permitting until January 2, 2011.

In December 2009, pursuant to the Supreme Court’s 2007 decision in *Massachusetts v. EPA* that GHGs are an air pollutant under the Clean Air Act, EPA determined that GHGs do indeed contribute to air pollution that endangers public health and welfare.¹ Following on that finding, EPA and the U.S. Department of Transportation issued a final rule controlling GHGs from new motor vehicles and engines on April 1, 2010.² Once GHGs become subject to regulation under the Clean Air Act, permitting provisions under PSD and Title V are triggered, requiring the implementation of control technologies to abate emissions of GHGs. In anticipation of this, EPA promulgated the final Johnson Memo Reconsideration³ in March 2010, which interpreted the phrase “subject to regulation” as occurring when an actual control requirement contained within a nationwide rule takes effect. Therefore, under the agency’s interpretation, once GHGs became subject to regulation with promulgation of the final light-duty vehicle rule, PSD and Title V permit requirements apply to GHGs as of January 2, 2011.

The PSD and Title V Greenhouse Gas Tailoring Rule⁴ (Tailoring Rule) was promulgated in June 2010 to address concerns regarding the crippling administrative burden that would result from issuing millions of permits to sources emitting only very small amounts of GHGs. The Tailoring Rule raised the thresholds for GHG permitting to include only the largest sources and extended the onset of GHG permitting in order to give states time to revise their own rules to include the Tailoring Rule requirements and exempt smaller sources. Most states are moving forward with legislative and/or regulatory processes to incorporate the Tailoring Rule provisions.

¹ Endangerment and Cause or Contribution Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act, 74 *Federal Register* 66496 (December 15, 2009).

² Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards; Final Rule, 75 *Federal Register* 25324 (May 7, 2010).

³ Reconsideration of Interpretation of Regulations that Determine Pollutants Covered by Clean Air Act Permitting Programs; Final Action on Reconsideration of Interpretation, 75 *Federal Register* 17004 (April 2, 2010).

⁴ 75 *Federal Register* 31514 (June 3, 2010).

In the final Tailoring Rule, EPA asked states to send letters to the agency by August 2, 2010 with information regarding how the state intends to implement the Tailoring Rule. EPA asked each state to respond by indicating whether or not the state needs to undertake a regulatory or legislative process in order to incorporate the provisions of the Tailoring Rule, as well as the timeline for completing any such process. States were also asked to notify EPA if they do not have any authority to permit GHGs and, if not, to indicate whether or not they intend to revise their rules to include GHGs.

The National Association of Clean Air Agencies (NACAA), the association of air pollution control agencies in 52 states and territories and over 165 metropolitan areas across the country, has reviewed and briefly summarized letters from all applicable states, as well as those from a number of local and territorial air pollution control agencies. NACAA's analysis shows that the vast majority of states are working quickly to prepare for GHG permitting and incorporate the provisions of the Tailoring Rule into applicable state and local rules and State Implementation Plans (SIPs) as soon as possible. Nearly 80% of states expect to have rules in place by January 2, 2011 or shortly thereafter. Of the minority of states that will not yet have rules in place by January 2, 2011 or shortly thereafter, most are working to incorporate the provisions of the Tailoring Rule, but will be delayed due to state legislative and/or regulatory requirements.

Below, NACAA provides a brief summary of each state's response to the questions posed by EPA, and includes all letters submitted to EPA by states pursuant to the agency's request in the final Tailoring Rule. The 57 letters summarized below, from 48 states and territories and 9 local air pollution control agencies, provide a snapshot of the implementation plans of the states as of August 2010. Many of these plans are subject to current regulatory and/or political processes. Three states – Nebraska, Nevada, and the District of Columbia – have not submitted Tailoring Rule letters to EPA as of September 2010, though neither Nevada nor the District of Columbia currently has a SIP-approved PSD program. In California, local air pollution control agencies throughout the state are responsible for stationary source permitting, and the PSD program in most of California is implemented by EPA under federal regulations.

State-By-State Summary

AGENCY & DATE	SUMMARY OF RESPONSES
Alabama July 31, 2010	<ul style="list-style-type: none"> ➔ Alabama has the authority to permit GHGs under both PSD and Title V; no revisions need to be made for this purpose. ➔ State PSD regulations need to be revised to be consistent with the Tailoring Rule thresholds. ➔ The state plans to begin the rulemaking process to revise its PSD regulations by August 22, 2010. The revisions should be considered for adoption in December 2010, and, if approved, submitted to EPA in January 2011. The state has requested parallel processing for this SIP revision. Title V regulations will be revised at a later date.
Alaska August 2, 2010	<ul style="list-style-type: none"> ➔ Alaska needs to undertake a regulatory process in order to incorporate the provisions of the Tailoring Rule and comply with federal rules regarding GHG permitting. ➔ The state has already initiated the rulemaking process, and anticipates that the regulations will be adopted and in effect by January 2, 2011.
Arizona August 27, 2010	<ul style="list-style-type: none"> ➔ Arizona does not have the authority to permit GHGs under its PSD and Title V programs. The state does not agree that its PSD program is inadequate because it does not apply to GHGs. ➔ Completing the rulemaking and SIP approval process by January 2011 would be nearly impossible.
Arkansas July 26, 2010	<ul style="list-style-type: none"> ➔ Arkansas does not currently have the authority to permit GHGs under state law. ➔ State PSD and Title V regulations need to be revised to be consistent with the Tailoring Rule thresholds. ➔ The state estimates that it will take 10-18 months to revise the regulations, and will not make the January 2, 2011 deadline.
Colorado July 29, 2010	<ul style="list-style-type: none"> ➔ Colorado needs to revise its PSD and Title V regulations to incorporate the Tailoring Rule thresholds. ➔ The state has begun the rulemaking process and hopes that regulatory changes will be complete by the end of November 2010. Regulatory changes then need to undergo legislative review, which is expected to conclude by winter or spring 2011. The state requests that EPA limit approval of its PSD and delegated Title V program to match the GHG permitting thresholds under the Tailoring Rule.
Connecticut July 20, 2010	<ul style="list-style-type: none"> ➔ Connecticut does not currently have the authority to permit GHGs under its PSD or Title V programs. ➔ The state intends to revise its regulations to include GHGs for both programs, as well as to incorporate the Tailoring Rule thresholds for both its PSD and Title V programs. ➔ The regulatory adoption process generally takes 14-20 months. The state will try to expedite the process, but expects regulatory revisions by late summer/early fall 2011.
Delaware July 29, 2010	<ul style="list-style-type: none"> ➔ Delaware does have the authority to interpret subject to regulation for both its PSD and Title V programs. ➔ However the state will also undertake rulemaking to explicitly add the

	<p>Tailoring Rule thresholds to its regulations.</p> <ul style="list-style-type: none"> ➔ The state has begun the regulatory process, and anticipates finalizing the revised regulations by the end of 2010 with a compliance date of January 2, 2011.
Florida July 2, 2010	<ul style="list-style-type: none"> ➔ Florida does not have the authority to permit GHGs under either its PSD or Title V programs, and cannot automatically interpret subject to regulation. ➔ The state needs to amend its regulations to incorporate GHGs into its permitting programs, but cannot at this time estimate how long this will take.
Georgia August 2, 2010	<ul style="list-style-type: none"> ➔ Georgia intends to adopt EPA's interpretation of subject to regulation for both its PSD and Title V programs, and will do so by undertaking a rulemaking process. ➔ The state anticipates completing rulemaking for both PSD and Title V by January 1, 2011.
Hawaii July 28, 2010	<ul style="list-style-type: none"> ➔ Hawaii currently has the authority to permit GHGs and can implement the Tailoring Rule thresholds under its delegated PSD program. The state also has the authority to permit GHGs under its Title V program. ➔ Rule changes are required in order to apply the definition of subject to regulation for the state's Title V program. ➔ The state estimates that the Title V regulatory changes will be completed by the end of 2011.
Idaho July 28, 2010	<ul style="list-style-type: none"> ➔ Idaho must undertake a regulatory/legislative process in order to incorporate GHGs as subject to regulation, as well as to incorporate the provisions of the Tailoring Rule. ➔ The state expects to complete the process by late March/early April 2011.
Illinois July 29, 2010	<ul style="list-style-type: none"> ➔ Illinois has the authority to permit GHGs consistent with the Tailoring Rule provisions under its delegated PSD program. ➔ The statute and regulations governing its Title V program need to be revised in order to incorporate the Tailoring Rule thresholds and update the fee structure. State regulations will also be revised to ensure that smaller sources do not require permits under state law. ➔ The state anticipates that the Title V legislative revisions will be completed in spring or summer 2011, with regulatory revisions following shortly thereafter.
Indiana July 23, 2010	<ul style="list-style-type: none"> ➔ Indiana currently has the authority to permit GHGs under both its PSD and Title V programs, and intends to apply EPA's definition of subject to regulation. ➔ PSD and Title V regulations need to be revised in order to incorporate the Tailoring Rule thresholds. ➔ The state plans to use emergency rulemaking as an interim measure to make the Tailoring Rule thresholds effective by January 2, 2011. A permanent, expedited rulemaking process is expected to be completed in March 2011.
Iowa July 20, 2010	<ul style="list-style-type: none"> ➔ Iowa needs to undertake a rulemaking process in order to adopt the Tailoring Rule definition of subject to regulation for both its PSD and Title V programs. ➔ The state plans to finish rule revisions and submit these to EPA for inclusion in its SIP by the end of December 2010.

<p>Kansas August 2, 2010</p>	<ul style="list-style-type: none"> ➔ Kansas needs to revise its regulations in order to implement the Tailoring Rule provision for both its PSD and Title V programs. ➔ The state estimates that regulatory changes will be completed by April 1, 2011.
<p>Kentucky July 27, 2010</p>	<ul style="list-style-type: none"> ➔ Kentucky intends to amend current regulations to adopt the definition of subject to regulation for both its PSD and Title V programs. ➔ The state anticipates finalizing regulatory changes and submitting SIP revisions to EPA by the beginning of December 2010.
<p>Louisiana August 2, 2010</p>	<ul style="list-style-type: none"> ➔ Louisiana rules do not appear to prohibit permitting GHGs under its PSD and Title V programs. ➔ The state intends to apply the meaning of subject to regulation consistent with the Johnson Memo Reconsideration without regulatory changes; however PSD and Title V regulations need to be revised in order to incorporate the Tailoring Rule thresholds. ➔ If it undertakes fast track rulemaking, the state could have final rules by December 20, 2010, though the effective date could be delayed. ➔ The state also needs to amend other state regulations in order to revise thresholds for small source exemptions; these revisions will not be final by January 2, 2011.
<p>Maine August 5, 2010</p>	<ul style="list-style-type: none"> ➔ Maine has the authority to implement PSD and Title V permitting for GHGs. ➔ Certain regulatory changes need to be made in order to incorporate the Tailoring Rule thresholds. ➔ The state expects that regulatory changes will be adopted before January 2, 2011.
<p>Maryland August 2, 2010</p>	<ul style="list-style-type: none"> ➔ Maryland intends to amend its regulations consistent with the Tailoring Rule thresholds contained in the definition of subject to regulation for both its PSD and Title V programs. PSD regulations will also be amended to clarify that sources are subject to the Tailoring Rule provisions. ➔ The state anticipates completing rulemaking by January 2, 2011.
<p>Massachusetts August 2, 2010</p>	<ul style="list-style-type: none"> ➔ Massachusetts does not currently have a SIP-approved PSD program. ➔ GHGs are not currently a regulated pollutant under its Title V program. The state needs to undertake a rulemaking process in order to adopt the definition of subject to regulation and incorporate the Tailoring Rule thresholds for its Title V program. ➔ The goal is to provide regulatory language for public review during the first half of 2011.
<p>Michigan July 27, 2010</p>	<ul style="list-style-type: none"> ➔ Michigan intends to interpret subject to regulation as defined in the Tailoring Rule; no rule changes are required to incorporate the Tailoring Rule requirements for its PSD program. ➔ The state needs to undertake a rulemaking process in order to amend its rules to incorporate the Tailoring Rule provisions under its Title V program. ➔ The rulemaking process normally takes 12-18 months, and the state anticipates completing this process before July 1, 2012.
<p>Minnesota June 23, 2010</p>	<ul style="list-style-type: none"> ➔ Minnesota implements a delegated PSD program, and no changes are required to incorporate the Tailoring Rule provisions. ➔ Title V rules need to be revised in order to incorporate the Tailoring Rule thresholds. Various rule requirements for state-only permits may also be

	<p>modified.</p> <ul style="list-style-type: none"> ➔ The state expects to initially use an expedited rulemaking process to complete regulatory changes for its Title V program by January 2, 2011. It will then need to undertake a traditional rulemaking process beginning in early 2011, and expects to have final rulemaking finished by mid/late 2012.
Mississippi July 28, 2010	<ul style="list-style-type: none"> ➔ Mississippi needs to amend its regulations in order to implement the Tailoring Rule provisions for its PSD and Title V programs. ➔ The state expects that the regulatory amendment process should be completed by January 2, 2011, pending public interest.
Missouri July 27, 2010	<ul style="list-style-type: none"> ➔ Missouri needs to amend its regulations in order to incorporate the Tailoring Rule thresholds for its PSD and Title V programs. ➔ The state is currently reviewing the final Tailoring Rule and state regulations to determine the necessary changes, and will then begin the rulemaking process. The process usually takes 12-18 months for permanent rules; the state may be able to propose emergency rulemaking, though rules would only then be effective for 180 days.
Montana August 20, 2010	<ul style="list-style-type: none"> ➔ Montana's existing rules and regulations provide the framework for implementing its PSD and Title V programs consistent with the Tailoring Rule provisions.
New Hampshire July 30, 2010	<ul style="list-style-type: none"> ➔ New Hampshire needs to undertake a rulemaking process in order to incorporate the Tailoring Rule thresholds for both its PSD and Title V programs. ➔ The state has initiated a rulemaking process, and expects to complete it in December 2010, with an effective date of January 2, 2011.
New Jersey July 30, 2010	<ul style="list-style-type: none"> ➔ New Jersey implements a delegated PSD program. ➔ For its Title V program, the state intends to apply EPA's definition of subject to regulation, and does not need to undertake a regulatory or legislative process in order to do so. ➔ In the future, the state may specifically add the 100,000 tpy threshold to the Title V major source definition as a matter of clarification.
New Mexico June 24, 2010	<ul style="list-style-type: none"> ➔ New Mexico needs to amend its PSD and Title V rules in order to incorporate the Tailoring Rule requirements. ➔ The state intends to request a hearing in November 2010, and expects rule revisions to be effective by January 1, 2011.
New York August 11, 2010	<ul style="list-style-type: none"> ➔ New York has the authority to permit GHGs under both its PSD and Title V programs. ➔ Though the state is currently not PSD SIP-approved, it has submitted a SIP and is awaiting final approval; therefore the letter addresses relevant PSD questions in anticipation of approval. ➔ The state will interpret subject to regulation in the same manner as EPA, and intends to undertake rulemaking in order to implement the Tailoring Rule approach for both its PSD and Title V programs. ➔ The state has initiated a formal state rulemaking process, and seeks to finish in less than one year.
North Carolina August 2, 2010	<ul style="list-style-type: none"> ➔ North Carolina needs to undertake a rulemaking process in order to incorporate the Tailoring Rule thresholds under its PSD program. ➔ Its Title V program automatically incorporates the federal definition of major

	<p>source; the state will review regulations, including fees, to ensure sufficient resources to permit GHGs under Title V.</p> <ul style="list-style-type: none"> ➔ The state has begun the rulemaking process for PSD. The earliest completion date is January 2, 2011. However if there are letters of objection the rule will be forwarded to the next legislative session; if so, it may take as long as summer 2011 for the rules to take effect.
North Dakota ⁵ June 21, 2010	<ul style="list-style-type: none"> ➔ North Dakota intends to apply the definition of subject to regulation under both its PSD and Title V programs, and will implement the definition as of January 2, 2011. ➔ The state will also update state rules to incorporate the definition of subject to regulation. ➔ The process of updating state rules has already begun and is expected to be completed by April 1, 2011.
Ohio July 26, 2010	<ul style="list-style-type: none"> ➔ Ohio needs to modify its PSD and Title V rules in order to permit GHGs consistent with the Tailoring Rule. ➔ The state has begun the rulemaking process, which could be completed by December 2010 if there are no delays.
Oklahoma July 15, 2010	<ul style="list-style-type: none"> ➔ Oklahoma regulations could support an interpretation that the state does have the authority to permit GHGs under its PSD and Title V programs. ➔ State rules for PSD and Title V need to be revised in order to incorporate the Tailoring Rule thresholds. ➔ The state plans to initiate a rulemaking process. It will not be possible to have rules in place by January 2, 2011. The earliest date that rules could be in place is July 2011, but it may be as long as July 2012 if the rulemaking process results in unexpected problems.
Oregon July 29, 2010	<ul style="list-style-type: none"> ➔ Oregon needs to undertake a regulatory process in order to include GHGs as a regulated pollutant under its PSD program and incorporate the Tailoring Rule definition of subject to regulation. ➔ The state expects to complete its regulatory process on February 17, 2011 and submit SIP revisions to EPA.
Pennsylvania August 4, 2010	<ul style="list-style-type: none"> ➔ Pennsylvania has the authority to apply the Tailoring Rule definition of subject to regulation without making any regulatory or legislative changes for both its PSD and Title V programs.
Puerto Rico July 29, 2010	<ul style="list-style-type: none"> ➔ Puerto Rico needs to amend its regulations in order to incorporate the Tailoring Rule thresholds for its Title V program. ➔ A public hearing for the proposed Title V amendments is expected by December 2010.
Rhode Island August 3, 2010	<ul style="list-style-type: none"> ➔ Rhode Island has the authority to permit GHGs. ➔ PSD and Title V regulations need to be revised in order to incorporate the Tailoring Rule thresholds. ➔ The state anticipates adopting the necessary regulations before January 2, 2011.
South Carolina August 2, 2010	<ul style="list-style-type: none"> ➔ South Carolina needs to revise its regulations in order to incorporate the Tailoring Rule thresholds for both its PSD and Title V programs.

⁵ On July 29, 2010, North Dakota submitted a follow up letter clarifying that nothing in the initial, June 21, 2010 letter, summarized above, was intended to waive the state's right to challenge the legality of any EPA rule or action.

	<ul style="list-style-type: none"> ➔ As a temporary measure, the South Carolina legislature enacted a Joint Resolution, effective June 11, 2010, that makes the Tailoring Rule provisions effective in South Carolina until the state revises its PSD and Title V regulations. ➔ The temporary measure is already in effect; permanent regulatory revisions are expected to take at least 18 months.
South Dakota July 30, 2010	<ul style="list-style-type: none"> ➔ South Dakota needs to take action to incorporate the Tailoring Rule definition of subject to regulation into its rules for both PSD and Title V. ➔ The state estimates that the adoption of the definition of subject to regulation and submittal of SIP revisions will take until at least January 2011.
Tennessee July 30, 2010	<ul style="list-style-type: none"> ➔ Tennessee has the authority to permit GHGs under both its PSD and Title V programs. ➔ The state needs to undertake a rulemaking process in order to incorporate the Tailoring Rule thresholds for PSD and Title V. ➔ The state is working to complete the regulatory revisions by January 2, 2011.
Texas August 2, 2010	<ul style="list-style-type: none"> ➔ Texas does not have the authority to permit GHGs, and does not intend to interpret or amend its laws to compel GHG permitting.
Utah July 29, 2010	<ul style="list-style-type: none"> ➔ Utah intends to adopt the Tailoring Rule definition of subject to regulation for both its PSD and Title V programs, and needs to undertake rule changes in order to do this. ➔ The state plans to adopt final rule changes by end of December 2010.
Vermont July 22, 2010	<ul style="list-style-type: none"> ➔ Vermont needs to amend its laws and regulations in order to incorporate the Tailoring Rule thresholds. ➔ Statutory changes took effect July 1, 2010. Regulatory changes are now underway and are expected to be completed by the end of 2010.
Virginia July 28, 2010	<ul style="list-style-type: none"> ➔ Virginia needs to revise its regulations in order to incorporate the Tailoring Rule thresholds under its PSD and Title V programs. ➔ The state anticipates, pending approval, using an expedited process to present proposed regulatory revisions in September 2010. Assuming the revisions are adopted they would take effect by January 2, 2011.
Washington July 29, 2010	<ul style="list-style-type: none"> ➔ Washington needs to amend its general permitting and Title V regulations in order to apply the Tailoring Rule definition of subject to regulation. ➔ The state expects that the rulemaking process will be completed, and the amended rules in effect, by January 2, 2011.
West Virginia July 30, 2010	<ul style="list-style-type: none"> ➔ West Virginia will undertake a legislative process in order to incorporate the Tailoring Rule thresholds under its PSD and Title V programs. ➔ Provisionally, the state plans to apply the Tailoring Rule definition of subject to regulation in its PSD and Title V programs, while also pursuing rulemaking. ➔ The state intends to send PSD amendments to its legislature in the 2011 session; if approved, it anticipates the amendments would take effect in June 2011. The state intends to undertake emergency rulemaking to amend its Title V rules by early February 2011, and will also pursue a permanent rule that will likely be effective in May 2012.
Wisconsin July 28, 2010	<ul style="list-style-type: none"> ➔ Wisconsin needs to revise its state rules, and also plans to revise its SIP, in order to incorporate the Tailoring Rule provisions for both its PSD and Title V programs. ➔ The state intends to promulgate emergency rules that will take effect no

	later than January 2, 2011, and estimates that permanent rulemaking will take 9-12 months.
Wyoming ⁶ July 30, 2010	→ Wyoming is still evaluating its options, including regulatory and legislative processes, and wants to take time to understand the implications of each option.
Butte Co., CA July 30, 2010	→ Butte Co. does not implement a PSD program. → The district can apply the meaning of subject to regulation to its Title V program without rule changes, though it may in the future add the specific definition to its rules for clarification.
Monterey Bay, CA July 28, 2010	→ Monterey Bay can implement the Tailoring Rule provisions under its PSD program without undertaking regulatory changes. The district intends to revise its Title V regulations to mirror the Tailoring Rule. → The district plans to propose Title V revisions; no timeline given.
Northern Sonoma Co., CA July 30, 2010	→ Northern Sonoma Co. needs to revise its rules in order to incorporate the Tailoring Rule provisions under its PSD and Title V programs. → The district intends to propose rules to its governing board by the end of 2010.
Sacramento, CA July 27, 2010	→ Sacramento needs to revise its rules to include GHGs under its PSD and Title V programs, and will also revise its rules consistent with the Tailoring Rule thresholds. → The district plans to prepare rule changes and present them for adoption on January 27, 2011. The district will also submit SIP revisions to EPA.
San Luis Obispo Co., CA August 3, 2010	→ San Luis Obispo Co. does not implement a PSD program. → The district needs to revise its Title V rules in order to incorporate the Tailoring Rule thresholds. → The district anticipates presenting the revised rule for adoption on January 27, 2011.
South Coast, CA July 30, 2010	→ South Coast currently implements a PSD program under partial delegation. → The district intends to amend its local rules for PSD and Title V in order to incorporate the Tailoring Rule requirements. → The district anticipates presenting the proposed amendments to its local rules by December 3, 2010, though it cannot guarantee final action on the proposed amendments by the end of 2010.
Ventura Co., CA July 30, 2010	→ Ventura Co. does not implement a PSD program. → The district needs to revise its Title V rules in order to incorporate the Tailoring Rule requirements. → The district intends to adopt rule amendments by December 14, 2010.
Louisville, KY August 2, 2010	→ Louisville needs to revise its regulations in order to implement the Tailoring Rule definition of subject to regulation for its PSD and Title V programs. It will also need to revise a number of other regulations to clarify the scope of GHG regulations. → The district anticipates adoption of the revisions by the end of December 2010.

⁶ Wyoming's letter in response to the Tailoring Rule request for information is summarized here. The state subsequently submitted a letter in response to EPA's proposed SIP Call indicating that it does not believe it has the authority to regulate GHG emissions.

<p>Clark Co., NV August 2, 2010</p>	<ul style="list-style-type: none">➔ Clark Co. does not have the authority to permit GHGs for PSD or Title V under its existing SIP-approved rule. The department is in the process of submitting a SIP revision to EPA that more closely tracks federal language for PSD and Title V and includes the term subject to regulation.➔ The county needs to undertake a regulatory process in order to adopt the definition of subject to regulation in the Tailoring Rule.➔ The county will work with EPA to determine the best approach for making sure that federally enforceable PSD and Title V permits are available beginning January 2, 2011.
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