

April 9, 2019

By email

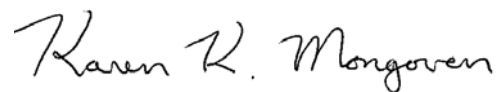
Mr. Raj Rao
Mr. David Svendsgaard
New Source Review Group
Air Quality Policy Division
Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency
109 TW Alexander Drive
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Dear Raj and Dave,

In response to your request on the National Association of Clean Air Agencies' (NACAA) Permitting and New Source Review Committee call on March 13, 2019, I have solicited recommendations from our state and local agency Committee members on topics for EPA to consider incorporating into expanded New Source Review (NSR) training offerings. As you know, NACAA has long recommended that EPA increase the resources it devotes to developing, updating and providing permitting-related training. We are pleased that this effort appears to be taking shape, and we welcome the opportunity to provide suggested training topics related to NSR permitting.

Our members offered a number of recommendations, and rather than trying to winnow them down or list them in order of priority, I have instead elected to provide you with a complete list of recommendations that I received. Some topics were suggested by multiple agencies, and these have been condensed into single bullets. Please let me know if you have any questions.

Sincerely,



Karen K. Mongoven
NACAA Senior Staff Associate

cc: Chuck Buckler

Suggested NSR Training Topics

Offered by NACAA Members following March 13, 2019 Permitting and New Source Committee Call

Specific training topics suggested by NACAA member agencies:

- A list of training topics for EPA to provide in order to provide consistency across all permitting agencies:
 - (1) **Setting enforceable permit limits**

This is an important issue for both synthetic minor limits and BACT limits. We see limits that don't appear to have averaging periods or appropriate recordkeeping. EPA has guidance based on the *Louisiana Pacific* case regarding establishing limits, but some are deviating from that guidance. EPA could provide training on what their current stance is on how to establish enforceable limits.
 - (2) **Excludable emissions**

This is a major issue as most applicants do not calculate excludable emissions correctly. Applicants state they were capable of accommodating the emissions, but don't do the second step of showing the emissions are not related to the project.
 - (3) **Increased utilization and debottlenecking**

Another area with issues. Many people do not consider increased utilization and/or debottlenecking. Part of that could be from people not understanding the terms. In addition, even if they do consider it, they do not do the calculations correctly.
 - (4) **What is commercially available for BACT analysis? What is the difference between technically and economically infeasible?**

We often hear that a piece of equipment is not commercially available because they can't get it from a specific vendor, but it is available from a different vendor. Also, applicants have stated a piece of equipment has never been required in the US, but has been used in other countries. Neither of these should be reasons to consider equipment as "not commercially available." It would be good for EPA to provide training on the BACT analysis on what control technologies should be considered.

In addition, applicants often state equipment is not technically feasible when it is feasible from a technical standpoint as it could control emissions. However, it might not be economically feasible or so far down the Top-Down list that it is not even considered. A better job of training people on these terms is needed.

(5) Relieving of synthetic minor limits

A recent question came up on whether synthetic minor limits can be removed if the plant is now minor for PSD when it was previously major. 40 CFR § 52.21(r)(4) does not allow the removal of synthetic minor limits, but there is at least one consultant that says EPA issued a document stating a synthetic minor limit can be removed/changed if the source goes from being major to minor. The letter does not appear to read the way the consultant claims it does, but EPA could provide better training on if and when synthetic minor limits can be relieved.

(6) Rounding and significant digits

Most standards set by EPA are in the form of “*emissions shall not equal or exceed X.*” Also, most standards do have a decimal point (Example: 10 tons of PM_{2.5} and not 10.0 tons of PM_{2.5}). However, this causes problems because $10 \neq 10.0$ when one considers significant digits. So we see limits of permits of 9.4 tons/yr, 9.5 tons/yr, 9.9 tons/yr, or even 10 tons/yr and all of these are supposedly for synthetic minor purposes. This kind of goes with the setting of enforceable permit limits, but rounding and significant digits is an area that EPA should address just because of how their standards are set.

(7) Types of BACT limits and when to use them

There are numerical limits and work practice standards and we try to only set work practice standards when numerical limits are not possible. Also, for numerical limits there are load –varying and emission caps which we try to make sure to set both to cover the total emissions for the year, but also proper operation over a shorter term. EPA talks about those concepts in the NSR manual, but training on these topics would be good as there is a lot of inconsistency out there.

(8) Common control

Since EPA is changing the guidance on what is considered common control it would be good for them to provide training on the topic and explain how their interpretation is protective of the program especially when companies hire 3rd party contractors to do work.

(9) Contiguous/adjacent

EPA is again in the process of changing its guidance and talks about the “*common sense notion of a plant*” in its contiguous/adjacency document. However, the common sense notion of a plant is solely a distance issue as it is really more a technical issue since it is a question of whether the operations are working as one. EPA will need to provide training on how agencies can decide whether operations are close enough to be considered a single source.

(10) Support facility/supporting operations

We have facilities that have large complexes that do multiple operations. They might have a corn wet mill, an energy center (steam and/or electricity for the plant), a

wastewater treatment plant, and a couple of offshoot businesses. All of the operations are owned by one company and they all share the same utilities. They are also all on land owned by the parent company. However, the company tries to split the operations based on SIC code. Their argument is that the utilities should not be enough to tie their operations together. EPA could provide more training on the SIC code & supporting operations review of a single source determination.

- PSD training on cost analysis for control options and how to determine if a control is considered cost effective
- PSD training on determining BACT; top-down BACT
- Netting and “could have accommodated” emissions
- Offsets
- Plantwide Applicability Limits (PALs): setting, renewing, increasing and how to handle if the PAL is cancelled
- Writing permit conditions to effectively limit potential to emit (PTE)
- A general overall training on PSD and applicability
- RBLC searches – how to effectively search the RBLC

Additional Observations (offered by individual agencies):

1. NSR is a very important subject today as there have been changes to NSR rules, there are many new personnel due to retirements, and as states approach attainment, finding emission reductions becomes increasingly difficult. A high level of retirements can strip a state of knowledgeable employees who are generally replaced with younger employees, inexperienced with the arcane and difficult-to-understand requirements of new source review. This is further complicated by states that do not operate under the exact requirements of 40 C.F.C. § 51.165 or § 51.166 or the companion 40 C.F.R. § 52.165 and § 52.166. Some states will be under a Federal Implementation Plan (FIP) which could have different provisions depending upon the circumstances of the imposed FIP, while others may have elected not to adopt certain federal EPA provision in lieu of some provisions that are as stringent as or more stringent than the federal rule as detailed in an Equivalency Demonstration. To reach attainment with the various NAAQS, it is necessary for a state’s facilities to be well-controlled, but states contributing to downwind

non-attainment areas also should be well-controlled (a Good Neighbor provision requirement).

Therefore, an EPA-developed training course should be aimed at examining the basic key provisions and techniques that are essentially common to all states and allow EPA Region management, who are more familiar with the individual states in that Region, to develop appropriate add-on training programs. This will necessitate close cooperation between EPA home office and Regional Office personnel, but will result in a very sound, usable and practical set of training courses.

The basic course should refer to literature important to NSR such as, the 1980 EPA preamble, NSR Policy & Guidance Document Index, 1990 NSR Workshop Manual (perhaps brought up-to-date), 1992 WEPCO EGU ruling, Region 7 New Source Review Policy and Guidance Database and others. A good bibliography containing applicable reference material is also a must for navigating the complexities of NSR permitting.

We believe it would be appropriate to include actual (or similar) examples of various facilities so each trainee could use provided data to answer the questions raised in the examples. These examples could focus on how new sources and existing sources can be permitted under NSR, how to become a synthetic minor and avoid NSR, what fugitive emissions are and how they are handled under NSR (and plans for the future), netting and how that works, what offsets are and how does one use them under NSR, etc. Exercises such as these help trainees retain and be able to apply what they have learned.

2. Walking through a really complicated example is the best way to explain how the program works.
3. EPA's Air Pollution Training Institute (APTI) already provides adequate topics for NSR courses (e.g., NSR, PSD, and permitting practices and principles); however, these courses are offered infrequently, only at specific U.S. locations, and with limited enrollment. Most of these courses are not convenient or practical for interested local/state agency staff to attend. Also local/state agency travel budgets may be limited. EPA should therefore develop and offer their NSR training courses online via webcast, so that more local/state agency staff can be trained. Please prioritize the APTI's "NSR/PSD" and "Advanced NSR/PSD" courses for this.